

Office of the City Manager

Phone: (810) 984-9740 § Fax: (810) 982-0282

www.porthuron.org

November 30, 2007

Mr. Bob Parsons
Public Hearings Officer, MDOT
P.O. Box 30050
Lansing, Michigan 48909

Re: Blue Water Bridge Plaza Study Draft Environmental Impact Statement

Dear Mr. Parsons:

The City of Port Huron acknowledges that there is a legitimate need to improve the existing bridge plaza infrastructure in order to reduce processing delays, enhance security and accommodate new technologies. However, we have several areas of concern related to Section 1 of the Draft Environmental Impact Statement (DEIS) and supporting technical reports. These concerns are as follows:

- Section 1 of the DEIS does not accurately define the existing and future plaza needs.
- Section 1 of the DEIS does not provide adequate justification to support the physical layout/size of the preferred alternative. As a result, there is not adequate justification provided for the Preferred Alternative's significant cost and negative impacts.

Purpose and Need

Specific details that support our concerns are presented below:

1. The DEIS and the supporting traffic technical report provide an overview regarding many relevant factors that will affect future traffic volumes crossing the Blue Water Bridge (BWB). These include regional and national population trends, trade agreements, economic conditions/forecast, SEMCOG's regional traffic model, historic trends, border plaza/security facilities, etc. However, it is not clear in these documents how this background information was used to decide upon the future growth rate that was applied to the existing traffic counts. We have been verbally informed by MDOT representatives at the 10/3/07 meeting with the Bridge Plaza Business and Community Coalition (Coalition) that the selected future growth rate was identified mainly based on an extension of historic long-term traffic trends. We are concerned that the written documents do not provide a definitive, clear and well-reasoned justification for selection of the traffic growth rate which was used to develop the design-year traffic projection. Without this justification, the future traffic projections in the DEIS do not adequately support the need for the project, nor do they substantiate the negative impacts caused by the preferred alternative.

2. As MDOT is no doubt aware, the total volume of traffic crossing the BWB has declined notably since the year 2000. However, the DEIS attempts to make the case that long-term (i.e., 20+ year) trends should be used to predict the future growth rate for bridge crossing volumes. We believe that this is a flawed assumption because it ignores the fact that long-term historic trends were very heavily influenced by major infrastructure improvements and landmark international trade agreements. It is not reasonable to believe that similar events will continue to occur during the next 20 years. Specifically, major milestones that affected historic trends include:

- Completion of highway 402 in Canada in 1982
- Completion of various sections of I-69 between Lansing and Port Huron between 1987 and 1991
- Completion of I-69 from the Indiana border to Ontario in October 1992
- Construction of the elevated Blue Water Bridge Plaza in the mid 1990s
- Implementation of NAFTA during the 1990s

These one-time improvements/trade agreements contributed very significantly to historic bridge crossing growth trends. However, looking to the future there does not exist anything comparable which would justify the growth rates that are used in the DEIS. If anything, the additional international crossing being studied in the Detroit area could draw traffic away from the BWB crossing.

A brief review of some recent MDOT traffic volume projections for the BWB demonstrates that our concerns are well founded because MDOT has consistently overestimated future traffic growth at this crossing. The first example is from the 1998 MDOT study that evaluated improvements to the plaza. We compared the actual truck volume counts for 2005 and 2006 against the forecasted crossing volumes from the 1998 study. This comparison showed that the 2005 truck forecast was high by 653,279 annual crossings, and the 2006 forecast was high by 1,003,325 trucks per year. This represents a daily overestimate of truck volumes by 1,789 for 2005 and 2,749 for 2006. Next, we compared the 2006 and 2007 forecasts presented in the BWB DEIS and traffic report against the actual crossing counts for these same periods. This comparison showed that for 2006, the actual truck counts are nearly 215,000 per year less than the high estimate forecast. Additionally, truck volumes from January 1, 2007 though July 31, 2007 show a 4.2% decrease compared to the 2006 actual counts. These examples lend credibility to our concerns because there is a demonstrated pattern of inaccuracy (i.e., always too high) with MDOT traffic projections at this location.

MDOT should revisit the traffic forecast and develop a revised forecast that is more reasonable and in line with the reality of what is actually happening here.

3. There does not appear to be any mention/discussion/analysis in the DEIS about the following topics and how they would affect BWB crossing volumes in the future:
- The proposed third crossing in the Detroit area
 - New passport requirements for travel between the US and Canada
 - Canadian trash trucks

Discussion regarding these topics should be added to the documentation so that it can be evaluated. Without this information, it is difficult to assess the validity of the needs presented in the DEIS.

4. The traffic technical report emphasizes the important role that population growth plays in predicting economic activity and crossing volume growth (page 2-8). The Midwestern region makes up 60%+ of the total trade value crossing the bridge. This region is expecting only 9.5% population growth over the 20-year forecast period. Yet total traffic volumes crossing the bridge are projected to go up by about 50% over this same time period. We understand that there may not be a direct correlation between population growth and bridge crossing volumes, but these statistics are so divergent that they appear inconsistent. When considered in conjunction with the comments noted above, this apparent inconsistency supports our concern about the reasonableness of the future traffic forecast. We believe that the traffic forecast should be revisited to examine this issue.
5. Section 1 of the DEIS does not provide anywhere near adequate detail/analysis regarding existing and future vehicle delays/queues at the plaza (not the surrounding intersections, but the actual plaza/primary inspection booths). When we have verbally inquired about this issue previously, we have been told by MDOT staff that these calculations cannot be released due to security concerns on the part of US Customs and Border Protection (CBP). Without this detailed analysis of the existing and future baseline, the need for the project is not adequately documented in the sense that it is impossible to evaluate how well potential solutions (i.e. alternatives) address these problems. Related to this, the DEIS does not provide any benchmark or goal for the desired acceptable delays after plaza improvements are made. This is a very serious deficiency with the DEIS. We are, quite frankly, surprised and frustrated that after more than five years of studies and many millions of tax dollars expended, the DEIS is missing such crucial and fundamental information.

We have reviewed the DEIS for expansion of the Peace Bridge border crossing plaza located in the Buffalo/Niagara area of New York (<http://www.peacebridgex.com/deis.aspx>). This DEIS was prepared by the Peace Bridge Authority in cooperation with Federal Highway Administration (FHWA) and CBP, and the public comment period for the document just ended in October 2007. In virtually all relevant respects, the Peace Bridge border crossing and plaza study is indistinguishable from the BWB crossing. The consultant team that prepared the Peace Bridge DEIS included as the traffic consultant Wilbur Smith Associates, the same firm that MDOT has hired to prepare the BWB DEIS. The Peace Bridge document includes a very extensive analysis (dozens of pages with tables and figures) that presents bridge plaza delay times and queue lengths for existing conditions, future no build conditions and future conditions for the alternatives they are considering. The document also includes CBP's stated goals for future vehicle delay times at the plaza. It is absolutely unacceptable for FHWA and CBP to refuse to provide this information in the BWB DEIS while simultaneously providing extensive details in the Peace Bridge DEIS. Clearly, the claim that security concerns require the withholding of this information is false, or the information would not have been included in the Peace Bridge DEIS. We are very disappointed that the citizens of Port Huron and Michigan have not received equal consideration and treatment compared to residents of Buffalo/Niagara, New York.

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The claim that border crossing delays cannot be provided is further undermined by the fact that CBP actually maintains a website (<http://apps.cbp.gov/bwt/>) that has real time border delays listed. If CBP is providing real time delays on a website, it is not logical that existing and future theoretical delays cannot be included and analyzed in the DEIS.

6. Section 1 of the DEIS provides general information and broad statements about the need to enhance security and accommodate new security-related technologies. While we support these goals in concept, they do not by themselves provide adequate justification for a plaza size of 65 acres. The DEIS includes little if any specific information about how the projected traffic volumes relate to the required size and layout of the proposed plaza components. Without having more detailed information, it simply is not possible to assess whether any of the alternatives meet a legitimate need or not. We are requesting that section 1 be revised to include very specific information about the size/layout needs for each major component of the plaza.
7. As MDOT is aware, the Bay Mills Indian Community has proposed a casino development near the Blue Water Bridge plaza. If this development is constructed, it has been estimated that approximately 18,000 vehicles per day will visit the casino. These vehicles will come from both Canada and the U.S. For the DEIS traffic analysis, what assumptions were made regarding the effect of this development on traffic volumes/operations both crossing the BWB and on the local street network? We are concerned that the DEIS may not take into account this development, especially with regard to new local road infrastructure surrounding the plaza.

Based on these concerns, we do not believe that MDOT, FHWA, and CBP have met the required threshold for justification of the preferred alternative, nor do we believe that section 1 of the DEIS satisfies the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations. We believe that section 1 of the DEIS needs to be substantially supplemented in order to provide full public disclosure, meet regulatory requirements, and justify the very extensive impacts caused by the preferred alternative. We believe that the deficiencies are substantial enough that MDOT, FHWA, and CBP should prepare a Supplemental DEIS to address the concerns (i.e., they cannot be handled solely in the Final EIS).

Alternatives

Similar to the comments provided above regarding the purpose and need, we do generally acknowledge that many of the infrastructure components which are included in the three build alternatives which were studied in detail in the DEIS are necessary. Nevertheless, section 2 of the DEIS is substantially deficient in several areas with regard to the specific components and characteristics of the three build alternatives.

8. As noted above, the DEIS does not include any specific information which evaluates border plaza delays and queues for the alternatives. Without this information, it is impossible to compare the options against each other to determine which option is preferable. It is also not possible to compare the likely benefits of the three build alternatives against the no build alternative to assess whether the purported reduction in delays justifies the negative impacts and costs of the build alternatives. Further, it is not possible to determine whether any of the options are meeting the project purposes if this information is not provided. The Peace Bridge DEIS provides a very detailed analysis of border plaza delays and queues for the alternatives which were considered for that project. Again, it is absolutely unacceptable that this information is withheld from the BWB DEIS when CBP and FHWA have provided the exact same information

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at another almost identical border crossing. Furthermore, it is not acceptable that this information is provided at a later date for the preferred alternative only – it needs to be available at the DEIS stage so that good decisions can be made while selecting the preferred alternative. And finally, it is just simply disturbing and appalling that after more than five years of study at a cost of more than \$10 million in tax money, that such fundamentally important and readily available information has not been provided. It borders on absurd that almost half a billion dollars will be expended (resulting in massive disruption to the community) without a hard look at the benefits that are expected to result.

9. The DEIS does not evaluate a reasonable and representative range of alternatives with regard to different numbers of inspection booths and different levels of CBP staffing at the inspection booths. Instead, it appears that the number of inspection booths is the same for all three of the build alternatives. CBP staffing is not addressed for any of the alternatives. Both of these factors will have a considerable effect on delay times and queues, as well as the total acreage needed/size of the facility. Section 2 of the DEIS does not meet relevant NEPA requirements because both of these variables have a large impact on how well an alternative meets the project purposes/how much it costs/negative impacts it causes, yet there is no variability evaluated (i.e., a representative range of options is not compared). The Peace Bridge DEIS included information related to different numbers of inspection booths and included sensitivity analysis about how this affected delays and queues at the border plaza. If the information can be provided for the Peace Bridge, the same analysis should be done here. Without this information, full public disclosure has not occurred, and viable options may be excluded.
10. We note that there is a letter in the correspondence appendix from Kirk Steudle dated June 30, 2006 which states on page 7 that CBP has been unwilling to provide any staffing commitments for the alternatives. Section 2 of the DEIS does not provide any information about CBP staffing levels for the alternatives. Without staffing commitments, it is not possible to perform an accurate analysis of how well an alternative meets the project purposes/needs. As a result, the DEIS is deficient because it does not provide full disclosure, does not evaluate a representative range of alternatives, and does not provide adequate analysis to support selection of a preferred alternative. This same letter from Mr. Steudle indicates a general lack of cooperation and responsiveness from CBP. CBP's lack of cooperation does not in any way relieve FHWA, CBP, and MDOT of their responsibilities to comply with all applicable statutes and regulations regarding preparation of this DEIS. MDOT needs to be more firm with CBP so that all agencies involved can meet the relevant regulations and laws. If CBP refuses to provide all needed information, MDOT should stop the study until it is made available.
11. The information provided in the DEIS does not adequately explain the need for a border plaza size of 65 acres. There is general reference made to modeling conducted using the BorderWizard software, but there is not enough specific information provided for members of the public to determine how this analysis was performed and if it is in fact accurate. The DEIS references the document entitled *U.S. Land Port of Entry Design Guide and Program Requirements* as the basis for the layout and sizing of the facilities at the plaza. We have requested through our consultants that a copy of this document be provided so that we can assess the layout and size of the plaza. To date, this document has not been provided. We are very concerned that the preferred alternative is considerably larger than what is actually needed to process traffic, accommodate future technologies, and ensure security. Representatives from the City of Port Huron have

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repeatedly asked for specific information to justify the 65 acres size, but this information has not been provided. They have also asked for information about other comparable border crossing plazas where similar facilities have been planned/constructed, but this information has not been provided by MDOT. We are also concerned that the plaza (City East and City West Alternatives) may not be laid out in the most efficient possible manner. As much as we would like to simply trust MDOT to get it right, the history at this location (i.e., weave caused by processing trucks on the left hand side of the bridge) leads us to be concerned about any layout prepared by the government agencies with authority at the plaza. Without the detailed information noted above and timely access to the *U.S. Land Port of Entry Design Guide and Program Requirements*, we are not able to perform a meaningful evaluation of the size and efficiency of the alternatives in the DEIS.

