



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

Michigan Division

January 12, 2017

315 W. Allegan Street, Room 201
Lansing, MI 48933
517-377-1844 (office)
517-377-1804 (fax)
Michigan.FHWA@dot.gov

In Reply Refer To:
HDA-MI

Mr. Kirk T. Steudle, P.E.
State Transportation Director
Michigan Department of Transportation
Lansing, MI

Re-evaluation of the Final Environmental Impact Statement and Record of Decision
Gordie Howe International Bridge
City of Detroit, Wayne County, Michigan

Dear Director Steudle:

The Federal Highway Administration (FHWA) received your request for concurrence of the re-evaluation of the Environmental Impact Statement for the Detroit River International Crossing project, now known as the Gordie Howe International Bridge (GHIB) project, as enclosed in your letter of January 10, 2017. A re-evaluation of the Final Environmental Impact Statement and Record of Decision is required by the Code of Federal Regulations (23 CFR 771.129(c)).

After careful consideration, FHWA concurs that there are no significant impacts to natural resources that would require the development of a supplemental environmental impact statement for the GHIB project at this time. The signed re-evaluation is enclosed for your records. If you have any questions, please contact Patrick Marchman at 517-702-1820 or Patrick.Marchman@dot.gov.

Sincerely,

Mark G. Lewis, P.E.
Program Development Team Leader

LJH

By e-mail

cc: Mohammed Alghurabi, MDOT
Lori Noblet, MDOT
Pamela Sebenick, MDOT
Russ Jorgenson, FHWA
Ted Burch, FHWA
Tim Marshall, FHWA
Mark Lewis, FHWA
Millie Hayes, FHWA
Patrick Marchman, FHWA

File Directory: O:\FHWA Records\ ENVI Environmental - Planning and Program

File Name: GHIB re-evaluation transmittal_PMM_JAN122017



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

January 10, 2017

Mr. Russell L. Jorgenson
Division Administrator
Federal Highway Administration
315 West Allegan Street, Room 201
Lansing, Michigan 48933

Dear Mr. Jorgenson:

Subject: Administrative Re-evaluation of the Environmental Impact Statement for the Gordie Howe International Bridge Project in the City of Detroit, Wayne County, Michigan (C.S. 82900, J.N. 80233)

The Michigan Department of Transportation (MDOT), in consultation with the Federal Highway Administration (FHWA), is conducting an administrative re-evaluation of the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the Gordie Howe International Bridge (GHIB). This bridge was formerly known as the New International Trade Crossing and the Detroit River International Crossing, and is located in the Delray area within the city of Detroit, Wayne County, Michigan. A re-evaluation of the FEIS and ROD is required by the Code of Federal Regulations (23 CFR 771.129).

The GHIB project is the culmination of more than 16 years of planning and design. Current plans call for the entire project to be constructed in phases.

The enclosed FEIS for the GHIB project are based on comments and approvals received from FHWA and MDOT in January 2017. The enclosed re-evaluation includes an analysis of the proposed improvements that were discussed in the original Environmental Impact Statement and ROD, environmental conclusion, and a recommendation.

If you have any questions, please contact either me or Mohammed S. Alghurabi, Senior Project Manager, at 517-204-1417.

Sincerely,

Kirk T. Steudle
Director

Enclosure

cc: Mohammed Alghurabi

Final Environmental Impact Statement Re-evaluation No. 2 for the Gordie Howe International Bridge Project, Wayne County, Michigan

January 4, 2017

The Michigan Department of Transportation (MDOT) in consultation with the Federal Highway Administration (FHWA) is requesting authorization for the reconstruction and relocation (as needed) of multiple City of Detroit sewers/siphons that cross I-75 from Springwells Street to Clark Street, which range in sizes from 5'9" to 14'0". There will also be private utility work that crosses I-75, which includes the relocation of gas, electric, and communications facilities. The proposed utility work will be mostly completed by Financial Close for the Gordie Howe International Bridge Project.

For this major project (Gordie Howe International Bridge Project), Federal rules require MDOT to consult with FHWA prior to requesting any major authorizations to establish whether or not the approved environmental document remains valid for the requested Administrative Action (23 C.F.R. 771.129 (c)).

