

Appendix A
Comments and Responses
from Draft EA and CE Document

NOTICE

The information contained in this Appendix was developed strictly for the purpose of evaluating the environmental impacts associated with the Ambassador Bridge Enhancement Project and responding to the regulatory requirements applicable to this proposal. Use of this information for other purposes is not intended, and any such use is at the risk of the user.

Table of Contents

Gowling LaFleur Henderson LLP Comments on CATEX on behalf of the City of Windsor, Canada. Dated: September 14, 2006	5
Comments from Bodman LLP on behalf of Gateway Communities Development Collaborative on CATEX Document,.....	30
Supplementary Comments from Bodman LLP on behalf of Gateway Communities Development Collaborative on CATEX Document	54
CATEX Comments Submitted by Thompson Hine on behalf of City of Windsor	55
Comments on CATEX by Mexicantown Community Development Corporation, dated September 13, 2006	63
Comments From Craig A. Czarnecki, USFWS, On CATEX Document,	87
Comments by Kirk T. Steudle, P.E., Michigan Department of Transportation on CATEX	89
Comments by Joanne Spalding, Staff Attorney, Sierra Club.....	89
Comments by Dolores V. Leonard, Treasurer, Original United Citizens of Southwest Detroit	100
Comments by Kathleen H. Wendler, President, Southwest Detroit Business Association	107
Comments on CATEX by Paul E. Tait, Executive Director, SEMCOG, dated August 31, 2006.....	114
Comments on CATEX by Deb Summer, President, Clark Park Coalition, dated August 28, 2006.....	115
FHWA Comments on the Proposed Ambassador Bridge Enhancement Project.....	124
Comments from Gateway Communities Development Collaborative, Michigan Avenue Business Association, et al on CATEX Document, dated September 13, 2006.....	138
Comments on CATEX of the Council of the Corporation of the City of Windsor Dated: October 12, 2006.....	146
City of Detroit City Council Resolution Urging U.S. Coast Guard to Prepare an Environmental Assessment or EIS. Dated September 14, 2006.....	153
City of Detroit City Council Resolution Urging U.S. Coast Guard to Obtain All Approvals. Dated September 14, 2006.	155
Comments from Ste. Anne de Detroit, Pastor and Parishioners on CATEX Dated September 9, 2006	156
CATEX Comments by Homeowner Lillian McCoy	158
Comments on CATEX on behalf of the Michigan Environmental Council. Dated: September 14, 2006	158
CATEX Comments from Neighborhood Centers, Inc.....	162
Comments on CATEX by Cheri A. Cini (dated September 4, 2006), Evelyn J. Hoey (dated September 12, 2006), Robert W. Hoey (dated September 4, 2006), Ed	

Gottlieb et al (20 signatories listed as “Residents and Workers in the Community”, Fax Header from Bagley Housing Association, dated August 21, 2006)	163
Comments on CATEX by Victor Abla of Hubbard Farms Neighborhood dated September 5, 2006	164
Grand Lodge International Ship Masters’ Association Comments on CATEX Dated August 6, 2006.....	166
Comments by Josephine D. Smith on CATEX, dated 09/14/06.....	167
Comments on CATEX from Sierra Club, Midwest Region Staff Director, Alison Horton Dated: August 25, 2006	167
Comments From From Steve Tobocman On CATEX Document, Dated September 14, 2006.....	168
Comments by Southwest Detroit Environmental Vision on CATEX	177
Comments by David E. Wresinski, Michigan Department of Transportation.....	178
Comments by State Senator Steve Tobocman	182
Comments by Alison Horton, Midwest Region Staff Director, Sierra Club	198
Comments by Alycia Meriweather, dated July 15, 2007.....	205
Comments by Janice M. Winfrey, Detroit City Clerk, dated July 16, 2007.....	206
Comments by Colleen Robar, dated April 16, 2007	208
Comments by Curtis M. Truitt, dated May 24, 2007	208
Comments by David Monk, dated May 14, 2007.....	209
Comments by Diane Westenberg, dated April 16, 2007	209
Comments by Chris Compean	209
Comments by Doug Bart, dated April 19, 2007	210
Comments by Timothy McKay of Greater Corktown Development Corporation	210
Comments by Greg Lumley, dated April 18, 2007.....	214
Comments by Ken Higgins, dated May 7, 2007.....	215
Comments by Lorraine Perlman, dated June 7, 2007	215
Comments by Mark Dancey, dated July 27, 2007	215
Comments by Matthew Blake, dated July 13, 2007	216
Comments by Mitchel Alexander, dated July 17, 2007.....	217
Comments by Ralph Jones, April 30, 2007	226
Comments by Simone Hobson, May 20, 2007	226
Comments by Slingsby, April 16, 2007.....	226

Comments from Kathleen H. Wendler, President, Southwest Detroit Business Association.....	226
Comments by Teresa Rodriguez, April 21, 2007	230
Comments by Victor Alba, July 15, 2007.....	230
Comments by William A. Grabowski, dated May 19, 2007.....	236
Comments by Christopher M. Bzdok, Olson, Bzdok & Howard	240
Comments by Vincent R. Nathan, PhD, MPH, City of Detroit Department of Environmental Affairs	274
Comments by Paul E. Trait C.A.E., SEMCOG, Dated July 10, 2007	278
Comments by Brian D. Conway, State of Michigan SHPO, Dated July 13, 2007.....	291
Comments by Kenneth A. Westlake, United States Environmental Protection Agency.....	291
Comments by Raymond E. Basham, State Senator, 8th District, State of Michigan Senate.....	291
Comments by Sherri L. Clemons, N.A.G.P.R.A. Representative, Wyandotte Nation	291
Comments by Gertrude Free, Director DRW, dated June 10, 2007	292
Comments by Taywanoka (Flying Arrow) Steve A. Gronda, Grand Chief / CEO, The Wyandot of Anderdon Nation.....	292
Comments by Charlene Dwin Vaughn, Advisory Council on Historic Preservation dated May 22, 2007.	293
Comments by Tony Welling, dated May 8, 2007.....	293
Comments from Craig A. Czarnecki, United States Department of the Interior Fish and Wildlife Service, dated May, 30, 2007	293
Comments by James J. Steele, FHWA, dated May 24, 2007. See Appendix I for letter.....	294
Comments from Allan J. Barnes, dated May, 27, 2007	294
Comments by William C. and Ann Gourlay.....	295
Comments by Douglas G. Wahl	296
Comments by Virginia Zeigler, dated June 27, 2007	297
Comments on Draft EA from the Gowling Lafleur Henderson, LLP, for the City of Windsor, dated August 30, 2007.....	299
Comments by Brady Mahler, dated July 4, 2007.....	352
Comments by Alexander Long, dated August 6, 2007	352
Comments by Zeana Attisha, dated August 16, 2007.....	352
Comments by Peter Neice, dated October 2, 2007	352
Comments by Stefan Diklich, dated October 14, 2007	353
Comments by Craig Bell, dated December 19, 2007.....	353

Comments by James Doyscher, dated January 3, 2008	353
Comments by Maria Perez, dated May 14, 2007	353
Comments by Raymond Hicks, dated January 10, 2008	353

Gowling LaFleur Henderson LLP Comments on CATEX on behalf of the City of Windsor, Canada. Dated: September 14, 2006

Comment 1: The proponent describes this as a "new six-lane structure" to be built to the west of the existing [] Ambassador Bridge. As submitted below, in fact this bridge will accommodate eight lanes of traffic and should be considered and environmentally assessed as such.

Response: The Coast Guard received numerous comments stating that the traffic analysis should assume 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6 lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

Comment 2: As is clearly illustrated in the above-referenced aerial photograph, the second bridge will pass directly over four blocks of houses on the west side of Huron Church Road. There are approximately 218 dwellings shown on the aerial photograph in the 250 metre area to the west of Huron Church Road illustrated on the aerial photograph. These dwellings house approximately 650 people.

Also within a short distance west of the proposed second bridge, closer to the Detroit River, at 2856 Riverside Drive West, is a 145-unit building which houses almost 200 University of Windsor students.

Within 60 - 180 metres to the east of Huron Church Road, immediately opposite portions of the proposed second bridge, there are three University of Windsor residences. These provide housing for over 800 students.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 3: A previous study carried out by the Detroit River International Crossing Project (DRIC) – the so-called "Bi-National Environmental Assessment" being undertaken by the U.S. Federal Highways Administration, the Government of Canada through Transport Canada, the State of Michigan and the Province of Ontario examined the potential environmental and land use impacts of a second Ambassador Bridge as is now being proposed by the proponent to you.

In his September 13th letter, Mr. Hayes quotes directly from the findings of the DRIC "Generation and Assessment of Illustrative Alternatives Report" (November 2005) which is also a report referenced by the proponent in its material submitted to you.

The DRIC study rejected the viability of a second Ambassador Bridge after having carried out an assessment of traffic impacts, potential noise impacts, impacts to community cohesion and character and displacement of population.