12. We have received written (email) confirmation from the Peace Bridge consultant team project manager that the Peace Bridge U.S. plaza alternative is 39 acres in size. This is what they called Alternative 1B-R3 ("Maximize Use of Existing U.S. Plaza") which is the same concept as the City East and City West alternatives in the BWB DEIS (Alt 1B-R3 is the only option in the Peace Bridge DEIS that has a plaza in the U.S.). The Peace Bridge DEIS looked at four build alternatives in detail, and the other three are all "reverse inspection" alternatives which are unlikely to be selected due to the failed US-Canadian negotiations on this topic. The size of this Peace Bridge plaza is inconsistent with the plaza size for the BWB project, and we believe that the BWB plaza could be reduced in size to something similar to what is planned at the Peace Bridge.

We have compared the average daily crossing volumes for the two border crossings to see if possibly the difference in size might be due to different traffic volumes which require different facilities. Here are those volumes (rounded):

Peace Bridge 2006: 15,300 passenger cars, 3,600 commercial, 18,900 total
BWB 2005: 10,200 passenger cars, 4,900 commercial, 15,100 total
Peace Bridge 2030: 18,400 passenger cars, 6,900 commercial, 25,300 total
BWB 2030: 12,300 passenger cars, 10,000 commercial, 22,300 total

These traffic volumes do not provide the basis for the plaza size difference between the two locations. It is unacceptable for the citizens of Port Huron and Michigan to be treated differently than citizens of Buffalo/Niagara and New York. Based on this situation, we believe that MDOT, FHWA, and CBP have not considered a reasonable and representative range of options in the DEIS as required under NEPA. There should be a new alternative which is approximately 40 acres in size seriously evaluated in a Supplemental DEIS – if it can work for the Peace Bridge, it most certainly should be evaluated in detail at the Blue Water Bridge.

13. The Peace Bridge DEIS included detailed analysis of "reverse inspection" alternatives, though they clearly note that these cannot be selected as the final option in the Record of Decision (ROD) unless some type of agreement is reached between the U.S. and Canada. Recognizing that there will be a new Administration in Washington DC in about 14 months, they are keeping their options open which is prudent considering that it will be several years before construction begins on this project. We believe that MDOT has prematurely eliminated in the reverse inspection alternative from the BWB study and that the DEIS should have analyzed this

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alternative in detail. Specifically, MDOT eliminated this option from the BWB study in 2003, three to four years before DHS Secretary Chertoff sent an official letter to the Canadians notifying them that the negotiations on this topic had failed (that letter is dated April 26, 2007). We are concerned that MDOT eliminated this alternative for the BWB project while negotiations with the Canadians were apparently still underway. Once again, we believe that the DEIS does not discuss in detail a representative range of alternatives because this option has been eliminated.

14. The proposed traffic control/maintenance of traffic plan, construction stage 2, would detour Pine Grove traffic to 10th Avenue and would remove Pine Grove between Hancock and 10th Avenue. This will result in a tremendous increase of traffic at the 10th Avenue and Pine Grove intersection. How will MDOT address traffic control problems at the 10th and Hancock intersection? We are very concerned that this plan will result in very long delays and possibly gridlock on the local street network.

In stage 3 of the proposed traffic control plan the DEIS states that in-bound plaza traffic from Canada will use the newly constructed inspection lanes during this stage. "A temporary gate will be constructed on Hancock for cleared plaza traffic while the permanent exit ramps are constructed." How will the in-bound Canadian traffic be routed onto I94/I69 westbound once they exit the plaza through the temporary gate on Hancock? We are extremely concerned that this plan will result in very long delays and possibly total gridlock on the local street network.

Considering these points, we believe that the DEIS does not provide nearly enough detail regarding the proposed traffic control/maintenance of traffic plan, its costs, and the negative impacts which will result during construction. We also believe that the plan (as proposed conceptually) may not actually work due to conflicts with the local street network which have not been analyzed. We request that these items be addressed and the information be added to the DEIS.

We believe that the above-noted deficiencies are substantial enough that MDOT, FHWA, and CBP should prepare a Supplemental DEIS to address the concerns (i.e., they cannot be handled solely in the Final EIS).

Existing Conditions and Impacts

Our comments regarding section 3 of the DEIS are provided below.

15. The DEIS states that the preferred alternative will discharge storm water into the city's existing system at the same rates as existing. What specific analysis has been done to show that this is technically feasible and that flow rates will not increase? The DEIS needs to provide more detailed information regarding analysis of the storm water system design including specific information about the design/sizing of detention/retention systems and how they will release storm water.
16. MDOT has not requested (nor have they received) permission from the City of Port Huron to release new storm water discharges into the City's storm sewer system. The DEIS fails to note this important approval which is required.

17. The storm water generated from the existing plaza is currently being served by two MDOT owned storm outfalls. These outfalls are 42-inch and 48-inch in diameter and discharge to the Black River just south of the I-94/I-69 Bridge over the Black River. The tributary area of these outfalls include the elevated plaza, the parking lot east of 10th Avenue between Harker and Elmwood, the parking lot north of the elevated plaza west of Pine Grove, the parking lot north of the elevated plaza west of the DTE substation, the I-94/I-69 right-of-way from Hancock Street to the Black River and Pine Grove Avenue (M-25) from south of Whipple to north of Sanborn. A portion of the system east of Pine Grove Avenue on the elevated plaza has the capability to direct storm flow to a holding tank (approximately 30,000 gallons) for the capture of contaminants in the event of a tanker spill during a rain event. It should be noted that the above-mentioned MDOT 42-inch and 48-inch storm outfalls are not discussed in the DEIS. The DEIS states that the area in the vicinity of the existing plaza drains into the City of Port Huron's combined sanitary/storm sewer system. The statement is mostly incorrect as discussed above.
18. The storm water generated in the area bounded by Hancock/Elevated Plaza/Pine Grove and I-94/I-69 is currently being served by the City of Port Huron's 72-inch combined sanitary/storm sewer which bisects the existing plaza west of Pine Grove. The combined sewer has previously been separated both upstream and downstream of this location and will become a storm sewer when separation is complete. The only remaining properties discharging sanitary flow to the sewer are the Holiday Inn Express, Can Am Duty Free, McDonald's, Port Huron Lanes, BP Gas Station, Wendy's and the existing plaza. The DEIS does not discuss how MDOT is proposing to assure that the quality and quantity of storm water discharge to the City's system will comply with the City's Storm water National Pollutant Discharge Elimination System Permit. This must be demonstrated before the City will consider the possibility of new discharge locations.
19. The City is under a federal mandate to complete the Combined Sewer Overflow (CSO) project needed in the area. The City has not proceeded with separation of this area because of the uncertainty of the plaza project. The City is mandated to complete the CSO project by, December 31, 2016. How does MDOT intend to assure that the City is not in non-compliance with its wastewater NPDES permit?
20. The preferred alternative is inconsistent with the city's land-use plan and zoning plan. This is yet another reason why MDOT needs to work very hard with FHWA and CBP to reduce the size of the new plaza's footprint to approximately 40 acres like the proposed new Peace Bridge plaza.
21. If we understand the information correctly in the DEIS, previous right-of-way acquisitions that have already been completed are not included in the total calculations for a number of relocations, economic impacts, or tax base impacts. If this is true, the DEIS is not portraying an accurate picture of the true impacts of the alternatives. If this is true, the DEIS needs to be revised to provide a full disclosure of all impacts including those which are previous purchases.
22. The neighborhoods that will not be directly impacted (i.e., homes are not going to be purchased and demolished) by the preferred alternative will suffer cumulative impacts which are not fully disclosed in the DEIS. This area will be viewed as the new "buffer zone" and could realize a loss in perceived desirability and value. Per MDOT policy, there will be no compensation or additional amenities provided through the project that would alleviate this perception. The DEIS

should identify cumulative impacts to the homes that will become the new "front row" to the plaza. These impacts include the potential for loss of value, increased noise, and visual impacts.

23. The BWB DEIS reports (Table 3.4.2) that the City would lose approximately 1.4 percent of its existing tax base if the Preferred Alternative is built. The DEIS goes on to note that the permanent loss of the City's revenue would also affect budgets and other programs. While we agree that it is somewhat difficult to calculate the potential loss of revenue, we do not agree with the 1.4 percent loss estimate reported in the DEIS.

After preparing a schedule of all the properties believed to be acquired, based on the MDOT maps, the City's tax base would experience decreases in the 2% range. As a result, the City of Port Huron property tax revenues will decline by approximately \$250,000 per year. These impacts would also result in an annual income tax revenue loss of about \$125,000 per year. Because revenue sharing is population based, it will eventually (after the next census) decline and that could be by as much as \$80,000 per year. A decline in utility revenues should also be anticipated. If water and sewer revenues decrease by 2% per year, the decline would be over \$200,000 annually. The DEIS should be revised to accurately reflect these losses.

The magnitude of these potential losses, especially during hard economic times in the state of Michigan, further underscores the need for MDOT to work with CBP and FHWA to reduce the size of the plaza footprint.

24. The City East and City West Alternatives would 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 DEIS does not adequately address how these additional emergency services will be financed or what financial impacts they may have on the City. More detail is needed for full disclosure.
25. The construction impacts section of the DEIS does not fully recognize the magnitude of the impacts which will occur during construction. We believe that the local street network could become regularly gridlocked due to the proposed maintenance of traffic plan. This will have a devastating effect on businesses in the area and will greatly inconvenience the traveling public for several years. The DEIS needs to be revised to fully disclose this information.
26. From information available to us, we could not determine if the noise analysis incorporated the expanded plaza as a noise source. The idling of trucks and vehicles and the accelerating of these vehicles would result in additional noise if it is not included in the noise analysis. If the analysis did not include this information, the DEIS needs to be revised based on additional analysis which includes this noise source.
27. The residences along Riverside and Hancock Street and 10th Avenue were not included in the noise study as noise receptors. These residences should be included as they will experience more traffic and/or will be the new front row to the expanded plaza. The results of this additional analysis needs to be included in the DEIS.

28. Noise receptor locations 73, 75, 106, 107, 172, and 174 will experience greater traffic volumes, roadways will be shifted closer to the residences, and/or they will be closer to the plaza, yet the future noise levels are predicted to decrease. Please explain how the noise model is predicting lower noise levels? If this is a mistake in the modeling, please provide revised analysis in the DEIS.
29. Noise receptor location 152 (apartments) is proposed to be purchased as part of the Preferred Alternative. The City's future land use plan calls for the property to be used for Parks and Recreation. What are the future predicted noise levels at this location and will this land use be compatible with future noise levels?
30. Sound waves will echo off of the large security and retaining walls that are part of the preferred alternative. We were not able to determine whether this phenomenon is reflected in the noise study which was conducted. If this was not factored into the TNM analysis, MDOT should update the analysis and the results presented in the DEIS.
31. The DEIS does not provide adequate disclosure of potential microscale air quality impacts caused by the alternatives. Specifically, the CO hotspot analysis was only conducted at the future Hancock Street and M-25 Connector intersection. Clearly, the primary inspection booths at the expanded Bridge Plaza will have the largest concentration of idling vehicles. The combined idling vehicle hours on the plaza will no doubt far exceed what would occur at the Hancock/M-25 intersection. Yet, no CO hotspot analysis was conducted for the Bridge Plaza. The DEIS needs to provide analysis results for potential CO levels at receivers near the Bridge Plaza.