This re-evaluation concludes there is no need to supplement the Final Environmental Impact statement (FEIS) at this time. This conclusion is based on the findings that there are no changes:

1. In the purpose and need for the project.
2. To the project design.
3. To relevant laws or regulations that would affect the project at this time.

General Project description and National Environmental Policy Act (NEPA) Project History

The proposed Gordie Howe International Bridge Project (previously known as the Detroit River International Crossing and the New International Trade Crossing) is located in the cities of Detroit, Michigan and Windsor, Ontario. It is a bi-national effort to provide safe, efficient movement of people and goods across the U.S. – Canadian border at the Detroit River, including improved connections to national, provincial and regional systems such as I-75 and Highway 401. The proposed project is in the Southeast Michigan Council of Governments (SEMCOG) 2040 Regional Transportation Plan (RTP), and the 2017-2020 Transportation Improvement Program (TIP).

The Gordie Howe International Bridge project over the Detroit River includes the following main elements:

- Construction of a new border crossing between Detroit, Michigan and Windsor, Ontario.
- New U.S. border inspection plaza.
- Replacing the exiting interchange with I-75 in the area defined by Livernois Avenue and Dagoon Street in Detroit, Michigan.
- Replacing five existing pedestrian/bicycle bridges over I-75 near their original locations.
- Property acquisition of residential and commercial properties (both occupied and vacant) and non-profit entities.

The project's NEPA history includes:

- February 2008 FHWA approved the Draft EIS
- November 2008 FHWA approved the Final EIS
- January 2009 FHWA issued the ROD
- July 2013 Re-evaluation of the Proposed Right of Way for the NITC
FHWA concurred with MDOT's findings.

Basis for the Re-Evaluation

MDOT is required to perform a re-evaluation of the Gordie Howe International Bridge FEIS before each phase of the project. Per 23 CFR 771.129, a re-evaluation of the NEPA FEIS is required prior to FHWA taking an action on the project. A re-evaluation considers changes in the project's design and laws/regulations, and determines whether the NEPA document is still valid or needs to be supplemented.

MDOT is proposing to relocate and construct utilities under I-75 from Springwells Street to Clark Street in order to take advantage of I-75 southbound closure. A map (Attachment A) showing the proposed utility work for the Gordie Howe International Bridge Project is attached.

Purpose and Need for the Project

The stated purpose and need for the Gordie Howe International Bridge remains valid: "to provide safe, efficient and secure movement of people and goods across the U.S. – Canadian border at the Detroit River to support the economies of Michigan, Ontario, Canada, and the United States; and to support the mobility needs of national and civil defense to protect the homeland."

Since the issuance of the ROD in 2009, there has been a renewed commitment on the part of the U.S. and Canada to improve cross-border connectivity and efficiency. Both countries recognize the importance of providing a new crossing that would support the economies of Michigan and Ontario, and support the mobility needs of national and civil defense.

As documented in the FEIS, the project will:

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

Capacity

The proposed Gordie Howe International Bridge utility work will not add capacity to I-75 Freeway. No widening of I-75 mainline is proposed for the utility work.

Detours

I-75 southbound from Clark Street to Goddard Road will be closed for two years in order to reconstruct and rehabilitate the bridge structures over the Rouge River, Goddard Road and Fort Street, along with the I-75 inlay project from Springwells Street to Clark Street in Detroit, Michigan. During this time, the I-75 Southbound traffic will be detoured to I-96 Westbound, I-275 Southbound, and then back on to I-75 southbound. (See Attachment B –Planned Detour Routes). The work is scheduled to occur in 2017 and 2018.

MDOT is proposing to package and construct the utility work for the Gordie Howe International Bridge Project at the same time that the I-75 inlay project will be constructed in order to utilize the planned detours for I-75. Delaying the utility work for the Gordie Howe International Bridge would require another major detour in 2020 or 2021, which would impact the community twice.

Thus, a decision was made to utilize the detour that is being used for MDOT's major rehabilitation and reconstruction project which includes multiple bridge structures over the Rouge River, Goddard Road, and Fort Street. Constructing utilities for the Gordie Howe International Bridge project with MDOT's I-75 inlay project will prevent future closures on this section of I-75. By taking advantage of the I-75 southbound closure, huge mobility benefits to the corridor and potential maintenance of traffic (MOT) cost savings will be realized. Also, by packaging and constructing the Gordie Howe International Bridge utility work with the I-75 inlay project in a single letting, the combined oversight of these projects will result in lower overall project costs.