The following quotation is taken directly from the DRIC report:

The expansion of the existing plaza at the Ambassador Bridge will have a highly negative impact on the community, particularly the neighbourhood of Sandwich. This area of Sandwich is densely populated and a mature residential area. Over 225 households will be displaced and almost 1000 households disrupted (i.e. within 200m of the plaza) within the established urban neighbourhood. Area businesses are forming an economic development corporation to promote new growth and development opportunities in the Sandwich area. The loss of over 225 households from the immediate vicinity would have a negative effect on the local businesses serving this community.

Other impacts associated with this plaza include: 2 schools displaced (J.L. Forster Secondary School and St. Francis Separate School); 4 institutional uses disrupted, including a day care centre and business school; and 5 social features disrupted, including the University of Windsor, Assumption Church and the River front Park. The plaza would be situated in a residential neighbourhood (highly undesirable from the perspective of border agencies) with little opportunity for expansion to meet future needs without additional community impacts.

The twinning of the Ambassador Bridge will also have impacts on Sandwich community: approximately 75 households displaced and over 310 households disrupted, a student residence would be displaced and the riverfront part would be disrupted.

Overall, the crossing X12 alternative would have a highly negative impact to community and neighbourhood characteristics. (p.108-9) . . . Expanding Huron Church /Talbot Road from Highway 401 to the plaza at Ambassador Bridge will displace approximately 135 homes and over 85 businesses, while over 2100 households and approximately 25 businesses will be disrupted (i.e. are within 250m of the centerline).

Protect Cultural Resources

The crossing X12 alternative has a high negative impact to cultural resources. The community of Sandwich includes one of the oldest settlements in Canada. The original town of Sandwich retains a number of buildings of the pre-confederation era that are of historical significance and/or which exemplify the Neo-classical and

Georgian styles of architecture, which were in vogue during the first half of the nineteenth century.

A number of designated heritage properties can be found along the following streets: Russell Street, Sandwich Street, Peter Street, Detroit Street, Mill Street, Brock Street, Chippewa Street, South Street, Watkins Street, Prince Road. The Ambassador Bridge, built in 1929, is listed in the Ontario Heritage Bridge List. Expanding the plaza at the Ambassador Bridge to accommodate a twinning of this structure will affect over 40 built heritage features (disruption impacts) and 3 known archaeological sites. The alternative also impacts a sizeable area of high archaeological potential. (p.109-110)

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 4: Moreover, the City Planner's September 13, 2006 letter further documents how the proposed second bridge will conflict with the City of Windsor Official Plan as well as the City of Windsor Zoning By-law.

As the Chief City Planner's letter indicates, the second bridge is proposed to be located west of the current bridge. "This land, west of Huron Church Road, is residential and is designated as such in the City of Windsor Official Plan." Also, the Windsor Official Plan designates portion of land near the Detroit River around the existing and proposed second bridge as Waterfront Recreation and Waterfront Residential.

Please refer to the attached map – Excerpt from Schedule D “Land Use” from City of Windsor Official Plan which shows, in yellow, how the area proposed for the second bridge and the lands to the west thereof are all designated in the Official Plan as "Residential" except for a small portion at the river which is designated as "Waterfront Recreational". Attachments Vol. I, Part A, Tab 4.

With respect to zoning; as the Chief City Planners letter indicates, (page 5) the entire area of the proposed second bridge is currently zoned for residential uses.

Please refer to the above-referenced aerial photographs "City of Windsor Zoning By-law 8600 – Existing Zoning Adjacent to the Ambassador Bridge".

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 5: With specific reference to impacts on City parks and recreational and cultural facilities, please refer to the letter dated September 11, 2006 from Mr. Don Sadler, Executive

Director, Parks and Facility Operations, City of Windsor, Parks and Recreation Department to Gowling Lafleur Henderson, which is one of the enclosed and attached documents to this submission. Attachments Vol. 1, Part A, Tab 10.

The letter from the Executive Director of the City's Parks and Recreation Department establishes that there are four City parks that are directly located adjacent to or very close to the proposed second bridge.

Contrary to the proponent's assertion in its application to you that parks will not be impacted, Mr. Sadler points out how the second bridge would have negative environmental impacts on the park in that area as well as on the recreational use and capacity of the recreationway easement under the existing and proposed bridge.

Please refer to the enclosed aerial photograph entitled "Proposed River Front Recreation Way Easement Extension". Attachments Vol.1, Part A, Tab 18.

To quote Mr. Sadler, this area under the bridge is "vital to create a safe, continuous recreation way from Assumption Park to McKee Park to the west. This portion of recreationway is an integral part of our bicycle use Master Plan which connects Windsor by pathway from north, south, east and west . . . Our estimate of usage ranges from 100 - 500 per hour past this point dependant on season."

Mr. Sadler indicates that the "increased traffic of six - eight new lanes compared to the existing four will increase the noise and air contaminants in the adjacent parkland space, which is designed for passive and active use by the neighbourhood. Clearly it is not reasonable to conclude that there will be `no impact' on neighbourhood parkland. Clearly, there will be impacts in the form of landscape growth patterns, increase of noise and air contamination and lack of consideration for historical and cultural significance in the area of the proposed bridge expansion."

He concludes that it is the City Park Department's opinion "that approval of the project will have a significant potential impact on parks, recreation and cultural features in Windsor and we strongly advise that before any approvals are processed for this project, it is vitally important that appropriate studies of these potential impacts are carried out".

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 6: That September 12th " memo substantiates "there are a number of properties in the shadow of the Ambassador Bridge that are important heritage resources".

These various heritage resources are depicted on the accompanying map entitled "Heritage Properties: Sandwich Area" – a map which is enclosed with and forms part of this submission.

Attachments Vol. 1, Part A, Tab 17.

Ms. Morand's memo points out that "the land in the vicinity of the Ambassador Bridge was the site of the earliest European settlement of the south shore of the Detroit River. It is the site of the Mission of the Our Lady of the Assumption Among the Hurons, established at Detroit in 1728 and moved to this location in 1747. The Hurons established a village adjacent to the Mission and the church also attracted French and British settlers".

She also points out that:

"Assumption Park bounded by Riverside Drive East, Huron Church Road, University Avenue and Vista Place is designated under the Ontario Heritage Act (in 1991) as an archaeological site. The present day church, the magnificent Gothic-style cathedral located just to the south across University Avenue, was built in 1845 . . . It was designated under the Ontario Heritage Act in 1978."

Her memo references many other designated heritage buildings in the immediate vicinity of the bridge. Attachments Vol. 1, Part A, Tab 6.

Please see the file of photographs being submitted with this submission which include pictures of heritage designated and historical buildings in close proximity to the proposed second bridge.

Ms. Morand's memo also points out that the City of Windsor, Archaeological Master Plan (2005) "the land in the vicinity of the Ambassador Bridge has more potential to contain archaeological resources than any other land in the City. That is because of its close proximity to a major waterway (Detroit River), historic transportation routes, (Huron Church line and Riverside Drive) and the former Huron Village. It is also adjacent to known archaeological sites and unregistered burial sites.

Please note and consider the complete City of Windsor Archaeological Master Plan Study Report (October 2005). Attachments Vol. 1, Part A, Tab 14.

Also, for ease of reference, we have separately enclosed Figure 4 from the Windsor Archaeological Master Plan "Archaeological Potential" which demonstrates that all of the lands on either side of the proposed second bridge are concluded to have "high potential" in respect of archaeological significance. Attachments Vol. 1, Part A, Tab 15.

As well, please see another map which is included in the Archaeological Master Plan entitled "Windsor Archaeological Master Plan - Cultural Factors". This colored map provides details with respect to the location of the "original Huron reserve" directly in the area proposed for this second Ambassador Bridge, as well as the same area also being the site of the "Huron Village and Jesuit Mission" as well as "unregistered burial sites". Attachments Vol.1, Part A, Tab 16

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential

impacts in Windsor, have been forwarded to Canadian authorities.

Comment 7: There will also be potentially significant noise impacts caused by the new bridge and associated increased traffic associated with it.

Please refer to the enclosed letter report dated September 12, 2006 from Dr. A. Lightstone, P. Eng., Acoustical Engineer and President of Valcoustics Canada Limited. Attachments Vol. 1, Part A, Tab 8.

Dr. Lightstone's letter substantiates that there would be a significant and unacceptable increase in noise levels as a result of the operations intended to be carried out on the new bridge. Residential properties and residents residing in proximity of the proposed second bridge would be subjected to noise levels greatly in excess of permitted noise level exposure criteria established by the Ontario Ministry of the Environment.

Dr. Lightstone's letter points out how the proponent has carried out no noise studies and concludes no noise mitigation is required because in its view "noise levels will not substantially increase over the existing volume as a result of the proposed bridge".

Dr. Lightstone finds that:

"These conclusions are nonsensical. The projected future traffic volumes are understood to be future traffic demands and would materialize at any particular facility providing the capacity is made available. Clearly if the demand exists, an increased number of lanes would result in higher volumes of traffic."

Dr. Lightstone's letter also points out how the proponent's consultant's statement in the materials filed with you that "the closest noise receptor is approximately 1,000 feet away" is erroneous as is the statement "businesses and vacant land immediately surround the project".

Dr. Lightstone points out that "the closest existing homes on Indian Road are about 280 feet from the centre line of the existing bridge and will be about 165 feet from the centre line of the proposed new bridge. The closest facades of the University residences are about 135 feet from the centre line of the existing bridge and will be about 200 feet from the centre line of the new bridge".