The DEIS notes that $PM_{2.5}$ is a serious health concern due to fine particles reaching the deepest regions of the lungs. It also notes that $PM_{2.5}$ has serious health effects that include asthma, difficult/painful breathing, chronic bronchitis, and $PM_{2.5}$ associated with diesel exhaust is also thought to cause lung cancer. The DEIS goes on to state the "diesel exhaust is a particular concern." Yet, the DEIS does not analyze the potential impacts of $PM_{2.5}$ or PM_{10} for any of the alternatives, nor does it provide a comparison of each alternative. With the potential for large numbers of idling diesel trucks on the plaza, it is important that the possible impacts of particulate matter are disclosed. While it may be true that there is no commonly accepted method for modeling $PM_{2.5}$, we believe that a project of this magnitude warrants development of a specialized methodology or, at a minimum, a qualitative comparison of the options. This further supports the need to fully disclose projected queues and delays at the border plaza as noted previously in our comments.

Once again, the Peace Bridge DEIS has done a much more thorough job than the BWB DEIS of documenting microscale air quality impacts. Their document appears to have included CO analysis for the Bridge Plaza, and they have included a very detailed analysis/results for $PM_{2.5}$. If this information can be provided by FHWA and CBP in the Peace Bridge DEIS, it should also be disclosed in the BWB DEIS.

32. The DEIS notes that the new proposed bridge over the Black River will increase the existing opening under the bridge, a fact that will help to offset any proposed fill in the 100 year floodplain. By allowing improved flow under the bridge, this would "ensure that no upstream flood elevations are affected". We have two concerns related to the floodplain crossing at this

location. First, there is no analysis/information presented regarding potential floodplain impacts downstream from the crossing. If, as is claimed in the DEIS, a larger bridge opening conveys the floodwater more efficiently, the potential for flooding impacts downstream from the bridge may have been increased. This needs to be analyzed with the results disclosed in the DEIS. And secondly, relevant regulations require that potential projects such as this result in no harmful interference with floodwater elevations/conveyance. The DEIS does not provide enough details to confirm whether or not this threshold has been met. We are concerned that harmful interference with flood elevations may occur downstream from the bridge for the reasons noted above. The DEIS should be revised to address these issues.

33. While the DEIS does provide descriptive information about likely social and economic impacts, we believe that that the document does not adequately convey the severity of impacts when all of these individual factors are considered together. The cumulative impact assessment is lacking in this regard and needs to be substantially enhanced.

Mitigation

Our opinion is that the mitigation considerations and commitments included in the DEIS are not sufficient to address the social and economic impacts caused by the alternatives, especially the preferred alternative.

Our primary concern is that MDOT has not seriously considered creative mitigation opportunities which are ineligible for traditional funding sources. Specifically, the emphasis to date has been primarily on whether or not mitigation measures are eligible for Act 51 funding. We think that MDOT, FHWA, and CBP are not giving adequate consideration to the intent of mitigation under NEPA and its implementing regulations. As background, we wanted to include the following excerpts from NEPA and implementing regulations with our emphasis added in **bold**:

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. (40 CFR § 1500.1(b): Purpose)

Federal agencies shall to the fullest extent possible: Use all practicable means consistent with the requirements of the Act and other essential considerations of nation policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions on the quality of the human environment. (40 CFR 1500.2(f))

The CEQ regulations define mitigation as:

- *Avoiding the impact altogether by not taking a certain action or parts of an action.*
- *Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
- *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.*

- *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*
- *Compensating for the impact by replacing or providing substitute resources or environments. (40 CFR 1508.20)*

FHWA's mitigation policy states:

Measures necessary to mitigate adverse impacts will be incorporated into the action and are eligible for Federal funding when the Administration determines that:

- 1. The impacts for which the mitigation is proposed actually result from the Administration action; and*
- 2. The proposed mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. In making this determination, the Administration will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute, Executive Order, or Administration regulation or policy. (23 CFR 771.105(d))*

It is a fact that this type of project is unprecedented in Michigan, and the severe impacts it will generate are likewise unprecedented in recent times, especially for a community the size of Port Huron. Considering this context, we believe that an unprecedented mitigation effort is likewise appropriate. We believe that such mitigation is consistent with the intent of NEPA and its implementing regulations which do not limit mitigation requirements to only those sources which are traditionally used for other projects. We further believe that non-standard mitigation is both practicable and reasonable considering the context of this project. We would like MDOT to partner with the city of Port Huron and the Coalition to work with FHWA and CBP in order to seriously address this issue. We believe that this is a reasonable request because the city of Port Huron and is being asked to bear a disproportionately high burden of the negative affects for a project which will benefit literally millions of citizens from across the United States and Canada.

We have the following specific comments regarding mitigation:

34. As a result of the Preferred Alternative, 137 households and 37 businesses will be relocated. The homes that will be lost are well-maintained, affordable, owner-occupied dwellings. High quality, affordable housing in a traditional neighborhood setting is difficult to find in St. Clair County. This neighborhood and the established neighborhood surrounding it are difficult to replace or duplicate within the City limits. Additionally, the DEIS accurately notes the project area is completely built out. The DEIS and Conceptual Stage Relocation Plan state that similar replacement housing is available and that comparable replacement properties are available for the businesses which would be purchased. We do not believe that enough detail has been provided in the DEIS regarding potential replacement housing or business locations. We would like to see a very specific analysis of where the replacement residential properties are located, whether these replacement properties are in a similar neighborhood setting, How the price ranges of displaced homes match up against available housing, school systems where located, etc. If these details indicate that the replacement residential housing is different than the current situation, such

differences should be noted as impacts in the DEIS. For the 37 businesses which will be displaced, we have similar concerns. We believe that the DEIS notably understates the difficulty that these businesses will experience in order to become reestablished. Specifically, the DEIS needs to have more information regarding exactly where the potential replacement properties are located, whether potential replacement properties offer similar exposure to potential customers (i.e., where is the replacement property located relative to potential customers and major roadways), and other market/site specific variables that affect the viability and profitability of the business. Additionally, the DEIS lumps all of the businesses into the same generic category when it assesses potential replacement opportunities. This is not appropriate, and the DEIS needs to have a specific evaluation of possible replacement properties for each type of business since the needs are very different among the various types of businesses. Performing this type of analysis will likely show that comparable replacement properties are not available for some of the businesses.

35. The DEIS does not provide any information about how the city of Port Huron will be compensated for the public rights of way that are taken for this project? It is our belief that the city is entitled to compensation for this property. This information should be added to the DEIS.
36. More information needs to be provided in the DEIS regarding how public and private utilities will be relocated. The City of Port Huron requires that its publicly owned utilities are located within a public right-of-way or an access easement to assure continual access (i.e., 24 hours per day, seven days per week). This means that MDOT will have to either: 1) relocate public utilities, or 2) provide unfettered access to the City. Additional details are needed in the DEIS to address this issue.
37. We would like to see a commitment in the DEIS that if there is eventually "excess" land created once the preferred alternative is constructed, MDOT will gift such properties to the City for redevelopment.
38. We are unclear as to how the alternatives will replace and enhance pedestrian access along the North/South corridors and the East/West (to the St. Clair River waterfront) corridors. We are requesting that the DEIS be revised to provide details about these facilities. We would also like to see these non-motorized connections enhanced as part of the mitigation package.
39. The final environmental impact statement needs to include specific commitments with regard to context sensitive solutions (e.g., landscaping, wall treatments, non-motorized facilities, etc.) that are agreed upon with the coalition and the city of Port Huron. We anticipate that this will require a significant coordination effort.
40. In our previous comments above, we have noted that the analysis of project needs and how well the various alternatives address the needs is deficient because it does not look at various CBP staffing levels. Many other conclusions about social/economic/environmental benefits and impacts depend directly on assumptions about CBP staffing levels. For example, the economic benefits which are anticipated will not be realized if delays are longer due to lower CBP staffing levels. In order to assure that the DEIS analysis is in fact accurate, it is critical that minimum CBP staffing levels are guaranteed. We believe that CBP needs to provide a guarantee of minimum staffing levels relative to delay times at the bridge plaza. Without this mitigation

November 26, 2007

commitment, much of the analysis in the DEIS is mere speculation. Further, the negative impacts of the preferred alternative may not be justified if staffing levels are too low to assure limited delay times.

41. MDOT representatives have made broad and general statements that that the agency will work with the local communities and citizens in order to help identify possible resources which are outside the jurisdiction of MDOT. Examples cited include possible economic development grants or similar programs. While this general concept is admirable, no details regarding this potential partnership have been provided in the DEIS. We would like MDOT to provide a solid commitment which includes staffing and budget resources to help develop and implement this plan over the long term. We believe that the necessary commitment from MDOT will need to be far greater than what has been discussed or envisioned to date. The commitment from MDOT regarding this topic should be commensurate with the massive impacts which will result from the preferred alternative. As a first step in this process, we would like to have specific meetings where this plan can be developed. We are requesting that the MDOT representatives who come to this meeting have the authority to commit the agency to the mitigation measures which are being discussed. We believe that FHWA and CBP representatives also need to participate in this process. It is our opinion that MDOT may need to hire a professional facilitator in order to come up with a solution that is acceptable to all parties.
42. Related to the preceding comment, we believe that the present situation represents a tremendous opportunity for MDOT and the city of Port Huron to join forces and capitalize on the strengths of the area surrounding the border Plaza. However, we sincerely believe that the potential for this area will not be realized unless both parties are willing to go beyond standard solutions and ways of thinking. We would like MDOT to commit to participate in and identify/secure funding for a visionary world-class economic development consultant to develop a plan for the area surrounding the border plaza. We believe that this type of mitigation is very appropriate considering the scale and types of impacts caused by the preferred alternative. Although this type of mitigation is not eligible for Act 51 funds, MDOT is definitely capable of partnering with the citizens of Port Huron to find a creative way to accomplish this task.
43. There are examples from around the country where FHWA has facilitated unique and creative mitigation for large-scale projects with massive impacts. This has included non-transportation funding sources. Some of the most notable case studies are identified and described on the website listed below. Here in Michigan, the I-696 project in Oak Park included funding from other federal sources. Also, in Seattle, FHWA has provided unique mitigation as well. This demonstrates that there is precedent within FHWA for providing creative and unique mitigation. http://www.ciatrans.net/Community_Impact_Mitigation/CIM_Introduction.html

Other

44. The DEIS does not fully disclose the costs which the city of Port Huron budget/infrastructure will have to bear as a result of the proposed plaza alternatives. This includes providing emergency services and utilities. Taking this into consideration along with the other massive impacts which will be suffered by the community, we believe that it is reasonable that the bridge crossing tolls should be increased by a relatively small amount, and this revenue would be directed to the city of Port Huron.

Mr. Bob Parsons

Page 15

November 26, 2007

45. The DEIS (page 1-24) says that construction of the preferred alternative is included in the regional transportation plan (RTP) for the years 2006-2010. We have looked at the RTP, and we note that the project is scheduled in the timeslot of 2011-2015. We also note that more than \$150 million in funding of the total \$390 million construction cost is coded as "private" on the detailed report for this RTP project. What private funding source has been assumed to cover this large portion of the funding? Also, we are concerned that the massive costs of maintenance of traffic during construction may not be fully accounted for in the cost estimate.
46. We note that there was a Federal Register notice published on November 7, 2006 which indicated that the Black River bridge portion of the project would be evaluated in a separate NEPA document. However, we are unaware of a subsequent notice being published to join the two projects back into the same NEPA document. If there was not a subsequent notice informing members of the public that the two projects have been joined back together, we are concerned that MDOT did not follow customary procedures in this regard.
47. We do not believe that it is reasonable for the Black River bridge portion of the project to be joined together with the bridge plaza portion. Specifically, the Black River bridge portion of the project does not need to be bogged down while the controversial bridge plaza issues are debated. We believe that the Black River bridge portion of the project does have independent utility and logical termini which would allow it to receive separate environmental clearance. We are requesting that the Black River portion of the project be separated as was previously planned and advanced separately.
48. We are requesting that the DEIS be revised to specifically state that the City of Port Huron will not be requested or required participate in any of the costs of the project.