Changes in Laws or Regulations

In February 2011, Code of Federal Regulations Title 23 Part 772 (23 CFR 772), *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, was revised. This revision in noise policy and procedures was implemented on July 13, 2011, through revised FHWA guidance and MDOT's *Highway Noise Analysis and Abatement Handbook*. The new regulations require a noise impact and abatement analysis for new or significantly altered highway projects (i.e., new interchange or adding capacity to the interstate).

The proposed Gordie Howe International Bridge Project utility work will not add capacity to the interstate. No significant changes were identified that would alter the noise impact and abatement analysis and conclusions as reported in the November 2008 FEIS and the January 2009 ROD. MDOT has determined the previous analysis is consistent with the new requirement under the July 13, 2011 revision of 23 CFR 772; thus, a new noise impact and abatement analysis is not required for the proposed utility work. However, before construction of the bridge, plaza and interchange can begin, a new noise impact and abatement analysis will be prepared and presented through a re-evaluation for a subsequent phase of the project.

Since the publication of the EIS and the first re-evaluation (2013), the U.S. Fish and Wildlife Service (USFWS) has listed the northern long-eared bat (NLEB) as threatened under the Endangered Species Act (ESA) in 2015.

In 2015, MDOT determined that the removal of trees outside the winter season (October 1 - March 31) is not likely to adversely affect the Indiana bat or NLEB, and requested USFWS concurrence with this determination (see MDOT's letter in Attachment C).

According to the description of the proposed project area, the proposed project may require the removal of some trees with characteristics favorable to tree-roosting bats (including cavities, crevices, and exfoliating bark). The USFWS concurred (see USFWS concurrence letter in Attachment C), that the proposed actions are not likely to adversely affect Indiana bats or NLEB for the following reasons:

- The surrounding area is primarily urban in land use and does not represent suitable habitat for Indiana bats or NLEB.
- No sizeable wood lots or forest cover occur within 1.0 mile of the project area.
- Cutting is generally restricted to individual trees, groups of trees, or lines of trees.

Based on the above, potential effects of the project on the Indiana bat and NLEB are discountable.

MDOT Finding and Recommendation

There has been no substantive design or regulatory changes affecting the project, and the project still meets the original purpose and need. Based on this re-evaluation of the project, MDOT finds no significant changes that would warrant the preparation of a new or supplemental EIS. MDOT requests FHWA's concurrence with this re-evaluation and to proceed with the proposed utility work for the Gordie Howe International Bridge Project.

1/4/17
Date

Lori Noblet
Lori Noblet
NEPA MEGA Projects Coordinator
Michigan Department of Transportation

1/4/17
Date

Mohammed S. Alghurabi
Mohammed S. Alghurabi, PE
Senior Project Manager
Michigan Department of Transportation