In preparing his noise assessment Dr. Lightstone took into account the projected traffic data and demand forecasts carried out for the DRIC in their study entitled "DRIC Study Travel Forecasts, Working Paper, September 2005, prepared by the IBI Group. Please note that this travel forecast Working Paper is one of the enclosures with this submission (on disc). Attachments Vol.1, Part A, Tab 13.

Dr. Lightstone concludes that by averaging the yearly projected volumes over 365 days to obtain 24 hour volumes, the sound exposures at the row of houses fronting on Indian Road (west side) will be increased by about 7 dBA, from a projected 66 dBA to about 73 dBA with the new bridge in place. As he states:

"The result is a relatively significant increase and the resulting sound exposures are well above the normal outdoor criteria 55 dBA for residential uses."

He also points out that current conditions on the bridge are often congested which results in lower travel speeds which produce reduced noise emissions. "That is, current sound exposures at the houses on the west side of Indian Road will be less than 66 dBA." Increasing the traffic speed, which would likely be the result, at least for some time, of the proposed new bridge, which would allow traffic to flow at higher speeds, would therefore increase sound exposures from current conditions.

As he puts it:

"In such a case, the increased (traffic) volume capacity can result in increases in sound (noise) exposure beyond current conditions by at least 10 dBA. This change is considered very significant."

According to the MOE reference attached to Dr. Lightstone's letter, a 6 to 10 dBA increase above recommended sound levels would produce a "definite noise impact."

Dr. Lightstone concludes that:

"The proponent's conclusions, that detailed noise studies are not required, are not supported by the evidence (some of which is incorrect) and thus are not warranted."

He further concludes that:

"Detailed noise studies should be required to address potentially significant increases in sound exposure as is the case for all major projects in Ontario with the potential to impact neighboring land uses; examining existing, actual traffic flow conditions, as well as future projections and the need for potential noise mitigation is part of the design of the proposed new bridge."

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 8: The Coast Guard has recognized the obligation to assess the environmental impacts of its actions on the environment of other countries. Pursuant to LS. Coast Guard Commandant Instructions M16475.ID, "National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts" (November 29, 2000) it is noted that pursuant to Executive Order 1214, "Environmental Effects Abroad of Major Federal Actions", the requirements of the Commandant's Order applies to ". . . (2) major federal actions significantly affecting the environment of a foreign nation not participating in the action or otherwise involved in the action".

The environment of the City of Windsor, located in a "foreign nation", will be affected by the proposed second Ambassador Bridge. The Coast Guard's obligation in addressing NEPA therefore must include an assessment of effects on the environment in Canada and in particular within the City of Windsor.

We also refer you, on this issue, to the letter dated September 14, 2006 from the law firm of Thompson Hine, LLP, American counsel for the City of Windsor. In that letter, authored by attorney Andrew Kolesar, it is further pointed out why the Coast Guard is required under NEPA to include analysis of reasonable foreseeable trans-boundary effects in its analysis of proposed actions in the United States. Those submissions are incorporated by reference in this submission. Attachments Vol.1, Part A, Tab 1.

Response: The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side.

The air analysis conducted by the proponent evaluates the entire length of the bridge and indicates that the project will not create significant adverse air quality impacts. The noise analysis provided, and independently reviewed by another consultant commissioned by the Coast Guard, extends approximately halfway across the bridge from the U.S. Gateway Plaza to the international border. The proponent has provided the air and noise analysis performed on the Canadian side of the project and is included in the Final EA in Appendix P and Q. Based on the air and noise analysis performed on the U.S. side, and the best available data provided for impacts in Canada, the project is not expected to create significant transboundary impacts.

Comment 9: We refer you on this issue to the Coast Guard's own "Environmental Procedure Pertaining to Bridge Permit Applications" contained in the U.S. Coast Guard "Bridge Permit Application Guide", COMDTPB P16591.3B".

Among the Coast Guard policies are the following:

1. "Coast Guard policy ensures that efforts are made to improve the relationship between man and his environment and to preserve the natural beauty of the countryside, coastal areas and natural and cultural resources. Coast Guard investigations include consultations with local, state and federal agencies and the public. Recommendations and decisions are based on providing for the reasonable needs for navigation and consideration of these social, economic and environmental goals.

2. Coast Guard environmental considerations extend beyond the bridge and approaches to include causally-related primary and secondary environment impacts of the proposed bridge project. When the Coast Guard is the lead agency in a project involving a bridge, the NEPA jurisdiction extends to the logical terminae on both sides of the bridge or the bridge and road sections having independent utility." (See page 22).

It is clear that the Coast Guard policy requires "investigation" of actual facts (not just acceptance of the proponent's submissions) and "consultation" with the public and local government such as the City of Windsor about such facts and the potential environmental consequences of the proposed action at both sides of the bridge in processing an application pursuant to its own environmental policy.

Response: The Coast Guard has considered the accumulation of all analysis performed, including the independent analysis done by the proponent and Coast Guard, to determine the potential environmental impacts anticipated from this project and to fulfill its statutory obligation to process the application presented by DIBC.

Extensive coordination was conducted with the public and all applicable federal, state, and local agencies potentially involved in the project, as outlined in the Final EA.

Comment 10: The City acknowledges that in Canada, pursuant to the Canadian Environmental Assessment Act, a form of environmental assessment is to be carried out. In Canada, however, there are only a minimal prescribed requirements for this type of environmental examination. Under the Canadian legislation the examination is called a "screening". While a much more rigorous "comprehensive study" of a project is a defined term, this "comprehensive study" cannot jurisdictionally be applied to the proposed new bridge and therefore only the minimal "screening" level environmental examination will occur.

A screening level environmental review in Canada is not required to consider the purpose of the project, nor is it required to consider alternative means of carrying out the project that are technically and economically feasible, nor is it required to examine environmental effects of any such alternative means.

A further limitation in Canada is that potentially affected parties such as the Corporation of the City of Windsor and its residents have no ability to determine the "scope of the project" in relation to which a screening level environmental assessment is to be carried out. That decision is entirely a discretionary one in the hands of Canadian federal agencies.

Similarly, as indicated above, the scope of the assessment i.e. factors to be considered, are entirely discretionary and again, the City of Windsor and its residents have no assurance that anything but a very narrow, technically based, environmental screening will be carried out.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge

laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 11: However, one matter not addressed that is relevant to this issue either in Mr. Kolesar's letter or Mr. Hayes' letter is the assertion of the proponent, seemingly accepted by the U.S. State Department in its correspondence filed with you, that there is an alleged "existing corridor" in which the second bridge would be built, thereby supposedly substantiating the conclusion that the second bridge would be "on essentially the same alignment or location".

Gowlings has commissioned extensive historical and archival research with respect to the statutory and executive approvals granted by the Congress of the United States and the Parliament of Canada to the Ambassador Bridge, as well as in respect of the specific plans, drawings and rights-of-way approved by officials of the federal government in the United States and Canada for the current Ambassador Bridge.

We are enclosing with this submission certified copies of original documents obtained from the National Archives of the United States and the National Archives of Canada, as well as documents filed in the Land Registry Office in the City of Windsor, all of which documents demonstrate that the original Congressional approval for the Ambassador Bridge as well as the original Parliamentary approval in Canada are confined to a single bridge. There is no contemplation in the legislation either approved by Congress or by the Parliament of Canada that there would be more than one bridge at this location. The Congressional legislation as well as the Canadian legislation both refer to "a bridge" or "the bridge". There is no contemplation of multiple bridges: See in particular Attachments Vol.2, Part C, Tab 1 containing the 1921 Act of the Canadian Parliament "to incorporate the Canadian Transit Company" and which authorizes the company to construct and maintain a railway and general traffic bridge across the Detroit River from, at or near Windsor in the province of Ontario to the opposite side of the river in the State of Michigan".

Further, see documents listed in Attachments Vol. 2, Part E. Tabs 1 and 2 i.e. the Acts of Congress originally authorizing the Ambassador Bridge passed in 1921 and the subsequent Acts extending the time for its construction. Note that all of these Acts of Congress refer to "a bridge" across the Detroit River within or near the city limits of Detroit Michigan".

Further, both in the United States and Canada the specific plans for the Ambassador Bridge were required to be approved by senior officials in both countries.

In Canada, pursuant to the Act Incorporating the Canadian Transit Company, the Canadian Cabinet was required to approve the specific plans for the Ambassador Bridge. That approval was finally granted on August 11, 1927 by Order in Council PC1601 which approved "the annexed set of plans of a bridge and of the site thereof" which are then described further in the documents accompanying the Order in Council. Please refer to Attachments Vol. 2, Part B, Tabs 1 – 11 which list the various plans approved by the Canadian Cabinet and provide surveys and Crown leases from the Province of Ontario and the current lease between the Windsor Harbour Commissioners to the Canadian Transit Company in respect of the strip of land which the Ambassador Bridge is entitled to occupy for the purposes of its bridge.