Sincerely,

Karl S. Tomion
City Manager



CHARTER TOWNSHIP OF PORT HURON

3800 Lapeer Road
Port Huron Twp., Michigan 48060

Phone: (810) 987-6600
Fax: (810) 987-6712

December 4, 2007



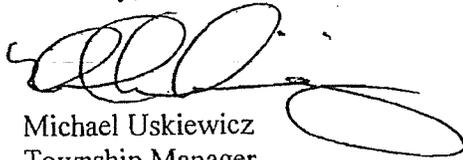
Mr. Bob Parsons
Public Hearing Officer MDOT
PO Box 30050
Lansing, MI 48909

Dear Mr. Parsons,

The attached resolution was offered to the Port Huron Township Board at its meeting of December 3, 2007. The board by unanimous decision approved the resolution as a means of providing their position on the Draft Environmental Impact Statement.

If you have any questions on this matter please feel free to give me a call. Thank you for your attention in this matter.

Sincerely,


Michael Uskiewicz
Township Manager

Resolution
December 3, 2007

Trustee Reilly with support from Trustee Colby offered and moved the adoption of the following resolution:

WHEREAS, the Blue Water Bridge crossing between the U.S. and Canada is a vital link which enhances the economic prosperity of both countries; and

WHEREAS, existing traffic delays at the primary inspection booths coming into the U.S. are at unacceptable levels and considering security improvements at the plaza is a reasonable objective; and

WHEREAS, the Michigan Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) have published a Draft Environmental Impact Statement (DEIS) for the Blue Water Bridge Plaza Study which is dated August 10, 2007, with public comment being accepted from August 10 through December 10, 2007; and

WHEREAS, the DEIS must comply with relevant sections of the National Environmental Policy Act (NEPA) and its implementing regulations, as well as several other state and federal environmental laws; and

WHEREAS, since 2002, MDOT, FHWA, U.S. Customs and Border Protection (CBP) and U.S. General Services Administration (GSA) have studied various bridge plaza improvement options along with potential improvements to the I-69/I-94 corridor, including the bridge over the Black River; and

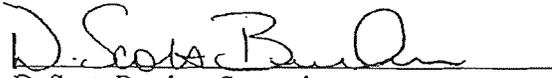
WHEREAS, all three of the practical alternatives studied in detail in the DEIS (including the preferred alternative) would inflict massive negative impacts on the City of Port Huron, surrounding townships, as well as St. Clair County;

NOW, THEREFORE, BE IT RESOLVED that:

1. The DEIS fails to meet the requirements of NEPA and its implementing regulations. The DEIS is deficient because it fails to provide full public disclosure of impacts, does not adequately justify the project's costs/negative impacts, does not evaluate a reasonable range of alternatives, and does not provide adequate mitigation for the massive negative impacts which are anticipated.
2. Improvements to the I-69/I-94 corridor (including repairs to the Black River Bridge) should be evaluated in separate environmental document as previously planned by MDOT. It is not acceptable to delay improvements to this corridor while issues related to the bridge plaza are studied and debated.
3. The proposed 65-acre size of the plaza facility is not justified based on the information presented in the DEIS. Another alternative with reduced size needs to be evaluated in detail and compared to the three practical alternatives presented in the DEIS.
4. We are unequivocally opposed to advancement of the Preferred Alternative until all of our comments regarding its justification, other reasonable alternatives, and mitigation measures are fully addressed to our satisfaction.

5. A supplemental DEIS is needed to address the shortcomings of the present DEIS and to assure that there is full disclosure/adequate opportunity for public comment at this stage in the process. It is not acceptable for our concerns to be addressed only in the Final Environmental Impact Statement.

This Resolution is hereby declared adopted this 3rd day of December, 2007.


D. Scott Beedon, Supervisor



Charter Township of
Fort Gratiot

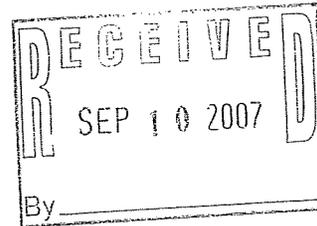
JAMES E. BUCKLEY
Supervisor

ROBERT C. CRAWFORD
Clerk

JUDITH A. REYNOLDS
Treasurer

September 6, 2007

State of Michigan Dept. of Transportation
Paul McAllister, Supervisor
Project Coordination Unit
Murray D. Van Wagoner Bldg.
P.O. Box 30050
Lansing, Michigan 48909



Re: Proposed Blue Water Bridge Plaza Welcome Center,
St. Clair County, Michigan

Dear Mr. McAllister:

I am writing to reiterate my concern regarding the proposed location of the Blue Water Bridge Plaza Welcome Center. The way the project is currently structured, traffic exiting the Welcome Center would have no other option but to exit in the westbound direction, and would have to travel approximately 12-14 miles to return to the Blue Water Area. Given the fact that Fort Gratiot Township houses the largest commercial corridor in St. Clair County, this would undoubtedly have a major negative impact and repercussions for not only Fort Gratiot Township, but the City of Port Huron and St. Clair County as well.

After reviewing the plan submitted by MDOT at the March 2007 Blue Water Bridge Plaza/Blue Water Area workshop, and listening to the concerns of local area businesses, I arranged to meet with MDOT officials to discuss possibility of changing the location of the Welcome Center. I met with Matt Webb from MDOT in July, 2007, who advised me that placing the Welcome Center in the center of the median was not an option.

Given the condition of The State of Michigan's economy, it is simply ridiculous to risk turning away commercial traffic. I hold myself personally accountable to not only Fort Gratiot Township, but St. Clair County as a whole, to do all that is within my power to correct what I see as an enormous error, and lack of concern over a potentially devastating project. We need to ensure that traffic traversing both to and from the Welcome Center has the opportunity to return easily to the Port Huron area. It is absolutely *imperative* that travelers from both directions have the ability to stop at the Welcome Center, have an opportunity to see what the Blue Water Area has to offer, and then have the capability to turn around and potentially bring in monies that will certainly have a trickle down effect from local area businesses to the Federal Government.

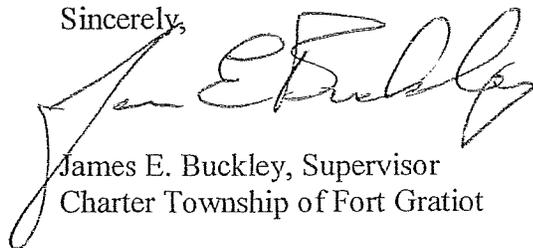
The Federal and State Government has no rules, regulations, or ordinances prohibiting the Welcome Center from being placed in the center of the median, even though I have been told this at several Blue Water Bridge Plaza meetings. I sincerely feel that if MDOT continues the Welcome Center project with the current location, we are in danger of seriously jeopardizing our area's economic base, something none of us can afford to do right now.

I have reviewed the aerial photos and Welcome Center designs, and believe that the facility can easily be placed in the median with the adjustment of westbound I-94/I-69 into property already owned by MDOT. While any form of vehicular travel has its risks, it would actually be safer to allow travellers the opportunity to stop at the Welcome Center prior to entering the Blue Water Bridge Plaza in order to review maps, prepare necessary paperwork, and use the facilities, as opposed to maneuvering through directions, and reading road maps and signs while driving. A center median Welcome Center would also serve as a back up area in the case of bridge closure, allowing travelers to choose alternate routes and stops. Traffic sitting and idling in long lines and burning fuel for long periods of time is not just a matter of inconvenience, but more importantly has an extremely negative impact on people's health as well as the environment, especially for individuals already susceptible to health problems. I personally have found myself waiting in line just to go north for an hour or more on many occasions.

In fact, I believe it would be wise for MDOT to place all rest stops in the center of the medians, instead of the redundant duplicating buildings, service and maintenance of these facilities that would not just save money, but would actually be of great use in case of highway emergencies. From an engineering perspective, utilizing CAD/CAM programs, this is something that could be accomplished by simply duplicating other existing centers and adjusting them to fit in the median rest areas. From a safety perspective, merging from the left-hand side of an express lane is common throughout the State of Michigan and the United States, and is not a plausible reason to deny this project. I have copied everyone on this list because I believe that this is an extremely important issue that I feel is being ignored for reasons I cannot understand. I am asking that you all take the time to review this proposal with an open mind. I sincerely thank you for your time and consideration, and look forward to working together to better serve our community.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me at the office at (810) 385-4489 or on my cell phone at (810) 650-0221.

Sincerely,



James E. Buckley, Supervisor
Charter Township of Fort Gratiot

(cc: next page)

cc: Governor Jennifer Granholm
✓ Senator Carl Levin
✓ Senator Debbie Stabenow
✓ State Representative Daniel Acciavatti
✓ State Representative John Espinoza
✓ State Representative Phillip Pavlov
✓ State Senator Judd Gilbert
✓ Shaun Groden, St. Clair County Administrator/Controller
St. Clair County Board of Commissioners
Bill Kauffman, Metropolitan Planning Commission
✓ Karl Tomion, City of Port Huron
Port Huron City Council
✓ Port Huron Area Chamber of Commerce
✓ Scott Beedon, Port Huron Township
Kirk Westin, St. Clair County Road Commission
Matt Wendling, Wilbur Smith Senior Project Manager
Douglas Alexaner, Economic Development Alliance
Dan Lane, St. Clair County Sheriff Dept.
✓ Fort Gratiot Township Business Association
BWB Plaza Advisory Committee
✓ Matt Webb, MDOT
✓ Larry Young, MDOT TSC Manager
✓ Jim Acheson, Acheson Ventures
Port Huron Times Herald
Bill Gilmer, Radio First

JEB:jms

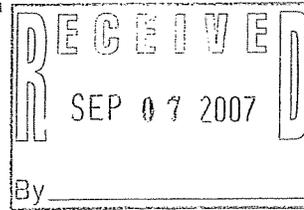


Charter Township of
Fort Gratiot

JAMES E. BUCKLEY
Supervisor

ROBERT C. CRAWFORD
Clerk

JUDITH A. REYNOLDS
Treasurer



September 7, 2007

State of Michigan Dept. of Transportation
Paul McAllister, Supervisor Project Coordination Unit
Murray D. Van Wagoner Bldg.
P.O. Box 30050
Lansing, Michigan 48909

Dear Mr. McAllister:

I recently sent a letter reiterating my great concern regarding the proposed location of the Blue Water Bridge Plaza Welcome Center. I have been attempting to work with MDOT representatives on this issue since March of this year, when the proposed location of the facility was presented to the municipalities and local area businesses, to no avail. The impact of the Blue Water Bridge project alone is going to be difficult for our community to withstand, even under the best conditions. The decline of the economy in our area, and across the State of Michigan, is going to make a difficult situation potentially devastating for local area businesses as it stands. Forcing our community to accept a Welcome Center in a location that further discourages travelers (and revenue) to our community is just too much to swallow.

If this issue continues to be ignored, I feel I would have no other option but to request extensive information concerning the matter under the FOIA act, which will certainly require a great amount of time and effort on your part that might be avoided had there been some degree of willingness to negotiate. Under the FOIA act, I would be requesting the items outlined below:

I will be requesting information pertaining to the Blue Water Bridge Plaza located in Port Huron, Michigan, hereto defined as the property owned by MDOT beginning at Stone Street, west to the Black River, and the width of the Plaza. This includes, but is not limited to: any and all reports, documents, investigational paperwork, files, notes, computer emails and files; engineering letters, notes and correspondence that address or pertain to any form of structural movement, settlement, decrease in structural integrity, dilapidation, heaving, and/or errors in construction, intentional or otherwise; improper engineering and inspections; and any other forms of communication that address any of the aforementioned issues which pertain to the existing Blue Water Bridge Plaza.

Again, I am sending this letter **prior** to issuing a formal FOIA request, for sole purpose of attempting to resolve this issue. Should you wish to discuss this matter or should you have any questions, please contact me at (810) 385-4489, or on my cell phone at (810) 650-0221.

Sincerely,


James E. Buckley, Supervisor
Charter Township of Fort Gratiot

cc: Matt Webb, MDOT
Larry Young, MDOT TSC Manager

JEB:jms

RESOLUTION

IN OPPOSITION TO THE BLUE WATER BRIDGE PLAZA STUDY DRAFT ENVIRONMENTAL IMPACT STUDY

CHARTER TOWNSHIP OF FORT GRATIOT
COUNTY OF ST. CLAIR, MICHIGAN

Minutes of a Regular Meeting of the Charter Township of Fort Gratiot Board of Trustee's, held on the 5th day of December, 2007, at the Fort Gratiot Township Hall, 3720 Keewahdin Drive, Fort Gratiot, Michigan; beginning at 7:30 o'clock p.m., Eastern Daylight Savings Time.