1/11/17
Date

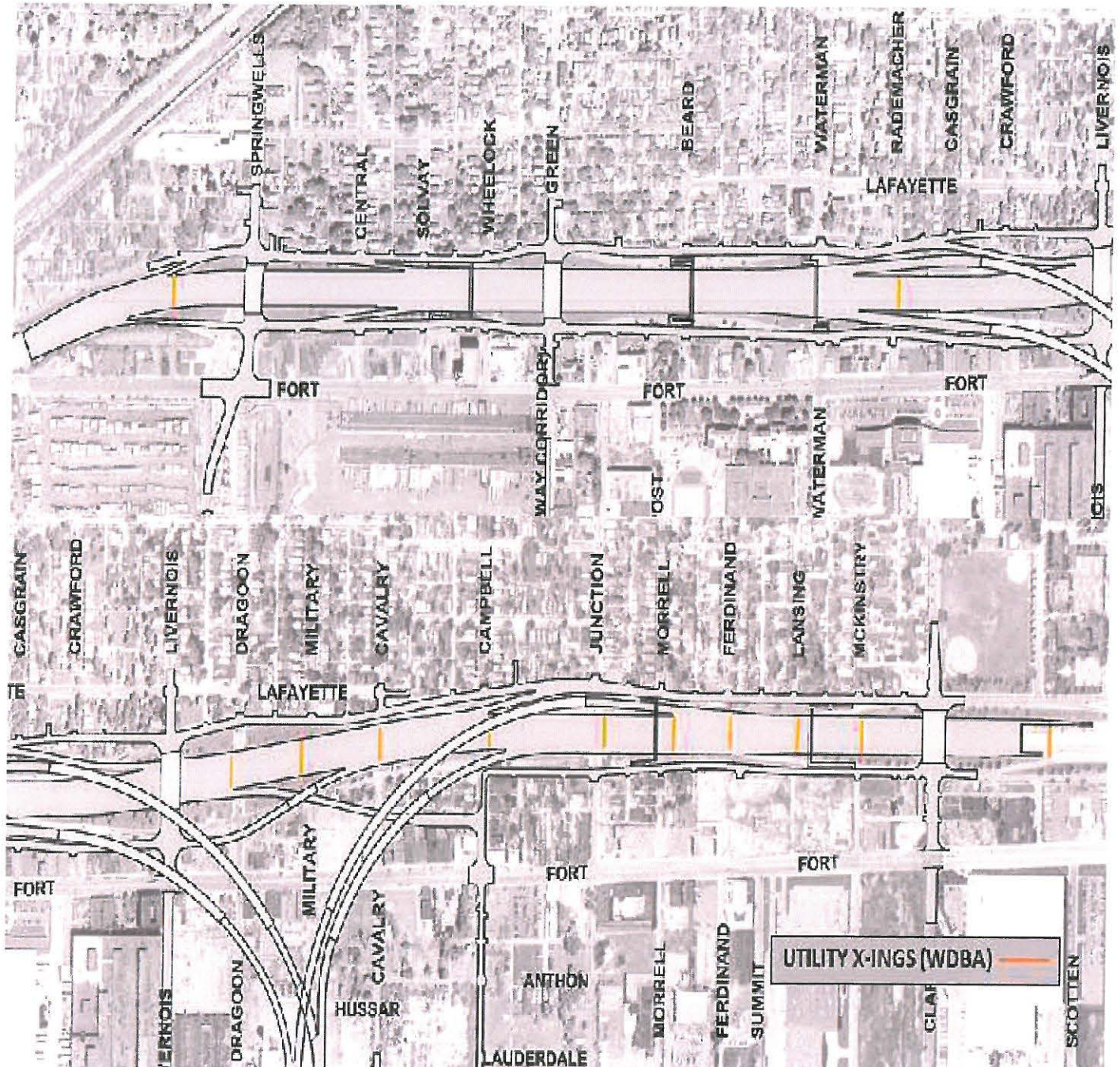
Russell L. Jorgenson
Russell L. Jorgenson, PE
FHWA Michigan Division Administration