The various materials being filed with you clearly and unequivocally substantiate that the Canadian Transit Company is entitled to use only a 70-foot wide right-of-way under the Detroit River within the City of Windsor to the International Boundary for the purposes of its bridge. It has no other land under the Detroit River within the City of Windsor or in Canada (except for a slightly wider 100-foot portion near the Canadian shoreline on which a supporting pier for the existing bridge has been erected).

Any second bridge would also require specific approvals and easements for a new corridor within the City of Windsor.

Please see the Canadian Act of Parliament from 1921 found in Part C in the documents attachments being filed with the Coast Guard "An Act to Incorporate the Canadian: Transit Company" which in Section 10 provides that:

"The company shall not construct or operate any of the works mentioned in section 8 of this Act along any highway, street or public place without first obtaining the consent, expressed by by-law of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality ..."

In other words, before construction can begin for any bridge in this area, the consent of the City of Windsor is expressly required by this Canadian Act of Parliament.

No application has been made to the City of Windsor for such consent and of course no such consent has been granted.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

The proponent has received authorization to proceed with the ABEP from the U.S. State Department.

Comment 12: The proponent's submission would clearly avoid the need for alternatives to a second Ambassador Bridge to be considered. That, however, is clearly inappropriate, particularly given the specific role of U.S. federal agencies, including U.S. Coast Guard, in respect of the on-going Detroit River International Crossing Project Study (DRIC). That Bi-National Environmental assessment has examined various alternative crossings of the Detroit River and already determined that it would be inappropriate from an environmental and community impact perspective for a second Ambassador Bridge to be pursued.

While it is acknowledged that the Ambassador Bridge as a private company is not strictly speaking bound by that determination of the DRIC study process, nevertheless the Coast Guard, as a federal agency which is required to address the requirements of NEPA, is bound to ensure

that alternatives to the proposed action are studied, examined and considered.

Obvious alternatives to constructing a second Ambassador Bridge include the construction of a bridge somewhat downriver from the current Ambassador Bridge in areas of both the City of Detroit and of the City of Windsor where approach roads and traffic accessing that location would cause substantially less environmental and community impact than at the proposed second Ambassador Bridge location.

It is incumbent upon the Coast Guard to ensure that this downriver location identified by the DRIC study, which is similar to the location identified by a study carried out by an internationally renown transportation engineer, Sam Schwartz for the City of Windsor identified as a preferred location for a new crossing. We are enclosing in that regard the Schwartz report (Border Crossing Issues) January 2005 (on disc). Attachments Vol.1, Part A, Tab 20

Clearly, this downriver crossing location, sometimes referred to as the "central crossing" area, is required to be examined by the Coast Guard as a reasonable alternative. Another obvious reasonable alternative that must be considered is the rehabilitation of the current bridge for the purposes of extending its life and its continued use in conjunction with a bridge at another location.

Response: The ABEP proposal, in contrast to the DRIC, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. In the Coast Guard's view, the fact that both proposals have been conducted at virtually the same time has helped to create the impression that they are in direct competition with each other to satisfy the same purpose, and therefore has helped to create an impression of local controversy. This is not the case and has never been the case. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge. The alternatives evaluated for the ABEP, including the stated purpose and need, have been reviewed and approved by appropriate U.S. agencies.

Comment 13: The most fundamentally inaccurate and misleading aspect of the proponent's material is its argument that this proposed second bridge is really only an "enhancement" or a

"modification" of the current bridge. That argument is clearly specious in that no "modification" of the present structure is in any way proposed in the plans filed with you. Rather, what has been proposed is a completely new structure with a completely different architectural design on a completely new right-of-way (although at either end of the structure the new bridge would connect with the plazas that now exist).

Response: As presented in the Draft and Final EA's, what is being proposed is a new span that will connect into existing infrastructure and plazas. While the project involves a new span, the overall project is considered an enhancement of the existing international border crossing system.

Comment 14: The proponent describes its proposed second bridge as having six lanes. In fact, the proposed new bridge will have a total width of 102 feet. Each of the six lanes would have a 12-foot width. However, there would be two outside shoulders, each with a six-foot width, and two inside shoulders, again each with a six-foot width. It can quickly be appreciated that in fact the new bridge could carry eight lanes of traffic, even assuming all lanes were 12 feet in width.

Therefore it is clear that the proposed second bridge is for a structure that is twice as wide than the current bridge (which has a 55-foot wide deck) and will provide twice as many lanes as the current Ambassador Bridge.

Our opinion in this regard is substantiated by the U.S. Department of Transportation, Federal Highway Administration, June 7, 2006 letter to you on this matter, specifically in Attachment No.2, Item E to that letter, where it is stated that.

"The document cross-section shows six through lanes with shoulders, but the shoulders could potentially be converted by the owner to through lanes at some point in the future thereby resulting in an eight-lane cross section. What impact does this have on capacity of the inter-state system at the bridge location?"

Moreover, the proponent does not commit to ensuring that the new eight-lane bridge will be its ultimate goal. It has not committed to taking the existing Ambassador Bridge out of service. As such, what the proponent is proposing is to add a new bridge, having the capacity of ultimately eight lanes to the four lanes on the existing bridge for a total capacity of 12 lanes of bridge traffic.

Although the proponent states that once the new structure is completed the existing bridge would be taken out of service "for some period of time" to effect repairs that are deemed necessary, it goes on to state that; "Once any necessary repairs are completed, the existing structure will be used to provide redundancy and back-up support when necessary to ensure the free flow of traffic between Windsor and Detroit at all times."

This means that the City of Windsor is faced with the proposition that instead of four lanes of international truck traffic on the Ambassador Bridge, with the proposed second bridge in service, there may well be a total of 12 lanes of traffic passing through the City of Windsor.

This is of obvious concern to the City. The Coast Guard needs to ensure that its Environmental Impact Statement considers the project as having that significant capacity and associated environmental impacts.

Response: The proposed project is designed to move traffic from the existing 4-lane Ambassador Bridge to a new 6-lane cable-stay bridge. The existing bridge will be used only for purposes as may be allowed by inspection officials in both the U.S. and Canada, for DIBC vehicles, and to serve as a backup for the new structure in the event of an impediment to traffic on the new span and for emergencies. All alternatives considered for this project included four lanes for general traffic and two lanes for commercial vehicles meeting the requirements of both governments for the FAST program with booths already present in the plazas. Thus, all alternatives have no more than six lanes between the U.S. Plaza and Fort Street. Please note that substantial modifications to the U.S. and Canadian plazas, separate government approvals, and a separate NEPA review would be required to accommodate more than six lanes of traffic.

The Coast Guard received numerous comments stating that the traffic analysis should assume 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

Comment 15: It would be arbitrary and capricious for the Coast Guard to purport to carry out an environmental analysis of this proposal with the blinders as suggested by the proponent. This private sector proposal could only be financed based on the tolls from the substantial increase in vehicle traffic that has been projected to use a second crossing in this area when such is built. That additional traffic will in turn create significant adverse environmental effects within the City of Windsor. The addition of eight new lanes would obviously and necessarily exacerbate the critical congestion problems that exist on City of Windsor streets as documented in the Schwartz report (see copy of which is enclosed) as well as documented by the DRIC in its needs assessment for a new crossing.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 16 In the March 31" covering transmittal letter from American Consulting Engineers

of Florida LLC addressed to Robert Bloom at the United States Coast Guard and Cathy Hainsworth at the Canadian Environmental Assessment Agency, the statement is made that the new structure "will connect directly to the existing plazas in both Windsor and Detroit without the need for modification to these recently-enhanced plazas".

However, that is not the case.

Please find as an Attachment to this submission a letter dated June 6, 2006 from the Director General of the Canada Border Services Agency to Mr. Dan Stamper, President, Canadian Transit Company regarding "Ambassador Bridge Development Plans". Attachments Vol. 1, Part A, Tab 19.

In this letter the Canada Border Services Agency expresses substantial concerns that new infrastructure will be required on the Canadian side of the border in order to accommodate the proposed Ambassador Bridge second bridge.

These comments must be critically considered by the U.S. Coast Guard in that they indicate that the proponent's plans are again premature. They must change before they are finalized. This again substantiates why the Coast Guard should put processing of this application on hold. This letter also refutes the statement made by the proponent that the proposed construction of the second bridge can proceed "without the need for modification" to the plaza, particularly that in Canada.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 17: Another highly misleading statement made by the proponent in its March 31st transmittal letter is that:

"The property required by this project is owned entirely by the Canadian Transit Company and the Detroit International Bridge Company."

However, as indicated elsewhere in this letter and as substantiated by the various plans, leases, title deeds and other documentation attached, the proponent has no property rights under the Detroit River allowing it to occupy any area above the river for the proposed second bridge.

Moreover, the proponent will be required to obtain property easements from the City of Windsor over five City streets, and no application has been made to the City for that purpose. The bridge cannot exist without those property easements.

Similarly, there will be 14 support piers/abutments located within the City of Windsor as drawn on Sheet S of the plans submitted to you. The proponent will require permission from the City of Windsor in order to install such piers/abutments even if they are located entirely on private

property (which is not clear). Building permits and zoning approvals will be required before any such piers/abutments can be erected.