MEMBERS PRESENT: Bradley, Buckley, Crawford, Harder, Reynolds

MEMBERS ABSENT: Bruckner

The following Preamble and Resolution was offered by Member Harder and supported by Member Reynolds:

WHEREAS, the Michigan Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) have published a Draft Environmental Impact Statement (DEIS) for the Blue Water Bridge Plaza Study which is dated August 10, 2007, with public comment being accepted from August 10 through December 10, 2007; and

WHEREAS, Section 1 of the DEIS does not accurately define the existing and future plaza needs, nor does it provide adequate justification to support the physical layout/size of the preferred alternative. As a result, there is not adequate justification provided for the Preferred Alternative's significant cost and negative impacts; and

WHEREAS, The DEIS must comply with relevant sections of the National Environmental Policy Act (NEPA) and its implementing regulations as well as several other State and Federal environmental laws; and

WHEREAS, the Department of Homeland Security has great concerns for the health, safety and security of citizens traveling throughout the United States, as does the Charter Township of Fort Gratiot.

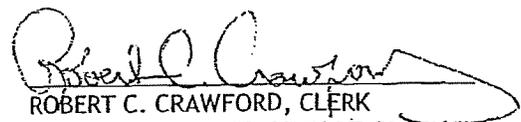
NOW, THEREFORE, BE IT RESOLVED the DEIS fails to meet the requirements of NEPA and its implementing regulations. The DEIS is deficient because it fails to provide full public disclosure of impacts, does not adequately justify the project's costs/negative impacts, does not evaluate a reasonable range of alternatives, and does not provide adequate mitigation for the massive negative impacts which are anticipated. If MDOT is bound to use Alternative Plan #3, it should include an additional Black River Bridge crossing for Northbound traffic; and

BE IT, FURTHER, RESOLVED that the Charter Township of Fort Gratiot Board of Trustee's is unequivocally opposed to any Blue Water Bridge Alternate Plan that does not address pre-inspection, as well as the advancement of the Preferred Alternative until all of our comments regarding its justification, other reasonable alternatives, and mitigation measures are fully addressed to our complete satisfaction. Details regarding these shortcomings are provided in our official comment letter, which is attached to this resolution. (*See Attachment 1*)

BE IT, FURTHER, RESOLVED that this Resolution be sent to Governor Granholm and to our State Legislators.

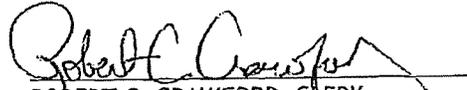
RESOLUTION DECLARED ADOPTED.

Ayes: Bradley, Buckley, Crawford, Harder, Reynolds
Nays: 0
Absent: Bruckner


ROBERT C. CRAWFORD, CLERK
CHARTER TOWNSHIP OF FORT GRATIOT

CERTIFICATION

I, HEREBY, CERTIFY that the foregoing constitutes a true and complete copy of a Resolution adopted by the Board of Trustees of the Charter Township of Fort Gratiot, County of St. Clair, Michigan, at a Regular meeting held on December 5th, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976; and that the minutes of said meeting were kept and will be or have been made available, as required by said Act.


ROBERT C. CRAWFORD, CLERK
CHARTER TOWNSHIP OF FORT GRATIOT

Blue Water Bridge Plaza Study
Draft Environmental Impact Statement Comment Form

Name: James E. Buckley, Supervisor
Charter Township of Fort Gratiot
Address: 3720 Keewahdin Rd., Fort Gratiot, Michigan 48059
Contact: Phone: (810) 385-4489 Fax: (810) 385-9010 Email: jbuckley@fortgratiottwp.org

Comments:

1. Include pre-inspection of vehicles prior to entering the United States.
2. Allow easy access for travelers on and off the Blue Water Bridge.
3. Provide signals and signs along corridor and plaza area showing direction and distance to Fort Gratiot, Michigan, and other communities.
4. Construction of a much needed bridge over Black River (between Fort Gratiot Township and Charter Township of Port Huron) prior to Plaza/Corridor construction. An additional bridge has been needed for years, as it would allow alternate routes when accidents occur during construction, as well as helping relieve existing heavy traffic conditions. Since MDOT has expressed concern regarding safety, an additional bridge would be imperative, as all emergency hospitals are located in Port Huron south of the Bridge Plaza. The Environmental Impact Statement shows a hospital on North River Road in Fort Gratiot Township-this is *inaccurate*. The hospital they are referencing is actually located approximately 25 miles south in East China Township. The fact remains that *any* construction project will negatively affect Emergency Room access. An actual example: a two-car accident recently backed up traffic on Pine Grove for over 1 hour, *even with no construction at the Plaza*. In a worst-case scenario, *people will die*.
5. The proposed Welcome Center must be located in the median. A Welcome Center located in the center of the median would have the ability to service traffic from both directions, and would allow travelers to turn around and head back toward the Port Huron-Fort Gratiot area, providing much needed support for the financial condition of the area. Alternatives would make the trip back to the Port Huron-Fort Gratiot area an additional 18 miles. Inaccurate information given to us, such as the Federal Government does not allow Welcome Centers in the median anywhere in the United States due to Federal Regulations. When I personally addressed the Federal employee that made this statement in a public forum, he recanted this statement, stating "We don't *like* Welcome Centers/Rest Areas in the median."

When attending a meeting set up by Senator Jud Gilbert, (thank you) MDOT representative Paul McAllister stated the location of the Welcome Center was Federally regulated. When I pushed the issue and stating that I would like to take it to the Federal Government, McAllister (MDOT Supervisor, Coordination Unit) along with Matt Webb, recanted their position, stating that MDOT would *still* not allow this to happen, attempting to use safety issues as an excuse. The speed of the expressway in the proposed Welcome Center Location was increased approximately one year ago from 55 to 70 mph, sending high speed traffic up to Water Street with drivers having to make quick decisions regarding where they need to go and how they are going to get there. At 70 mph, a confused driver is SOL. 55 mph *would* and *should* be the maximum travel speed allowed through this area for safety reasons. I believe that the speed limit was raised for the sole purpose of making the Welcome Center unable to fit in the median area, as on and off ramps distance restrictions increase at 70 mph. Reducing the speed limit from Lapeer to Water Street adds and additional 30 seconds of travel time, but increases the safety and welfare of passengers in all vehicles traveling this route. This is my (and should be your) primary focus.

6. When the people elect leaders who are not willing to the right thing and act with common sense, or they hire of support people that impact the state with poor workmanship and poor decisions, such as we see now and have seen in the past with the existing Plaza having to be torn down and rebuilt due to ignorance, specifically cross-traffic weave, at the expense of the citizens of Michigan and throughout the United States, leaves the people to wonder if a leadership change is needed. If this project progresses in the way planned, *especially* after this information has been brought to light, then the leaders deserve replacement. The State of Michigan is in a depression. I see houses foreclosed on *every single day*, and people losing jobs due to companies not being able to pay health insurance, benefits, and even a fair wage. Yet, we take the ability to try to keep, create, or make jobs and the availability in easy traffic travel, and we hit a wall of resistance that are quick to make excuses, but lack any creative solution.

7. I would also like to reference the report sent from the City of Port Huron and the Coalition, (which is included) which points out there findings in the shortcomings of this project, and would like to also include the DLZ report as part of our report, demanding as representatives of the people of Fort Gratiot Township, *written, complete answers*. But more than that, common sense that addresses the people, jobs, and the future. Are you going to come to us in another 15 years and tell us that all of this must be changed again because of lack of imagination? For the sake of the people, I hope not. James Buckley, Supervisor of the Charter Township of Fort Gratiot, submits this to his board for consideration in support of Resolution, and so swears that the information he presents is true and believed to be factual, and presents this to the Board for support.

RESOLUTION

IN SUPPORT OF THE CITY OF PORT HURON REGARDING THE BLUE WATER BRIDGE PLAZA STUDY DRAFT ENVIRONMENTAL IMPACT STUDY

CHARTER TOWNSHIP OF FORT GRATIOT
COUNTY OF ST. CLAIR, MICHIGAN

Minutes of a Regular Meeting of the Charter Township of Fort Gratiot Board of Trustees, held on the 5th day of December, 2007, at the Fort Gratiot Township Hall, 3720 Keewahdin Drive, Fort Gratiot, Michigan, beginning at 7:30 o'clock p.m., Eastern Daylight Savings Time.

MEMBERS PRESENT: Bradley, Buckley, Crawford, Harder, Reynolds

MEMBERS ABSENT: Bruckner

The following Preamble and Resolution was offered by Member Harder and supported by Member Reynolds:

WHEREAS, the Blue Water Bridge crossing between the U.S. and Canada is a vital link which enhances the economic prosperity of both countries.

WHEREAS, existing traffic delays at the primary inspection booths coming into the U.S. are at unacceptable levels, and considering security improvements at the plaza is a reasonable objective.

WHEREAS, the Michigan Department of Transportation (MDOT) and the Federal Highway Administration (FHWA) have published a Draft Environmental Impact Statement (DEIS) for the Blue Water Bridge Plaza Study, dated August 10, 2007.

WHEREAS, the public comment period for the DEIS is from August 10, 2007 through December 10, 2007.

WHEREAS, the DEIS must comply with relevant sections of the National Environmental Policy Act (NEPA) and its implementing regulations as well as several other State and Federal environmental laws.

WHEREAS, since 2002, MDOT, FHWA, U.S. Customs and Border Protection (CBP) and U.S. General Services Administration (GSA) have studied various bridge plaza improvement options along with potential improvements to the I-69/I-94 corridor, including the bridge over the Black River.

WHEREAS, all three of the practical alternatives studied in detail in the DEIS (including the preferred alternative) would inflict massive negative impacts on the City of Port Huron and/or surrounding Townships.

NOW, THEREFORE, BE IT RESOLVED a supplemental DEIS is needed to address the shortcomings of the present DEIS, and to assure there is full disclosure/adequate opportunity for public comment at this stage in the process. It is not acceptable for our concerns to be addressed only in the Final Environmental Impact Statement.

BE IT, FURTHER, RESOLVED improvements to the I-69/I-94 corridor (including repairs to the Black River bridge) should be evaluated in a separate environmental document as previously planned by MDOT. It is not acceptable to delay improvements to this corridor while issues related to the bridge plaza are studied and debated.

BE IT, FURTHER, RESOLVED the proposed 65-acre size of the plaza facility is not justified based on the information presented in the DEIS. Another alternative with reduced size needs to be evaluated in detail and compared to the three practical alternatives presented in the DEIS.

BE IT, FURTHER, RESOLVED we are unequivocally opposed to advancement of the Preferred Alternative until all comments regarding its justification, other reasonable alternatives, and mitigation measures are fully addressed to our complete satisfaction.

BE IT, FURTHER, RESOLVED the DEIS fails to meet the requirements of NEPA and its implementing regulations. The DEIS is deficient because it fails to provide full public disclosure of impacts, does not adequately justify the project's costs/negative impacts, does not evaluate a reasonable range of alternatives, and does not provide adequate mitigation for the massive negative impacts which are anticipated. Details regarding these shortcomings are provided in the City of Port Huron's official comment letter, which is attached to this resolution. (See Attachment A)

RESOLUTION DECLARED ADOPTED.

Ayes: Bradley, Buckley, Crawford, Harder, Reynolds

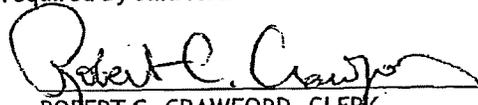
Nays: 0

Absent: Bruckner


ROBERT C. CRAWFORD, CLERK
CHARTER TOWNSHIP OF FORT GRATIOT

CERTIFICATION

I, HEREBY, CERTIFY that the foregoing constitutes a true and complete copy of a Resolution adopted by the Board of Trustees of the Charter Township of Fort Gratiot, County of St. Clair, Michigan, at a Regular meeting held on December 5th, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976; and that the minutes of said meeting were kept and will be or have been made available, as required by said Act.


ROBERT C. CRAWFORD, CLERK
CHARTER TOWNSHIP OF FORT GRATIOT



(810) 990 -1850 • P. O. Box 610305 • Port Huron, Michigan 48061-0305

Robert Funk, Co-Chairman • Arthur Smith, Co-Chairman

November 29, 2007

Mr. Bob Parsons
Public Hearings Officer
Michigan Department of Transportation
PO Box 30050
Lansing, MI 48909

RE: Comments on Blue Water Bridge Plaza Study Draft Environmental Impact Statement (DEIS) - **Bridge Plaza Business and Community Coalition, Inc.**

Dear Mr. Parsons,

We would like to thank the Michigan Department of Transportation (MDOT) for the opportunity to provide comments regarding the Blue Water Bridge Plaza Study DEIS. Below you will find a list of comments that our group has developed regarding the document.