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ATTACHMENT A

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I-75 Proposed Utility Work



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ATTACHMENT B

I-75 over Rouge River and Fort Street



I-75 ROUGE RIVER

Traffic During Construction

Southbound I-75
Traffic Detoured



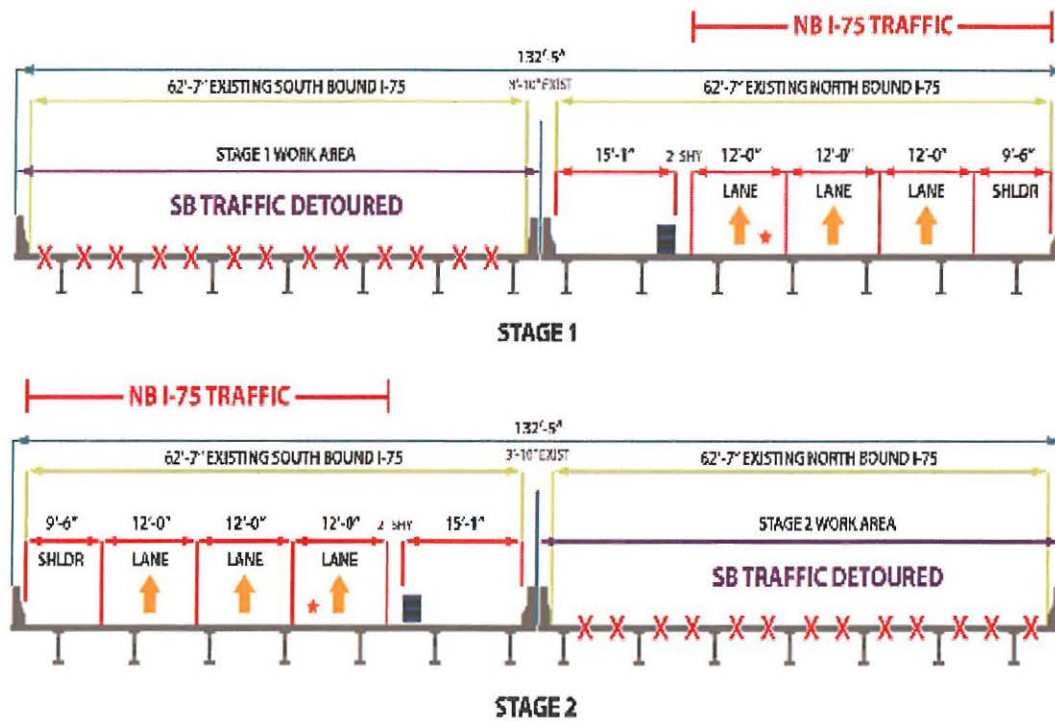
MDOT



I-75 over Rouge River and Fort Street



Traffic During Construction



* LANE MAY BE CLOSED AT NIGHT FOR CONTRACTOR ACCESS, PROVIDE 2' MINIMUM SHY DISTANCE BETWEEN TRAFFIC AND PLASTIC BARRIERS



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ATTACHMENT C

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RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

10 July 2015

Scott Hicks, Supervisor
Fish and Wildlife Service
East Lansing Field Office
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823-6360

Dear Mr. Hicks,

The Michigan Department of Transportation (MDOT), on behalf of the Federal Highway Administration, is re-initiating consultation under section 7 of the Endangered Species Act of 1973, as amended (Act) for the Gordie Howe International Bridge (GHIB) previously known as the New International Trade Crossing (NITC) located in Wayne County. This project involves the construction of a new bridge, plaza, interchange, and the removal of trees that could provide roosting habitat for the listed Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*).

Based upon previous discussions with the USFWS and information known about the species, thresholds for "may affect, not likely to adversely affect" have been established. Due to the unique, non-linear qualities of this project, an alternative analysis is provided along with photos and mapping.

The GHIB project is located in Wayne County. As stated above, the project consists of a new international bridge, plaza, and interchange; this new infrastructure requires the acquisition of real estate and the clearing of numerous areas. The approximate project boundary can be found attached to this informal consultation letter. Trees are found within the project area in the road right-of-way, as tree lines, and in small groups on vacant, industrial, or residential properties. While trees within the project area do possess some roost characteristics (photos attached), MDOT proposes no seasonal tree removal restrictions (i.e., no winter cutting required) and a "may affect, not likely to adversely affect" determination based on the following factors:

- The surrounding area is primarily urban in land use and does not represent suitable landscape scale habitat for Indiana Bat or Northern Long-eared Bat.
- No sizeable, contiguous wood lot, wetland, or forest cover occurs within 1.0 mile of the project area.
- There is very little to no natural riparian habitat associated with the Detroit River or Rouge River near the project area.
- Cutting is generally restricted to individual trees, groups of trees, or lines of trees.

MURRAY D. VAN WAGONER BUILDING • P.O. BOX 30050 • LANSING, MICHIGAN 48209
www.michigan.gov • (517) 373-2090

LH-LAN-0 (01/03)

Should you have any questions or require further information, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Grabarkiewicz", with a stylized flourish at the end.