Although it is not stated, the proponent's plans would require the demolition of a large number of houses to the west of Huron Church Road in order for this proposal to proceed. Again, the proponent has no approval to demolish such houses, which approval must be sought from the City of Windsor. No application has been made.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 18: [T]he proponent makes the statement that it has determined that:

"The Ambassador Bridge enhancement project is a preferred alternative. Conceptual designs have been completed in accordance with the long-term needs of the Region and consistent with ongoing initiatives in both countries." (Page 7)

This misleadingly implies that the Ambassador Bridge project is consistent with the DRIC study and that it meets "long-term needs of the Region" consistent with that study. However, a careful consideration of the November 2005 Alternatives Analysis Report by the DRIC (excerpted in Mr. Hayes' letter of September 13th enclosed with this submission) makes clear that a second Ambassador Bridge at this location is clearly not consistent with the DRIC analysis and is not consistent with the "long-term needs of the Region" or with "ongoing initiatives in both countries".

Response: The identification of regional transportation needs, and the projects that implement them, are performed by local entities, in cooperation with state transportation agencies and federal transportation agencies when federal funds are utilized. This was the case when improvements to the Gateway plaza, local roadways, and connections to the interstate system were explored, analyzed, and approved through the efforts of the Federal Highway Administration and Michigan Department of Transportation in the 1990's, ultimately resulting in the Ambassador Bridge/Gateway Project (ABGP) that was approved in 1997, and currently under construction. The Coast Guard was not a permitting, consulting, or cooperating party in the ABGP project since a new bridge structure was not proposed at that time, therefore not requiring a federal Bridge Permit action.

The Coast Guard has not participated in the identification of regional transportation needs in the Detroit area. It is not a role that the Coast Guard performs, but rather as a permitting agency must assume certain responsibilities in any proposal that includes the construction of a bridge across a navigable waterway of the United States.

The proponent in this project, DIBC, has not submitted the proposal to construct a

companion bridge adjacent to the existing Ambassador Bridge to satisfy an identified regional transportation need. Instead, as outlined in both the Draft EA and this Final EA, the proposal has been submitted to upgrade the structure(s) that carry traffic through the international corridor.

Comment 19: The proponent has also made misleading submissions to you in respect of land use issues. For example, in its discussion of "land use" at pages 8 - 9 of its submission to you, there is no statement acknowledging that the land on which the proposed second bridge would be built is designated for residential use only in the City of Windsor Official Plan and is also zoned residentially in the Windsor Zoning By-law. (Further elaboration and substantiation of this is contained in the September 13th letter from the Chief Planner, Robert Hayes, filed with this submission and the various zoning maps and Official Plan documentation filed with this submission.)

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 20: Further, a highly misleading and inaccurate statement is made at page 9 of the proponent's submission that:

"The neighboring parks, schools and neighborhoods or industries will not be affected by the project." (Page 9)

As demonstrated by the letters from the Chief Planner of the City of Windsor, from the Executive Director of the City of Windsor's Parks and Recreation Department and the documents referenced in their letters, that statement by the proponent is entirely misleading and wrong. There is a university, schools, parks, historic and cultural amenities as well as the neighborhood of Sandwich that all will be significantly affected by the second bridge.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 21: Another misleading statement by the proponent is:

"The land use of the area would not change by the proposed action because the location is within the existing corridor of the similar facility, the Ambassador Bridge." (Page 9)

Again, that is entirely misleading for the reasons already set out: There is no "existing corridor" that is approved or exists beyond the actual structure of the current Ambassador Bridge. Any widening or addition to that existing corridor would require approval by the Parliament of

Canada, approval under U.S. statutes, as well as the approval of the City of Windsor and likely also the City of Detroit.

Moreover, land use will in fact be changed by this proposed second bridge. A large number of houses will necessarily be demolished in order to accommodate the new bridge and its supporting structures. Land use in the remaining residential part of the area would indeed be affected by noise, emissions and hazards associated with the second bridge. The demolition of houses will obviously have a negative effect on neighborhoods and housing stock within the City of Windsor.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 22: Another misleading statement is made by the proponent under the sub-heading 3.2 "Neighborhoods":

"Neighborhoods will not be negatively impacted by the proposed action".

In fact, quite the opposite is obviously going to occur. Houses will necessarily be required to be demolished in order to accommodate the new bridge. Instead of four lanes of traffic there will be a potential total twelve lanes of traffic which would cause much greater air and noise pollution as well as exposing nearby residents to higher accident rates and spills of toxic contaminants from the aerial right-of-way associated with the new lanes of traffic over their houses.

The proponent acknowledges there is existing congestion on Huron Church Road but it is not proposing to improve that situation nor is any other level of government considering doing so north of the E C Row Expressway. Therefore to add up to eight new lanes to the bridge crossing, linked to wider facilities in the United States, all of which would allow more trucks to funnel through the City of Windsor, would only increase the amount of congestion and therefore increase the amount of air pollution, and noise pollution in the surrounding Windsor neighborhoods as well as exacerbate safety and planning issues.

Response: The comment regarding the number of lanes utilized at the crossing was previously addressed. Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 23: In addressing a check list question "Is the action likely to have results that are inconsistent with locally desired social, economic or other environmental conditions" the response provided is that:

"No The proposed action would not change traffic patterns or increase traffic volumes. The proposed action is consistent with future land use plans in both Detroit and Windsor."

The September 13, 2006 letter from the Windsor City Planner demonstrates this conclusion is clearly wrong.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 24: Again, the Proponent misleads in answering check list question (e) "Is the action likely to adversely affect a significant aspect of the socio-cultural environment?"

The answer to that question provided is:

"No. The proposed action consists entirely of a bridge – no churches, or cultural institutions will be affected.... The university would be materially unaffected....The proposed action would not cause changes in the way members in the surrounding community or neighborhoods live, work and play." (pages 32-33)

Again, this is an incredible misapprehension and speculation on the part of the proponent which has no semblance of reality.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 25: Similarly, in Sections 3.5 "Cumulative Impacts", 3.6 "Visual Quality and Aesthetics", 3.7.

"Parklands" and 3.9 "Cultural Resources and Other Protected Areas" the Proponent makes further misleading statements which ignore both fact and statutory requirements. For example, it purports to speculate that "cumulative impacts are not expected to be significant" as the proposed action "is enhancing an existing transportation facility rather than adding a new facility in a new area". (Page 10)

Again, that is a completely improper way of addressing cumulative impacts and fundamentally undermines the whole rationale for how that issue is to be addressed in the carrying out of an environmental assessment, as pointed out by the U.S. EPA on page 6 of its August 30, 2006 letter to you.

Moreover, it ignores the way a cumulative effects analysis is to be done under the National Environmental Policy Act and under the Canadian Environmental Assessment Act.

Similarly with respect to its "Parklands" analysis the proponent admits that it must address compliance with so-called Section 4F of the DOT Act providing that the Secretary of Transportation shall not approve any program or project which requires the use of publicly owned land from a public park, recreation area or land of an historic site of a national, state or local significance unless there is no feasible and prudent alternative for the use of such land. The proponent admits that two parks exist along the Detroit River in Canada: The Ambassador Park and Assumption Park, both are pedestrian/bicycle parks that follow the river.

The proponent argues that neither of these parks will be impacted by the proposed project as the piers will not be placed within the parks.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Regarding potential impacts to parks in the U.S., only temporary impacts to Riverside Park in Detroit during construction are anticipated, and have been described in greater detail in the Final EA. Regarding application of Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303 (c)]. Section 4(f) applies only to the actions of agencies within the U.S. Department of Transportation. Section 4(f) remains a DOT policy, and did not transfer with the Coast Guard to the Department of Homeland Security. The USCG has no Section 4(f) responsibilities on any permit application received after March 1, 2003, and therefore Section 4(f) is not applicable in the evaluation of the ABEP.

Comment 26: In Section 3.9 of its submission "Cultural Resources and Other Protected Areas" the proponent refers to the Section 106 of the National Historic Preservation Act and the Executive Order "Protection and Enhancement of the Cultural Environment", which require that impacts of federal licensed projects be examined for their impact, particularly on historic districts and structures, particularly and specifically those included in the National Register of Historic Places.

The proponent acknowledges that in 1980 the Ambassador Bridge was added to the National Register of Historic Places but goes on to argue that "the existing Ambassador Bridge will be slightly impacted by the proposed project, but not negatively impacted".

However, the proponent has not complied with the requirements of the National Historic Preservation Act or the Commandant Instructions issued by the United States Coast Guard in respect of addressing NEPA which, as you know, requires very specific findings and facts on this issue before you are in a position to authorize any permit having regard to the stringent requirements of that national historic preservation legislation.

Response: The Ambassador Bridge is eligible for inclusion on the U.S. National Register of Historic Places. A Section 106 process was conducted in conjunction with the NEPA process for this project. The proponent and their consultants submitted a Michigan State Historic Preservation Office Application for Section 106 Review to SHPO on February 8, 2007. SHPO made a determination of adverse effect on the existing Ambassador Bridge on March 26, 2007.

The future use and mitigation of impacts on the existing Ambassador Bridge has been completed as part of the Section 106 process in coordination with the Michigan SHPO and the Advisory Council on Historic Preservation (ACHP), and a Memorandum of Agreement (MOA) was developed with the appropriate agencies and consulting parties. The MOA, and all correspondence related to the Section 106 consultation that was conducted, is included in the Final EA in Appendix J.