Purpose and Need

We acknowledge that there is a legitimate need to improve the existing bridge plaza infrastructure in order to reduce processing delays and enhance security/accommodate new technologies. However, we have several areas of concern related to Section 1 of the DEIS and supporting technical reports. These concerns are as follows:

- Section 1 of the DEIS does not accurately define the existing and future plaza needs.
- Section 1 of the DEIS does not provide adequate justification to support the physical layout/size of the preferred alternative. As a result, there is not adequate justification provided for the Preferred Alternative's significant cost and negative impacts.

Specific details that support our concerns are presented below.

1. The DEIS and the supporting traffic technical report provide an overview regarding many relevant factors that will affect future traffic volumes crossing the Blue Water Bridge (BWB). These include regional and national population trends, trade agreements, economic conditions/forecast, SEMCOG's regional traffic model, historic trends, border plaza/security facilities, etc. However, it is not clear in these documents how this background information was used to decide upon the future growth rate that was applied to the existing traffic counts. We have been verbally informed by MDOT representatives (at the 10/3/07 meeting with the Coalition) that

the selected future growth rate was identified mainly based on an extension of historic long-term traffic trends. We are concerned that the written documents do not provide a definitive, clear, and well-reasoned justification for selection of the traffic growth rate which was used to develop the design-year traffic projection. Without this justification, the future traffic projections in the DEIS do not adequately support the need for the project, nor do they substantiate the negative impacts caused by the preferred alternative.

2. As MDOT is no doubt aware, the total volume of traffic crossing the BWB has declined notably since the year 2000. However, the DEIS attempts to make the case that long-term (i.e., 20+ year) trends should be used to predict the future growth rate for bridge crossing volumes. We believe that this is a flawed assumption because it ignores the fact that long-term historic trends were very heavily influenced by major infrastructure improvements and landmark international trade agreements. It is not reasonable to believe that similar events will continue to occur during the next 20 years. Specifically, major milestones that affected historic trends include:

- Completion of highway 402 in Canada in 1982
- Completion of various sections of I-69 between Lansing and Port Huron between 1987 and 1991
- Completion of I-69 from the Indiana border to Ontario in October 1992
- Construction of the elevated Blue Water Bridge Plaza in the mid 1990s
- Completion of the second bridge span in 1997
- Implementation of NAFTA during the 1990s

These one-time improvements/trade agreements contributed very significantly to historic bridge crossing growth trends. However, looking to the future, there does not exist anything comparable which would justify the growth rates that are used in the DEIS (i.e., none of the relevant capital improvement plans include such projects, and trade agreements similar to NAFTA are not pending/contemplated). If anything, the additional international crossing being studied in the Detroit area could draw traffic away from the BWB crossing.

A brief review of some recent MDOT traffic volume projections for the BWB demonstrates that our concerns are well founded because MDOT has consistently overestimated future traffic growth at this crossing. The first example is from the 1998 MDOT study that evaluated improvements to the plaza. We compared the actual truck volume counts for 2005 and 2006 against the forecasted crossing volumes from the 1998 study. This comparison showed that the 2005 truck forecast was high by 653,279 annual crossings, and the 2006 forecast was high by 1,003,325 trucks per year. This represents a daily overestimate of truck volumes by 1,789 for 2005 and 2,749 for 2006. Next, we compared the 2006 and 2007 forecasts presented in the BWB DEIS and traffic report against the actual crossing counts for these same periods. This comparison showed that for 2006, the actual truck counts are nearly 215,000 per year less than the high estimate forecast. Additionally, truck volumes from January 1, 2007 though July 31, 2007 show a 4.2% decrease compared to the 2006 actual counts. These examples lend credibility to our concerns because there is a demonstrated pattern of inaccuracy (i.e., always too high) with MDOT traffic projections at this location.

MDOT should revisit the traffic forecast and develop a revised forecast that is more reasonable and in line with the reality of what is actually happening here. This information should be made available for public review and comment (i.e., full disclosure) in a supplemental DEIS (i.e., it is our opinion that it would not be acceptable to try and address this deficiency in a Final EIS).

3. There does not appear to be any mention/discussion/analysis in the DEIS about the following topics and how they would affect BWB crossing volumes in the future:
 - The proposed third crossing in the Detroit area
 - New passport requirements for travel between the US and Canada
 - Canadian trash trucks

Discussion regarding these topics should be included in a Supplemental DEIS so that it can be thoroughly evaluated/commented upon by members of the public before advancing to the Final EIS stage of the NEPA process. Without this information, it is difficult to assess the validity of the needs presented in the DEIS.

4. The traffic technical report emphasizes the important role that population growth plays in predicting economic activity and crossing volume growth (page 2-8). The Midwestern region makes up 60%+ of the total trade value crossing the bridge. This region is expecting only 9.5% population growth over the 20-year forecast period. Yet total traffic volumes crossing the bridge are projected to go up by about 50% over this same time period. We understand that there may not be a direct correlation between population growth and bridge crossing volumes, but these statistics are so divergent that they appear inconsistent. When considered in conjunction with the comments noted above, this apparent inconsistency supports our concern about the reasonableness of the future traffic forecast. We believe that the traffic forecast should be revisited to examine this issue.
5. Section 1 of the DEIS does not provide anywhere near adequate detail/analysis regarding existing and future vehicle delays/queues at the plaza (not the surrounding intersections, but the actual plaza/primary inspection booths). When we have verbally inquired about this issue previously, we have been told by MDOT staff that these calculations cannot be released due to security concerns on the part of US Customs and Border Protection (CBP). Please provide a detailed and specific explanation as to why/how releasing this information would create security concerns. Without this detailed analysis of the existing and future baseline, the need for the project is not adequately documented in the sense that it is impossible to evaluate how well potential solutions (i.e., alternatives) address these problems. Related to this, the DEIS does not provide any benchmark or goal for the desired acceptable delays after plaza improvements are made. This is a very serious deficiency with the DEIS. We are, quite frankly, surprised and frustrated that after more than five years of studies and many millions of tax dollars expended, the DEIS is missing such crucial and fundamental information.

We have reviewed the DEIS for expansion of the Peace Bridge border crossing plaza located in the Buffalo/Niagara area of New York (<http://www.peacebridgex.com/deis.aspx>). This DEIS was prepared by the Peace Bridge Authority in cooperation with Federal Highway Administration (FHWA) and CBP, and the public comment period for the document just ended in October, 2007.

In virtually all relevant respects, the Peace Bridge border crossing and plaza study is indistinguishable from the BWB crossing. The consultant team that prepared the Peace Bridge DEIS included as the traffic consultant Wilbur Smith Associates, the same firm that MDOT has hired to prepare the BWB DEIS. The Peace Bridge document includes a very extensive analysis (dozens of pages with tables and figures) that presents bridge plaza delay times and queue lengths for existing conditions, future no build conditions, and future conditions for the alternatives they are considering. The document also includes CBP's stated goals for future vehicle delay times at the plaza. It is absolutely unacceptable for FHWA and CBP to refuse to provide this information in the BWB DEIS while simultaneously providing extensive details in the Peace Bridge DEIS. Clearly, the claim that security concerns require the withholding of this information is false, or the information would not have been included in the Peace Bridge DEIS. We are very disappointed that the citizens of Port Huron and Michigan have not received equal consideration and treatment compared to residents of Buffalo/Niagara, New York.

The claim that border crossing delays cannot be provided is further undermined by the fact that CBP actually maintains a website (<http://apps.cbp.gov/bwt/>) that has real time border delays listed. If CBP is providing real time delays on a website, it is not logical that existing and future theoretical delays cannot be included and analyzed in the DEIS.

6. Section 1 of the DEIS provides general information and broad statements about the need to enhance security and accommodate new security-related technologies. While we support these goals in concept, they do not by themselves provide adequate justification for a plaza size of 65 acres. The DEIS includes little if any specific information about how the projected traffic volumes relate to the required size and layout of the proposed plaza components. Without having more detailed information, it simply is not possible to assess whether any of the alternatives meet a legitimate need or not. We are requesting that section 1 be revised to include very specific information about the size/layout needs for each major component of the plaza. Discussion regarding these topics should be included in a Supplemental DEIS so that it can be thoroughly evaluated/commented upon by members of the public before advancing into a Final EIS.
7. As MDOT is aware, the Bay Mills Indian Community has proposed a casino development near the Blue Water Bridge plaza. If this development is constructed, it has been estimated that approximately 18,000 vehicles per day will visit the casino. These vehicles will come from both Canada and the U.S. For the DEIS traffic analysis, what assumptions were made regarding the effect of this development on traffic volumes/operations both crossing the BWB and on the local street network? We are concerned that the DEIS may not take into account this development, especially with regard to new local road infrastructure surrounding the plaza.

Based on these concerns, we do not believe that MDOT, FHWA, and CBP have met the required threshold for justification of the preferred alternative, nor do we believe that section 1 of the DEIS satisfies the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations. We believe that section 1 of the DEIS needs to be substantially supplemented in order to provide full public disclosure, meet regulatory requirements, and justify the very extensive impacts caused by the preferred alternative. We believe that the deficiencies are substantial enough that MDOT, FHWA,

and CBP should prepare a Supplemental DEIS to provide full disclosure and an adequate opportunity for public comment (i.e., they cannot be handled solely in the Final EIS).

Alternatives

Similar to the comments provided above regarding the purpose and need, we do generally acknowledge that many of the infrastructure components which are included in the three build alternatives which were studied in detail in the DEIS are necessary. Nevertheless, section 2 of the DEIS is substantially deficient in several areas with regard to the specific components and characteristics of the three build alternatives.

8. As noted above, the DEIS does not include any specific information which evaluates border plaza delays and queues for the alternatives. Without this information, it is impossible to compare the options against each other to determine which option is preferable. It is also not possible to compare the likely benefits of the three build alternatives against the no build alternative to assess whether the purported reduction in delays justifies the negative impacts and costs of the build alternatives. Further, it is not possible to determine whether any of the options are meeting the project purposes if this information is not provided. The Peace Bridge DEIS provides a very detailed analysis of border plaza delays and queues for the alternatives which were considered for that project. Again, it is absolutely unacceptable that this information is withheld from the BWB DEIS when CBP and FHWA have provided the exact same information at another almost identical border crossing. Furthermore, it is not acceptable that this information is provided at a later date for the preferred alternative only – it needs to be available at the DEIS stage so that there is full disclosure, adequate opportunity for public comment, and good decisions can be made while selecting the preferred alternative. And finally, it is just simply disturbing and appalling that after more than five years of study at a cost of more than \$10 million in tax money, that such fundamentally important and readily available information has not been provided. It borders on absurd that almost half a billion dollars will be expended (resulting in massive disruption to the community) without a hard look at the benefits that are expected to result.
9. The DEIS does not evaluate a reasonable and representative range of alternatives with regard to different numbers of inspection booths and different levels of CBP staffing at the inspection booths. Instead, it appears that the number of inspection booths is the same for all three of the build alternatives. CBP staffing is not addressed for any of the alternatives. Both of these factors will have a considerable effect on delay times and queues, as well as the total acreage needed/size of the facility. Section 2 of the DEIS does not meet relevant NEPA requirements because both of these variables have a large impact on how well an alternative meets the project purposes/how much it costs/negative impacts it causes, yet there is no variability evaluated (i.e., a representative range of options is not compared). The Peace Bridge DEIS included information related to different numbers of inspection booths and included sensitivity analysis about how this affected delays and queues at the border plaza. If the information can be provided for the Peace Bridge, the same analysis should be done here. Without this information, full public disclosure has not occurred, and viable options may be excluded.
10. We note that there is a letter in the correspondence appendix from Kirk Steudle dated June 30, 2006 which states on page 7 that CBP has been unwilling to provide

any staffing commitments for the alternatives. Section 2 of the DEIS does not provide any information about CBP staffing levels for the alternatives. Without staffing commitments, it is not possible to perform an accurate analysis of how well an alternative meets the project purposes/needs. As a result, the DEIS is deficient because it does not provide full disclosure, does not evaluate a representative range of alternatives, and does not provide adequate analysis to support selection of a preferred alternative. This same letter from Mr. Steudle indicates a general lack of cooperation and responsiveness from CBP. CBP's lack of cooperation does not in any way relieve FHWA, CBP, and MDOT of their responsibilities to comply with all applicable statutes and regulations regarding preparation of this DEIS. MDOT needs to be more firm with CBP so that all agencies involved can meet the relevant regulations and laws. If CBP refuses to provide all needed information, MDOT should stop the study until it is made available.