Jeff Grabarkiewicz

CC: Patrick Marchman
Lori Noblet



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

East Lansing Field Office (ES)
2651 Canfield Road, Suite 101
East Lansing, Michigan 48823-6316

July 13, 2015

Mr. Jeff Grabarkiewicz
Environmental Services Section
Michigan Department of Transportation
P.O. Box 30050
Lansing, MI 48909

Re: Project Modification Review Request, Informal Consultation for the Gordie Howe International Bridge (previously known as the New International Trade Crossing [NITC]) in Wayne County, Michigan

Dear Mr. Grabarkiewicz:

Thank you for your letter of July 10, 2015 requesting consultation under section 7 of the Endangered Species Act of 1973, as amended (Act) for modifications to the above referenced project. The project consists of a new international bridge, plaza, and interchange and requires the acquisition of real estate and the clearing of numerous areas. This includes the removal of trees within the road ROW, as tree lines, and in small groups on vacant, industrial, or residential properties.

In a letter dated May 12, 2015, you determined that the project was not likely to adversely affect Indiana bats (*Myotis sodalis*) or northern long-eared bats (*Myotis septentrionalis*), and our office (FWS) provided concurrence in a letter dated June 12, 2015. Since this correspondence, you have proposed to abandon seasonal tree removal restrictions described in your original request. You have determined that removal of trees outside the winter season (October 1 - March 31) is not likely to adversely affect Indiana bats or northern long-eared bats and are requesting concurrence with your determination.

Indiana Bat

In Michigan, summering Indiana bats roost in trees in riparian forests, lowland/floodplain and upland woodlands, and forested wetlands, from approximately April through October. Indiana bats may summer in a wide range of habitats, from highly altered landscapes to intact forests. Roost trees vary considerably in size, but those used by Indiana bat maternity colonies are typically greater than 9 inches dbh. Male Indiana bats have been observed roosting in trees as small as 3 inches dbh. During the winter, Indiana bats hibernate predominantly in caves and abandoned mine portals.

Northern Long-eared Bat

During the summer, northern long-eared bats typically roost singly or in colonies underneath bark or in cavities, crevices, or hollows of both live and dead trees (typically ≥ 3 inches dbh). The species has also been found roosting in structures, such as barns, sheds and bridges, occasionally. These bats roost and

forage in upland and lowland woodlots, tree-lined corridors, and forested wetlands. During the winter, NLEBs hibernate predominantly in caves and abandoned mine portals.

On April 2, 2015, a final rule was published in the *Federal Register* listing the NLEB as threatened, along with an interim species-specific rule under section 4(d) of the Act, which lessens ESA restrictions that do not provide conservation benefit for the bat. Under section 7 of the Act, federal agencies must consult with the Service to ensure that any action they authorize, fund, permit or carry out does not jeopardize the existence of a listed species. This requirement does not change when a 4(d) rule is implemented; however, with a 4(d) rule in place, any actions taken by an agency that are exempted in the 4(d) rule will not require an incidental take statement in a biological opinion. The final rule for the NLEB went into effect on May 4, 2015.

According to your description, the proposed project may require the removal of some trees with characteristics favorable to tree-roosting bats (including cavities, crevices, and exfoliating bark). We concur that the proposed actions are not likely to adversely affect Indiana bats or NLEB for the following reasons:

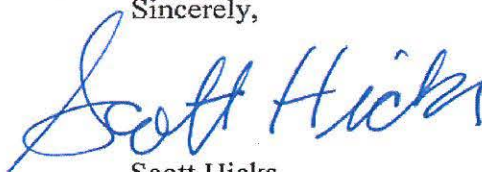
- The surrounding area is primarily urban in land use and does not represent suitable habitat for Indiana bats or NLEB.
- No sizeable wood lots or forest cover occur within 1.0 mile of the project area.
- Cutting is generally restricted to individual trees, groups of trees, or lines of trees.

Based on the above, potential effects of the project on Indiana bats and NLEB are discountable.

This precludes the need for further action on this project as required by section 7 of the Act. If the project is modified or new information about the project becomes available that indicates listed species or critical habitat may be affected in a manner or to an extent not previously considered, you should reinitiate consultation with this office.

We appreciate the opportunity to cooperate with you in conserving endangered species. If you have any questions regarding these comments, please contact Jenny Bohrman, of this office, at (517) 351-7261 or Jennifer_Bohrman@fws.gov.

Sincerely,



Scott Hicks
Field Supervisor

cc: Dan Kennedy, MDNR, Wildlife Division, Lansing
Patrick Marchman, Environment and ROW Manager, FHWA,
Lansing