Comment 27: In Section 3.12 "Traffic and Circulation" again, an incredible statement is made that "the proposed project would not have a negative impact on traffic and circulation ... the vehicle hours of cars and trucks should likewise decrease with the addition of additional capacity over the river. Pedestrian safety and circulation would not be negatively impacted."

Again, this ignores the fact that no new access roads are to be built as part of the proposed Ambassador Bridge project and therefore congestion will be obviously increased with horrifically negative impacts on traffic and circulation, as well as severely negative impacts on pedestrian safety.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 28: The discussion offered by the proponent in conjunction with the Categorical Exclusion checklist contains erroneous and misleading statements.

For example, in response to checklist question (a) "Is the action likely to be [in]consistent with any applicable ... local law, regulation or standard designed to protect any aspect of the environment?" the proponent answers "No" but offers absolutely no reference to Ontario laws or Windsor laws. Both of these regulate air quality and noise as well as land use planning which, as you are aware, is considered part of the "environment" considerations.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 29: Checklist question (c) reads: "Is the action likely to result in the use, storage, release and/or disposal of toxic, hazardous or radioactive material, or in the exposure of people

to such materials?"

The proponent answers: "No ... the proposed action would not cause people to be exposed to hazardous or toxic materials."

Again, this is a misleadingly untrue statement. There are toxic and hazardous substances carried in vehicles every day in many vehicles across highways and these will include the proposed bridge, an elevated structure over and near many houses and institutions, therefore posing the potential for exposing a wide segment of the population to such toxic/hazardous materials in the event of an accident.

We are attaching a CD ROM containing a Detroit TV new program in which Dan Stamper, President of the Canadian Transit Company, acknowledges his company permits hazardous materials to be transported over the Ambassador Bridge contrary to Michigan laws, in that he takes the position "private property" is not subject to such laws.

Response: The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. The Coast Guard has not been advised of any concerns regarding hazardous materials at the border crossing. The ABEP is not expected to have any impact on the application of the laws governing hazardous materials transport, or the enforcement of current laws by the agencies that hold this responsibility.

The movement of hazardous cargoes over the Ambassador Bridge crossing has been, and will continue to be, an important issue with the proponent and the federal, state, and local authorities that maintain responsibilities for monitoring and enforcing hazardous cargo rules and regulations on roadways.

Comment 30: Check list question (i) reads: "Is your action part of an ongoing pattern of actions (whether under the control of GSA or others) that are cumulatively likely to have adverse effects on the human environment?"

The Proponent answers:

"No. The proposed action is not part of an ongoing pattern of actions that are expected to have adverse effects on the human environment. The proposed action is in response to, but not a contributor to, on ongoing pattern of increased traffic, population and development in the Detroit - Windsor area and increased trade between the United States and Canada. The proposed project is meant to alleviate traffic congestion on the existing bridge itself, aid in trade between the United States and Canada and create safer driving conditions in the Detroit- Windsor area."

Obviously the above answers are far from reality. The proposed action will indeed contribute to increased congestion, safety hazards and pollution in the City of Windsor, absent any appropriate new infrastructure required to connect the new bridge to Highway 401. The proposed project will not "alleviate traffic congestion" but rather exacerbate it and exacerbate safety and hazardous driving conditions in the Windsor area.

The proponent, however, continues to have blinders on this issue. In its correspondence dated March 13, 2006 addressed to Kaarina Stiff at Transport Canada, on page 2, item 3, where Transport Canada raises the issue that the documentation submitted, while identifying access road capacity as a key issue, indicates that access to the Ambassador Bridge from Huron Church Road:

"Is expected to reach capacity in the next five years. To establish the scope of the project, we [Transport Canada] need to determine what other physical works are likely to be carried out in relation to your proposal. In particular, we require information concerning any other infrastructure work that may be planned to address these access and capacity issues, or that may be required as a result of the project modifications to bridge access on Huron Church Road will be proposed or considered necessary because of the proposed second span."

Incredibly, the Proponent makes the response that:

"This project simply involves the connection of two plazas that have already been permitted and approved... Additional lanes across the river are expected to have no negative impact on the approach roadways.... The new six-lane bridge over the river will ensure the traffic can continue to flow clearly across this vital border crossing. No additional work is anticipated to be required as a result of this project. Huron Church Road currently has and will continue to have more capacity than the proposed bridge crossing."

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 31: Chapter 2 of the Coast Guard Bridge Permit Application Guide states that a proponent must include in its application package the legislative authority for international bridge construction.

Specifically, with respect to "international bridges" the following requirement is stated under Section AM "International Bridges":

"1. The International Bridge Act of 1972, or a copy of the Special Act of Congress if constructed prior to 1972, should be cited as the legislative authority for international bridge construction.

2. Presidential approval should be obtained from the State Department prior to issuing a Coast

Guard bridge permit under the International Bridge Act of 1972.

NOTE: A copy of State Department approval for international bridges must be included in your application package for a Coast Guard permit."

The City of Windsor submits that should the proponent wish to build a second bridge it must present a Presidential approval to the Coast Guard under the International Bridge Act of 1972 - and without such approval being presented, it is contrary to the Coast Guard's own procedure for the Coast Guard to be processing any permit application under the Rivers and Harbours Act.

Response: The proponent requested U.S. Department of State (DOS) provide a determination of current Presidential Permit requirements at the crossing for the proposed second span. DOS responded by letter dated August 3, 2005 stating that since DIBC is seeking to expand (or twin) the operation of the existing bridge, a Presidential Permit is not required under Executive Order 11423, as amended. Coordination with DOS is completed with this letter. The letter, and all agency correspondence, is in Appendix I of the Final EA. The Coast Guard also received comments in response to the Draft EA regarding the application of the International Bridge Act of 1972 (IBA72) for the ABEP. The August 3, 2005 DOS letter confirms that the IBA72 "should not be construed to adversely affect the rights of those operating bridges previously authorized by Congress to repair, replace, or enlarge existing bridges." In the case of the Ambassador Bridge, the bridge was permitted and constructed before the promulgation of the IBA72. The Coast Guard expects to amend the current bridge permit to incorporate the second span, if the proposal meets all applicable bridge permitting requirements.

Comment 32: "A special effort must be made to preserve the natural beauty of the country side, public parks and recreational lands, wildlife and water fowl refuges, and historic sites."

Section 4(f) further states that a project requiring the use of Section 4(f) lands shall not be approved unless:

There is no feasible and prudent alternative to the use of such lands; and

2. Such use includes all possible planning to minimize harm to such lands resulting from the project." Pausing here, the proponent has submitted no information whatsoever as to what alternatives, if any, have been canvassed and certainly not substantiated or even attempted to document "no feasible and prudent alternatives to the use of such lands" or that the use "includes all possible planning to minimize harm to such land resulting from the project.

Response: As previously noted, The USCG has no Section 4(f) responsibilities on any permit application received after March 1, 2003, and therefore Section 4(f) is not applicable in the evaluation of the ABEP. Potential impacts to parks in the U.S. have also been previously addressed in this section, and in the Final EA.

Comment 33: Moreover, the requirements Item (k) of Chapter 3 state that with respect to air impacts "the Coast Guard must ensure that projects under its jurisdiction meet the National

Ambient Air Quality Standard before issuing a bridge permit".

It goes on to state that:

"During the bridge permitting process, early coordination and consultation with the state and local air quality agencies is important to determine whether your project is consistent with an approved federal state implementation plan governing the ambient air quality of the proposed bridge project location."

Pausing here, the proponent has not demonstrated it has had any such consultation and has carried out no studies, taking the somewhat incredible position that this project will not increase air pollution.

Response: Air quality impacts have been analyzed and coordinated with appropriate U.S. agencies and is included in the Final EA in Appendix M. Air quality in Windsor will be addressed by appropriate Canadian authorities.

Comment 34: Similarly, Item (1) of Chapter 3 requires that the Coast Guard ensure that appropriate noise studies be undertaken. As your own guidance document puts it:

"All authorized bridge construction work must comply with the provisions of the Noise Control Act of 1972. Under the Noise Control Act, the adverse impacts on existing activities for land uses that may result from the bridge, its related highway sections, or its construction must be considered."

Your guidance document indicates that the information package regarding noise must include such matters as:

"(a) The anticipated design noise levels for the proposed project;
(b) A description of all possible measures to minimize noise impact if there is no alternative to avoid the adverse effects."

Pausing here, the proponent has taken again the incredible position that it is not required to do any noise studies - a complete flaunting of the requirements of the Coast Guard and of U.S. Federal legislation.

Response: A noise analysis was conducted and is included in the Final EA in Appendix N. In addition to the noise analysis provided by the proponent, the Coast Guard commissioned a separate independent noise study that confirmed the analysis provided by the proponent. The information from this analysis is included in Appendix N.

Comment 35: The City of Windsor submits that it would be clearly arbitrary and capricious if such a Categorical Exclusion determination was to be made by the USCG at this time based on the information presented by the proponent for the reasons set out above.