11. The information provided in the DEIS does not adequately explain the need for a border plaza size of 65 acres. There is general reference made to modeling conducted using the BorderWizard software, but there is not enough specific information provided for members of the public to determine how this analysis was performed and if it is in fact accurate. The DEIS references the document entitled *U.S. Land Port of Entry Design Guide and Program Requirements* as the basis for the layout and sizing of the facilities at the plaza. We have requested through our consultants that a copy of this document be provided so that we can assess the layout and size of the plaza. To date, this document has not been provided. We are very concerned that the preferred alternative is considerably larger than what is actually needed to process traffic, accommodate future technologies, and ensure security. Representatives from the City of Port Huron have repeatedly asked for specific information to justify the 65 acres size, but this information has not been provided. They have also asked for information about other comparable border crossing plazas where similar facilities have been planned/constructed, but this information has not been provided by MDOT or CBP. We are also concerned that the plaza (City East and City West Alternatives) may not be laid out in the most efficient possible manner. As much as we would like to simply trust MDOT to get it right, the history at this location (i.e., weave caused by processing trucks on the left hand side of the bridge) leads us to be concerned about any layout prepared by the government agencies with authority at the plaza. Without the detailed information noted above and timely access to the *U.S. Land Port of Entry Design Guide and Program Requirements*, we are not able to perform a meaningful evaluation of the size and efficiency of the alternatives in the DEIS. Discussion regarding these topics should be included in a Supplemental DEIS so that it can be thoroughly evaluated/commented upon by members of the public before advancing into a Final EIS.
12. We have received written (email) confirmation from the Peace Bridge consultant team project manager that the Peace Bridge U.S. plaza alternative is 39 acres in size. This is what they called Alternative 1B-R3 ("Maximize Use of Existing U.S. Plaza") which is the same concept as the City East and City West alternatives in the BWB DEIS (Alt 1B-R3 is the only option in the Peace Bridge DEIS that has a plaza in the U.S.). The Peace Bridge DEIS looked at four build alternatives in detail, and the other three are all "reverse inspection" alternatives which are unlikely to be selected due to the failed US-Canadian negotiations on this topic. The size of this Peace Bridge plaza is inconsistent with the plaza size for the BWB project, and we believe

that the BWB plaza could be reduced in size to something similar to what is planned at the Peace Bridge.

We have compared the average daily crossing volumes for the two border crossings to see if possibly the difference in size might be due to different traffic volumes which require different facilities. Here are those volumes (rounded):

Peace Bridge 2006: 15,300 passenger cars, 3,600 commercial, 18,900 total

BWB 2005: 10,200 passenger cars, 4,900 commercial, 15,100 total

Peace Bridge 2030: 18,400 passenger cars, 6,900 commercial, 25,300 total

BWB 2030: 12,300 passenger cars, 10,000 commercial, 22,300 total

These traffic volumes do not provide the basis for the plaza size difference between the two locations. It is unacceptable for the citizens of Port Huron and Michigan to be treated differently than citizens of Buffalo/Niagara and New York. Based on this situation, we believe that MDOT, FHWA, and CBP have not considered a reasonable and representative range of options in the DEIS as required under NEPA. There should be a new alternative which is approximately 40 acres in size seriously evaluated in a Supplemental DEIS – if it can work for the Peace Bridge, it most certainly should be evaluated in detail at the Blue Water Bridge.

13. The Peace Bridge DEIS included detailed analysis of "reverse inspection" alternatives, though they clearly note that these cannot be selected as the final option in the ROD unless some type of agreement is reached between the U.S. and Canada. Recognizing that there will be a new Administration in Washington DC in about 14 months, they are keeping their options open which is prudent considering that it will be several years before construction begins on this project. We believe that MDOT has prematurely eliminated the reverse inspection alternative from the BWB study and that the DEIS should have analyzed this alternative in detail. Specifically, MDOT eliminated this option from the BWB study in 2003, three to four years before DHS Secretary Chertoff sent an official letter to the Canadians notifying them that the negotiations on this topic had failed (that letter is dated April 26, 2007). We are concerned that MDOT eliminated this alternative for the BWB project while negotiations with the Canadians were apparently still underway. Once again, we believe that the DEIS does not discuss in detail a representative range of alternatives because this option has been eliminated.

14. The proposed traffic control/maintenance of traffic plan, construction stage 2, would detour Pine Grove traffic to 10th Avenue and would remove Pine Grove between Hancock and 10th Avenue. This will result in a tremendous increase of traffic at the 10th Avenue and Pine Grove intersection. How will MDOT address traffic control problems at the 10th and Hancock intersection? We are very concerned that this plan will result in very long delays and possibly gridlock on the local street network.

Additionally, the DEIS does not address the impacts to Garfield Elementary School located within ¼ mile of the 10th Avenue/Garfield Street intersection. As noted above, a large amount of traffic will be diverted in this area, resulting in a massive traffic increase near the school. Issues that need to be addressed include pedestrian conflicts and safety, air quality, noise, traffic flow in and out of the school, and overall safety.

In stage 3 of the proposed traffic control plan the DEIS states that in-bound plaza traffic from Canada will use the newly constructed inspection lanes during this stage. "A temporary gate will be constructed on Hancock for cleared plaza traffic while the permanent exit ramps are constructed." How will the in-bound Canadian traffic be routed onto I-94/I-69 westbound once they exit the plaza through the temporary gate on Hancock? We believe this concept would be a disaster if implemented and would lead to complete gridlock on the surrounding street network. As a result, the economic impact to local business would be significant. Due to the long duration of construction, numerous businesses could potentially be forced out of business due to lack of access.

Considering these points, we believe that the DEIS does not provide nearly enough detail regarding the proposed traffic control/maintenance of traffic plan, its costs, and the negative impacts which will result during construction. We also believe that the plan (as proposed conceptually) may not actually work due to conflicts with the local street network which have not been analyzed. These issues need to be evaluated in detail in using a commonly accepted traffic model (such as SYNCHRO or comparable) to quantify the impacts. Discussion and analysis regarding these topics should be included in a Supplemental DEIS so that it can be thoroughly evaluated/commented upon by members of the public before advancing into a Final EIS.

We believe that the above-noted deficiencies are substantial enough that MDOT, FHWA, and CBP should prepare a Supplemental DEIS to provide full disclosure and an adequate opportunity for public comment (i.e., they cannot be handled solely in the Final EIS).

Existing Conditions and Impacts

Our comments regarding section 3 of the DEIS are provided below.

15. The preferred alternative is inconsistent with the city's land-use plan and zoning plan. This is yet another reason why MDOT needs to work very hard with FHWA and CBP to reduce the size of the new plaza's footprint to approximately 40 acres like the proposed new Peace Bridge plaza.
16. If we understand the information correctly in the DEIS, hardship right-of-way acquisitions that have already been completed are not included in the total calculations for a number of relocations, economic impacts, or tax base impacts. If this is true, the DEIS is not portraying an accurate picture of the true impacts of the alternatives. If this is true, the DEIS needs to be revised (Supplemental DEIS is needed) to provide a full disclosure of all impacts including those which are hardship purchases. The Supplemental DEIS will allow this issue to be thoroughly evaluated/commented upon by members of the public before advancing into a Final EIS.
17. The neighborhoods that will not be directly impacted (i.e., homes are not going to be purchased and demolished) by the preferred alternative will suffer cumulative impacts which are not fully disclosed in the DEIS. This area will be viewed as the new "buffer zone" and could realize a loss in perceived desirability and value. Per MDOT policy, there will be no compensation or additional amenities provided through the project that would alleviate this perception. The DEIS should identify cumulative

impacts to the homes that will become the new "front row" to the plaza. The DEIS should also assess the individual property value impacts to the remaining homes. These impacts include the potential for loss of value, increased noise, and visual impacts.

18. The City East and City West Alternatives would 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 DEIS does not adequately address how these additional emergency services will be financed or what financial impacts they may have on the City. More detail is needed for full disclosure.
19. The construction impacts section of the DEIS does not fully recognize the magnitude of the impacts which will occur during construction. We believe that the local street network could become regularly gridlocked due to the proposed maintenance of traffic plan. This will have a devastating effect on businesses in the area and will greatly inconvenience the traveling public for several years. Additionally, the impacts to emergency service response during construction has not been adequately addressed in the DEIS. Discussion of wayfinding signs has not been included. Discussion regarding these topics should be included in a Supplemental DEIS so that it can be thoroughly evaluated/commented upon by members of the public before advancing into a Final EIS.
20. From information available to us, we could not determine if the noise analysis incorporated the expanded plaza as a noise source. The idling of trucks and vehicles and the accelerating of these vehicles would result in additional noise if it is not included in the noise analysis. If the analysis did not include this information, the DEIS needs to be revised based on additional analysis which includes this noise source.
21. The residences along Riverside and Hancock Street and 10th Avenue were not included in the noise study as noise receptors. These residences should be included as they will experience more traffic and/or will be the new front row to the expanded plaza. The results of this additional analysis needs to be included in the DEIS.
22. Noise receptor locations 73, 75, 106, 107, 172, and 174 will experience greater traffic volumes, roadways will be shifted closer to the residences, and/or they will be closer to the plaza, yet the future noise levels are predicted to decrease. Please explain how the noise model is predicting lower noise levels? If this is a mistake in the modeling, please provide revised analysis in the DEIS.
23. Sound waves will echo off of the large security and retaining walls that are part of the preferred alternative. We were not able to determine whether this phenomenon is reflected in the noise study which was conducted. If this was not factored into the TNM analysis, MDOT should update the analysis and the results presented in the DEIS.

24. The DEIS does not provide adequate disclosure of potential microscale air quality impacts caused by the alternatives. Specifically, the CO hotspot analysis was only conducted at the future Hancock Street and M-25 Connector intersection. Clearly, the primary inspection booths at the expanded Bridge Plaza will have the largest concentration of idling vehicles. The combined idling vehicle hours on the plaza will no doubt far exceed what would occur at the Hancock/M-25 intersection. Yet, no CO hotspot analysis was conducted for the Bridge Plaza. The DEIS needs to provide analysis results for potential CO levels at receivers near the Bridge Plaza.

The DEIS notes that PM_{2.5} is a serious health concern due to fine particles reaching the deepest regions of the lungs. It also notes that PM_{2.5} has serious health effects that include asthma, difficult/painful breathing, chronic bronchitis, and PM_{2.5} associated with diesel exhaust is also thought to cause lung cancer. The DEIS goes on to state the "diesel exhaust is a particular concern." Yet, the DEIS does not analyze the potential impacts of PM_{2.5} or PM₁₀ for any of the alternatives, nor does it provide a comparison of each alternative. With the potential for large numbers of idling diesel trucks on the plaza, it is important that the possible impacts of particulate matter are disclosed. While it may be true that there is no commonly accepted method for modeling PM_{2.5}, we believe that a project of this magnitude warrants development of a specialized methodology or, at a minimum, a qualitative comparison of the options. This further supports the need to fully disclose projected queues and delays at the border plaza as noted previously in our comments.

Once again, the Peace Bridge DEIS has done a much more thorough job than the BWB DEIS of documenting microscale air quality impacts. Their document appears to have included CO analysis for the Bridge Plaza, and they have included a very detailed analysis/results for PM_{2.5}. If this information can be provided by FHWA and CBP in the Peace Bridge DEIS, it should also be disclosed in the BWB DEIS.

25. The DEIS notes that the new proposed bridge over the Black River will increase the existing opening under the bridge, a fact that will help to offset any proposed fill in the 100 year floodplain. By allowing improved flow under the bridge, this would "ensure that no upstream flood elevations are affected". We have two concerns related to the floodplain crossing at this location. First, there is no analysis/information presented regarding potential floodplain impacts downstream from the crossing. If, as is claimed in the DEIS, a larger bridge opening conveys the floodwater more efficiently, the potential for flooding impacts downstream from the bridge may have been increased. This needs to be analyzed with the results disclosed in the DEIS. And secondly, relevant regulations require that potential projects such as this result in no harmful interference with floodwater elevations/conveyance. The DEIS does not provide enough details to confirm whether or not this threshold has been met. We are concerned that harmful interference with flood elevations may occur downstream from the bridge for the reasons noted above. The DEIS should be revised to address these issues.
26. While the DEIS does provide descriptive information about likely social and economic impacts, we believe that that the document does not adequately convey the severity of impacts when all of these individual factors are considered together. The cumulative impact assessment is lacking in this regard and needs to be substantially enhanced.

Mitigation

Our opinion is that the mitigation considerations and commitments included in the DEIS are not sufficient to address the social and economic impacts caused by the alternatives, especially the preferred alternative.

Our primary concern is that MDOT has not seriously considered creative mitigation opportunities which are ineligible for traditional funding sources. Specifically, the emphasis to date has been primarily on whether or not mitigation measures are eligible for Act 51 funding. We think that MDOT, FHWA, and CBP are not giving adequate consideration to the intent of mitigation under NEPA and its implementing regulations. As background, we wanted to include the following excerpts from NEPA and implementing regulations with our emphasis added in **bold**:

*The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, **and take actions that protect, restore, and enhance the environment.** (40 CFR § 1500.1(b): Purpose)*

*Federal agencies shall to the fullest extent possible: **Use all practicable means consistent with the requirements of the Act and other essential considerations of nation policy, to restore and enhance the quality of the human environment** and avoid or minimize any possible adverse effects of their actions on the quality of the human environment. (40 CFR 1500.2(f))*

The CEQ regulations define mitigation as:

- *Avoiding the impact altogether by not taking a certain action or parts of an action.*
- *Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
- *Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.*
- *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*
- ***Compensating for the impact by replacing or providing substitute resources or environments.** (40 CFR 1508.20)*

FHWA's mitigation policy states:

*Measures **necessary to mitigate adverse impacts will be incorporated into the action and are eligible for Federal funding when the Administration determines that:***

1. *The impacts for which the mitigation is proposed actually result from the Administration action; and*
2. *The proposed mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. In making this determination, the Administration will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute, Executive Order, or Administration regulation or policy. (23 CFR 771.105(d))*

It is a fact that this type of project is unprecedented in Michigan, and the severe impacts it will generate are likewise unprecedented in recent times, especially for a community the size of Port Huron. Considering this context, we believe that an unprecedented mitigation effort is likewise appropriate. We believe that such mitigation is consistent with the intent of NEPA and its implementing regulations which do not limit mitigation requirements to only those items that can be funded through sources which are traditionally used for other projects. We further believe that non-standard mitigation is both practicable and reasonable considering the context of this project. We would like MDOT to partner with the city of Port Huron and the Coalition to work with FHWA and CBP in order to seriously address this issue. We believe that this is a reasonable request because the city of Port Huron is being asked to bear a disproportionately high burden of the negative effects for a project which will benefit literally millions of citizens from across the United States and Canada.

We have the following specific comments regarding mitigation:

27. As a result of the Preferred Alternative, 137 households and 37 businesses will be relocated. The homes that will be lost are well-maintained, affordable, owner-occupied dwellings. High quality, affordable housing in a traditional neighborhood setting is difficult to find in St. Clair County. This neighborhood and the established neighborhood surrounding it are difficult to replace or duplicate within the City limits. Additionally, the DEIS accurately notes the project area is completely built out. The DEIS and Conceptual Stage Relocation Plan state that similar replacement housing is available and that comparable replacement properties are available for the businesses which would be purchased. We do not believe that enough detail has been provided in the DEIS regarding potential replacement housing or business locations. We would like to see a very specific analysis of where the replacement residential properties are located, whether these replacement properties are in a similar neighborhood setting, How the price ranges of displaced homes match up against available housing, school systems where located, etc. If these details indicate that the replacement residential housing is different than the current situation, such differences should be noted as impacts in the DEIS. For the 37 businesses which will be displaced, we have similar concerns. We believe that the DEIS notably understates the difficulty that these businesses will experience in order to become reestablished. Specifically, the DEIS needs to have more information regarding exactly where the potential replacement properties are located, whether potential replacement properties offer similar exposure to potential customers (i.e., where is the replacement property located relative to potential customers and major roadways), and other market/site specific variables that affect the viability and

profitability of the business. Additionally, the DEIS lumps all of the businesses into the same generic category when it assesses potential replacement opportunities. This is not appropriate, and the DEIS needs to have a specific evaluation of possible replacement properties for each type of business since the needs are very different among the various types of businesses. Performing this type of analysis will likely show that comparable replacement properties are not available for some of the businesses.

28. More information needs to be provided in the DEIS regarding how public and private utilities will be relocated. The City of Port Huron requires that its publicly owned utilities are located within a public right-of-way or an access easement to assure continual access (i.e., 24 hours per day, seven days per week). This means that MDOT will have to either: 1) relocate public utilities, or 2) provide unfettered access to the City. Additional details are needed in the DEIS to address this issue.
29. We would like to see a commitment in the DEIS that if there is eventually "excess" land created once the preferred alternative is constructed, MDOT will gift such properties to the City for redevelopment.
30. We are unclear as to how the alternatives will replace and enhance pedestrian access along the North/South corridors and the East/West (to the St. Clair River waterfront) corridors. We are requesting that the DEIS be revised to provide details about these facilities. We would also like to see these nonmotorized connections enhanced as part of the mitigation package.
31. The final environmental impact statement needs to include specific commitments with regard to context sensitive solutions (e.g., landscaping, wall treatments, nonmotorized facilities, etc.) that are agreed upon with the coalition and the city of Port Huron. We anticipate that this will require a significant coordination effort.
32. In our previous comments above, we have noted that the analysis of project needs and how well the various alternatives address the needs is deficient because it does not look at various CBP staffing levels. Many other conclusions about social/economic/environmental benefits and impacts depend directly on assumptions about CBP staffing levels. For example, the economic benefits which are anticipated will not be realized if delays are longer due to lower CBP staffing levels. In order to assure that the DEIS analysis is in fact accurate, it is critical that minimum CBP staffing levels are guaranteed. We believe that CBP needs to provide a guarantee of minimum staffing levels relative to delay times at the bridge plaza. Without this mitigation commitment, much of the analysis in the DEIS is mere speculation. Further, the negative impacts of the preferred alternative may not be justified if staffing levels are too low to assure limited delay times.
33. MDOT representatives have made broad and general statements that that the agency will work with the local communities and citizens in order to help identify possible resources which are outside the jurisdiction of MDOT. Examples cited include possible economic development grants or similar programs. While this general concept is admirable, no details regarding this potential partnership have been provided in the DEIS. We would like MDOT to provide a solid commitment which includes staffing and budget resources to help develop and implement this plan over the long term. We believe that the necessary commitment from MDOT will

need to be far greater than what has been discussed or envisioned to date. The commitment from MDOT regarding this topic should be commensurate with the massive impacts which will result from the preferred alternative. As a first step in this process, we would like to have specific meetings where this plan can be developed. We are requesting that the MDOT representatives who come to this meeting have the authority to commit the agency to the mitigation measures which are being discussed. We believe that FHWA and CBP representatives also need to participate in this process. It is our opinion that MDOT may need to hire a professional facilitator in order to come up with a solution that is acceptable to all parties.

34. Related to the preceding comment, we believe that the present situation represents a tremendous opportunity for MDOT and the city of Port Huron to join forces and capitalize on the strengths of the area surrounding the border Plaza. However, we sincerely believe that the potential for this area will not be realized unless both parties are willing to go beyond standard solutions and ways of thinking. We would like MDOT to commit to participate in and identify/secure funding for a visionary world-class economic development consultant to develop a plan for the area surrounding the border plaza. We believe that this type of mitigation is very appropriate considering the scale and types of impacts caused by the preferred alternative. Although this type of mitigation is not eligible for Act 51 funds, MDOT is definitely capable of partnering with the citizens of Port Huron to find a creative way to accomplish this task.
35. There are examples from around the country where FHWA has facilitated unique and creative mitigation for large-scale projects with massive impacts. This has included non-transportation funding sources. Some of the most notable case studies are identified and described on the website listed below. Here in Michigan, the I-696 project in Oak Park included funding from other federal sources. Also, in Seattle, FHWA has provided unique mitigation as well. This demonstrates that there is precedent within FHWA for providing creative and unique mitigation. http://www.ciatrans.net/Community_Impact_Mitigation/CIM_Introduction.html

Other

36. The DEIS does not fully disclose the costs which the city of Port Huron budget/infrastructure will have to bear as a result of the proposed plaza alternatives. This includes providing emergency services and utilities. Taking this into consideration along with the other massive impacts which will be suffered by the community, we believe that it is reasonable that the bridge crossing tolls should be increased by a relatively small amount, and this revenue would be directed to the city of Port Huron.
37. The DEIS (page 1-24) says that construction of the preferred alternative is included in the regional transportation plan (RTP) for the years 2006-2010. We have looked at the RTP, and we note that the project is scheduled in the timeslot of 2011-2015. We also note that more than \$150 million in funding of the total \$390 million construction cost is coded as "private" on the detailed report for this RTP project. What private funding source has been assumed to cover this large portion of the funding? Also, we are concerned that the massive costs of maintenance of traffic during construction may not be fully accounted for in the cost estimate.

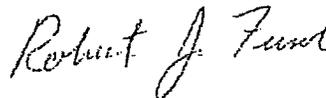
38. For the Preferred Alternative, the DEIS identifies the new international welcome center to be constructed on the north/west side of I-69/I-94 with access to and from the westbound travel lanes only. We are aware that MDOT has received inquiries about whether the welcome center could be located within the freeway median so that it could have access to/from both westbound and eastbound travel lanes on the freeway. We are requesting that MDOT consider whether relocation to the median would be feasible after taking into account the benefits and drawbacks of doing so.
39. We note that there was a Federal Register notice published on November 7, 2006 which indicated that the Black River bridge portion of the project would be evaluated in a separate NEPA document. However, we are unaware of a subsequent notice being published to join the two projects back into the same NEPA document. If there was not a subsequent notice informing members of the public that the two projects have been joined back together, we are concerned that MDOT did not follow customary procedures in this regard and may in fact have failed to follow regulatory requirements.
40. We do not believe that it is reasonable for the Black River bridge portion of the project to be joined together with the bridge plaza portion. Specifically, the Black River bridge portion of the project does not need to be bogged down while the controversial bridge plaza issues are debated. We believe that the Black River bridge portion of the project does have independent utility and logical termini which would allow it to receive separate environmental clearance. We are requesting that the Black River portion of the project be separated as was previously planned and advanced separately.
41. We are requesting that the DEIS be revised to specifically state that the City of Port Huron will not be requested or required to participate in any of the costs of the project.

Thank you for your time and attention to these comments.

Sincerely,



Arthur C. Smith, Co-Chairman

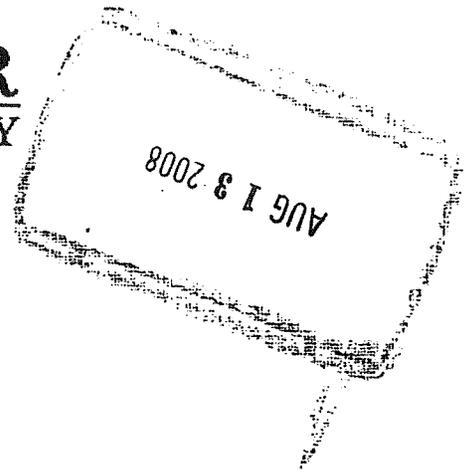


Robert J. Funk, Co-Chairman

Bridge Plaza Business and Community Coalition, Inc.
P.O. Box 610305
Port Huron, Michigan 48061-0305

cc: Matt Webb, Project Manager – MDOT

LAKE SUPERIOR STATE UNIVERSITY



August 11, 2008

Phillip M. Becker, P.E.
General Manager
International Bridge Authority
934 Bridge Plaza
Sault Ste. Marie, MI 49783

Dear Phil,

First let me thank you and your staff again for your great support on the Sault International Arts Festival launch on the bridge. The event went very well despite the rain and we have some memorable pictures (see www.lssu.edu) taken from the middle of the bridge.

Thanks also for sending your staff members to speak at our last Board meeting. It is helpful to get information about the forward plans and the complicated issues involved with the projects you have underway.

The Board asked me to convey that of the various projects and options they strongly encouraged that the widening of the bridge plaza be prioritized over the moving and re-building of the Joint International Bridge Authority's building. This is because the delays in crossing the bridge are significant for our students and the faster a solution can be found that moves traffic across the bridge faster, the better.

I should also note that of the two options that were outlined for the Bridge Authority building, the University favors the less expensive one that would not involve moving the building across the highway. This is for a number of reasons especially the desire not to have a parking lot or added traffic at the Easterday entrance to the campus.

We appreciate your work in involving the University in these important decisions.

Sincerely,

Rodney L. Lowman
President