Response: Since issuance of the original Categorical Exclusion document by the proponent, an Environmental Assessment has been prepared and reviewed.

Comments from Bodman LLP on behalf of Gateway Communities Development Collaborative on CATEX Document, dated September 13, 2006

Comment 1: The Detroit International Bridge Company has applied to the USCG for a permit to construct a new 6-lane international bridge to Canada. Before granting a permit for a new bridge, USCG must conduct an assessment under NEPA of the impact of the subject action on the human environment. As discussed below, while some categories of actions will have so negligible impact that no project specific assessment is required under NEPA, this new bridge is not such a project and a full environmental impact statement is required.

It is the position of GCDC and the Council that an EIS is required before a permit decision is made.

Response: All transportation projects are evaluated on a case-by-case basis and require varying degrees of environmental analysis. The Coast Guard has considered all applicable factors and our own statutory requirements in its independent analysis. The environmental impacts of the project are not significant. No residences or businesses will be relocated in the United States, and no significant changes in the existing land use will be required. The second span is being proposed in an already approved international corridor that has experience border traffic for almost 80 years. The proposal, as an independent project, does not increase traffic through the border crossing and into local roadways or neighborhoods. No wetlands or floodplain impacts will occur. Piers will not be placed in the Detroit River. There are no known threatened or endangered species in the area. A thorough air quality and noise analysis has been performed and approved.

Comment 2: The careful and complete definition or description of a proposed action is a necessary prelude to evaluating whether an action is likely to have significant short and long term direct and indirect impacts on the human environment.

Presently the demand for international vehicular crossings between the United States and Canada in the Detroit area is met by the Ambassador Bridge and the Detroit Windsor Tunnel. For trucks (and thus international trade) the Ambassador Bridge is the principal crossing because few trucks can or are permitted to use the tunnel. Assuming border crossing capacity is increased, border crossings will increase 180% over the next 30 year, from 9.5 trillion crossings per year to 17.2 million crossings, with truck traffic increasing by an even greater rate, 230%. DRIC Travel Demand Forecasts, Working Paper (Sept. 2005), Ex. 5-23. (Excerpts at Attachment C) (The DIBC's permit application at p. 15 grossly understates the current traffic growth estimates)

Under the present base travel forecast prepared for the Detroit River International Crossing Study ("DRIC"), the effective capacity (the point at which congestion is so significant that traffic conditions are "unstable") of the Ambassador ridge is about 3,000 vehicles per hour in one direction and the absolute maximum capacity is about 3,500 vehicles per hour. DRIC, Travel

Demand Forecasts. The base forecast travel demand indicates that demand will exceed the effective capacity by about 2011 and reach the absolute maximum capacity by 2020. Thereafter, unless there is a new bridge crossing, traffic will not be able to increase farther. However, if additional capacity were available, the base travel forecast for 2035 is 4,500 vehicles per hour, which is 1,000 vehicles per hour above the Ambassador Bridge's maximum capacity.

When expressed on an annual basis, construction of additional river crossing capacity to cater to travel demand after 2020 will permit additional border crossings on the order of 1,780,000 annual auto trips and 2,220,000 annual semi truck trips (a total increase of 3,000,000 trips per year) that could not otherwise occur because of crossing capacity limitations. DRIC, Travel Demand Forecast, Ex. 5-23.

If the Ambassador Bridge is kept in service (and the permit application indicates it will), then a new six-lane bridge crossing will represent an approximate 150% increase in crossing capacity. Even if the Ambassador Bridge were taken out of service, a new bridge will represent a 50% increase in border crossing capacity.

In addition to the absolute increase in travel that an increase in crossing capacity will permit, adequate crossing capacity will reduce the time and cost associated with delays and congestion associated with crossing facilities otherwise operating at or near capacity. Given the forecast that Detroit/Windsor economic activity related to international trade will grow to the extent that international travel across the Detroit River is able to grow, increased border crossing capacity beyond the capacity of the present bridge and tunnel portends major economic and community growth in Detroit and Windsor.

In this context, clearly the proposed action before the Coast Guard is not just the construction of a new six-lane bridge. Rather, the proposed action can be described as "Undertake a new border crossing in order to increase border crossing capacity by 50% to 150% in the vicinity of southwest Detroit in order to permit the additional growth of 3,000,000 trips per year by 2035 beyond current crossing capacity and to permit the expanded growth of Metropolitan Detroit/Windsor as an international trade center."

Response: The Gateway Project, Detroit River International Crossing (DRIC) study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on two different sources, including the volumes developed and approved by FHWA during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). The forecasted traffic volumes were then compared to the volumes available from the DRIC study of which FHWA is a lead sponsor. Even though actual volumes experienced in 2005 and 2006 indicate lower traffic volumes than projected in either of those studies, impacts were analyzed and evaluated using the more conservative DRIC study volumes. Further analysis has been developed, in cooperation with Southeast Michigan Council of Governments (SEMCOG), the regional planning agency, and U.S. Environmental Protection Agency (EPA), and is included in this EA in Appendix I.

The existing bridge will not be kept in service for general traffic. The existing bridge will be maintained, rehabilitated and used for non-vehicular traffic as may be allowed by inspection officials in both the U.S. and Canada, for DIBC vehicles, and to serve as a backup for the new structure in the event of an impediment to traffic on the new span, and for emergencies.

The purpose of the project described in the comment is that of the bi-national DRIC study concurrently being undertaken, not the ABEP.

Comment 3: It is worthwhile considering the alternatives to issuing this specific bridge "no-action" alternative would be no new border crossing capacity in the Detroit area with the border crossing capacity in the Detroit area with the border capacity being reached in the next 15 or so years. Clearly, if an action were proposed to cap crossing capacity so that no border crossing growth would occur after 2020, everyone would agree that would be a public policy decision with very significant impacts (largely adverse) on the southeast Michigan region, requiring an EIS. The decision to permit a new bridge to expand crossing capacity to permit border crossing growth after 2020 will have analogous impacts, mostly positive, likewise requiring an EIS.

The fact that the proposed action is almost universally desired in order to encourage regional economic growth does not obviate NEPA's requirement that the significant effects of such an action on the human environment be fully considered before a bridge permit is granted. It may well be that the best location for a new border crossing is somewhere other than the vicinity of the Ambassador Bridge.

Response: As stated above, the USCG has performed an environmental assessment and determined that the environmental impacts of the project are not significant. As discussed in response to the preceding comment, this project will not significantly increase the capacity of this crossing.

This is not a publicly funded project under which the federal and/or state government is tasked with finding the optimum site or design for a new crossing of the Detroit River. The purpose of this project is to maintain a vital link between the US and Canada at this location.

Comment 4: The "go-it-alone" DIBC permit application is in marked contrast to the Detroit River International Crossing Study being conducted by a bi-national partnership of transportation agencies (MDOT, FHWA, Transport Canada and the Ontario Ministry of Transportation). As part of the DRIC study, the alternatives analyses have identified numerous significant impacts associated with alternative crossing locations including a bridge adjacent to the Ambassador Bridge. The DRIC Study is preparing a draft EIS to insure that such impacts are fully considered. Because nearly everything being done in the DRIC Study is relevant to considering the impacts of the DIBC permit application, we are submitting with our comments numerous DRIC reports in electronic form on a CD (Attachment B). We believe these reports demonstrate that a new river crossing, wherever located, will have significant environmental impacts. Furthermore, we urge the USCG to defer action on the permit application until DRIC has run its course. Otherwise, USCG will have to duplicate a great deal of the alternatives analyses and

environmental impact analyses which DRIC is performing. We have attached letters from State Representative Tobocman to the FHWA (May 27, 2005), and the GCDC to FHWA (May 25, 2005) (Attachment D) that make the case for acting on a specific bridge application only after the DRIC Study has been completed.

Response: The purpose of other studies by MDOT and FHWA is to analyze other border crossings and address capacity needs across the Detroit River. The DRIC study is focused on addressing region-wide transportation needs with an entirely new crossing that could potentially include a new plaza and connections to the highway system in Detroit. The creation of an entirely new crossing has the potential for significant environmental impacts in areas that have not already been developed to carry border traffic, and thus necessitates a greater degree of documentation to assess those potential impacts. In the case of the ABEP, border traffic has existed in the corridor for almost 80 years, with the major transportation or modification projects that affect the existing corridor having already been analyzed and documented, primarily through the Gateway Project.

The Coast Guard does not believe there is any reason to delay this project due to the ongoing DRIC study as the Coast Guard does not fulfill the role of choosing between two separate proposals.

Comment 5: CEQ requires that proposed actions be considered in their entirety, and that actions not be analyzed as discrete segments that could tend to minimize impacts and avoid preparation of an EIS.

"The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects. Specifically, NEPA requires that all related actions be addressed in the same analysis. For example, the expansion of an airport runway that will increase the number of passengers traveling must address not only the effects of the runway itself, but also the expansion of the terminal and the extension of roadways to provide access to the expanded terminal. If there are similar actions planned in the area that will also add traffic or require roadway extensions (even though they are nonfederal), they must be addressed in the same analysis." CEQ, Considering Cumulative Effects Under the National Environmental Policy Act (January, 1997), pp. 1, 2.

This permit application as presented to USCG clearly segments the overall action being undertaken by the DIBC. The overall project is the expansion of the Ambassador Bridge crossing through (i) expansion and improvements to the bridge plazas to address needs related to tolls, customs, immigration and security, (ii) access improvements to state trunkline highways and the Canadian roadway system, and (iii) construction of additional bridge capacity. This application refers only to additional bridge capacity and not the other two related activities.

In addition to the new bridge capacity reflected in the DIBC's permit application, a number of other bridge-related projects are in the offing. For example, DIBC has begun to consider improvements to the plaza and access roads beyond what is included in the Gateway Project. Letter, FHWA to USCG (June 7, 2006) and associated DIBC report, Today and Future (2006)

(Attachment E). DIBC also has related plans underway to relocate Fort Street, again not mentioned on the permit application. Letter, DIBC to MDOT (May 17, 2006), Letter, MDOT to DIBC (July 13, 2006); see also Letter, FHWA to American Consulting Engineers of Florida (June 21, 2006). (All in Attachment E) DIBC has recently requested approval for an expansion of the Canadian customs plaza. Letter, Transport Canada to American Consulting Engineers of Florida (April 15, 2005) (Attachment M. We are informed that the General Services Administration has a master plan study underway to identify federal facility needs. That study may prompt further expansion of the bridge plaza. The DRIC Study has identified the need to greatly expand the U.S. and Canadian bridge plazas to meet long-term traffic needs. DRIC, Evaluation of Illustrative Alternatives on U.S. Side of Border, Vol. 1, Summary (November 2005) ("U.S_ Summary of Evaluations"), p. 5-43, S-46. (Attachment G (excerpts)). None of these activities are reflected in the DIBC's permit application but USCG must take them into consideration in assessing whether the proposed action will have significant impacts.

Note FHWA has already expressed its concern that consideration by federal agencies of DIBC's developing plans will lead to inappropriate segmentation of project impacts from the point of view of NEPA. Letter, FHWA to USCG (June 7, 2006). (Attachment E}.

Response: The Ambassador Bridge Enhancement Project is not interdependent with any possible future expansion of the inspection facility. ABEP does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the Ambassador Bridge Enhancement Project is an independent project - and is not dependent on any other project. The Gateway Project did not require the addition of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

Although we are aware there have been discussions and feasibility studies performed by General Services Administration (GSA) regarding the possibility of the relocation of Fort Street in connection with possible plaza expansion, there is no formal proposal pending. It is our understanding that the relocation is contingent on many factors, and may or may not go forward. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require another study and approval from MDOT and other transportation agencies. At this time, the relocation of Fort Street is speculative, and it is not possible to reasonably foresee how or when that project might be undertaken, and what its impacts would be. The ABEP will have no direct permanent impact to Fort Street and its relocation is not required by or for the ABEP. Any other work at the plazas is not dependent upon or triggered by the new bridge. There has been no request to change the U.S. plaza as part of this project. Modifications to the existing plaza would require that DIBC submit a proposal to the General Services Administration and Customs and Border Protection, including another NEPA process, prior to approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT are

proposed for the ABEP. The ABEP will require use of property only where bridge piers are expected to be placed.

Comment 6: In its notice of July 28, the Coast Guard has stated that it has made a tentative determination that the construction of a new 6-lane, mile-long international bridge should be granted a Categorical Exclusion from an analysis of its environmental impacts. USCG, Public Notice 09-03-06 only 28, 2006). This initial determination is in error because (i) the USCG's adopted list of actions which qualify as Categorical Exclusions does not include projects like a new 6-lane international bridge, and (ii) the proposed action meets all of the criteria for the conduct of an environmental impact statement. Accordingly the correct determination should be that an environmental impact statement must be prepared before the Coast Guard grants or denies the pending permit request.

The NEPA implementing regulations, 40 C.F.R. 1500 et seq., define "Categorical Exclusion" to be a category of actions which an agency through formally adopted procedures has determined will have no significant effect on the human environment and therefore no environmental assessment or environmental impact statement is required. 40 C.F.R. 1508.4. If a proposed action does not fall within a category or actions classified under adopted agency procedures as a "Categorical Exclusion," either an EA or an EIS is required. 40 C.F.R. 1501.4. The USCG has adopted procedures in compliance with §1508.4 that define categories of actions that are deemed Categorical Exclusions. NEPA Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1D (series) ("M16475.1D"), Figure 2-1. Figure 2-1 "contains a list of categories of actions that the USCG has determined, both individually and cumulatively, not to have significant environmental impacts." USCG, Office of Civil Engineering, Tools For Decision-making: Environmental Considerations (undated), p. 19. "In order to categorically exclude your proposed action, it must fit into one or more of the categorical exclusions listed in [M16475.1D]." Even if a project falls within one of the categories on that list, "you should look for circumstances that would make a CE inappropriate." Finally, "all aspects of the proposed action must be covered by one or more Categorical Exclusions in order to Categorically Exclude the action." Tools For Decision-making, p. 20.

The USCG standard CE form makes this same point because it requires the Environmental Reviewer to specifically identify which CE category from Figure 2--1 covers the proposed action. USCG, Categorical Exclusion Determination Form, Enclosure (3) to M16475.11). The Public Notice does not identify a specific category.

Figure 2-1, the Coast Guard's list of 35 categories of Categorically Excluded projects and actions, does not include any kind of new vehicular bridge, much less 6-lane mile-long international bridge capable of carrying up to 50,000 vehicles per day. In particular, Category 32(a), modification or replacement of an existing bridge, does not apply. The application obviously does not propose to modify an existing bridge. Nor does the application propose to replace the existing bridge; it specifically states the existing bridge will probably be kept in service. Further, even if the present bridge is taken out of service, the new bridge would not only replace existing lanes but expand capacity by 50%. Finally, this category does not apply to bridges of historic significance and the SHPO has already notified USCG that the Ambassador Bridge has historic significance (as does its contemporary, the Blue Water Bridge.) Letter,

Michigan State Historic Preservation Officer to USCG (May 4, 2006). (Attachment H). Accordingly, the action does not qualify as a Categorical Exclusion.

It is clear from the foregoing that even if the proposed action had no significant impacts (an erroneous conclusion on the facts of this proposal), it can not be exempted from environmental review as a Categorical Exclusion because it is not one of the actions which the USCG has formally defined as qualifying for a Categorical Exclusion. Thus the statement in the Public Notice that the proposed new 6-lane international crossing "is a Categorical Exclusion for the purposes of NEPA because it satisfies criteria for such actions" is incorrect as a matter of CEQ regulations and USCG procedures.

However, even if an action falls within a category of actions defined as a Categorical Exclusion, an environmental assessment or environmental impact, statement must be prepared if the action will have a significant impact on the human environment. The proposed action here will certainly have very significant impacts on the environment.

Response: The USCG has determined that this project does not fall within a Categorical Exclusion and has prepared an EA for this project. USCG has further determined, based on that EA, that the project's impacts, including cumulative impacts, are not significant and that other criteria that might warrant an EIS are not present. Therefore, an EIS is not required.

Comment 7: An USCG implementing manual advises:

"HOWEVER, if your proposed action:

does not fit into a USCG Categorical Exclusion; has, or might have, extraordinary circumstances; or

has, or might have, individual or cumulative significant environmental impacts

then you must proceed to a more detailed level of environmental evaluation. . . . Generally, you should proceed to an EA if you are unsure of the potential for significant impacts from your action and proceed to an EIS if you know or suspect your proposed action will have significant impacts." Tools For Decision-making, p. 21(capitalization as in the original).

The CEQ regulations include a list of factors that justify an EIS where significant impacts were expected. 40 C.F.R., 1508.27(b). They include:

- Significant impacts on public health or safety
- Impacts on the quality of the human environment that are likely to be highly controversial in terms of scientific validity or public opinion
- An effect on the human environment that is highly uncertain or involves unique or unknown risks
- Future precedent setting actions with significant effects or a decision in principle about a future consideration

- Individually insignificant, but cumulatively significant, impact when considered along with other past, present, and reasonably foreseeable future actions
- The action involves a structure that is eligible for listing in the National Register of Historic Places
- The action involves an impact that may be both beneficial and adverse. A significant impact may exist requiring an EIS even if it is believed that, on balance, the effect will be beneficial.

Even without considering the above factors, it is clear that a new 6-lane international bridge will have significant direct traffic, land use and air quality impacts flowing from the additional traffic capacity provided by the new bridge and it will generate enormous cumulative indirect impacts because of the economic and community impacts which will flow from a new border crossing with Canada. Common sense dictates that a project with those impacts is exactly the kind of project for which an EIS should be prepared.

The Federal Highway Administration ("FHWA") and the Michigan Department of Transportation ("MDOT") have independently determined that new international bridges, even if adjoining existing bridges, require a full EIS. An EIS was required for the new bridge next to the Blue Water Bridge. The Detroit River International Crossing Study is currently performing an EIS for alternative bridge crossings of the Detroit River in the vicinity of the Ambassador Bridge. The Canadian Government has made a similar determination with regard to pending DIBC application, that it requires an Environmental Assessment under the Canadian Environmental Assessment Act. Letter, Transport Canada to USCG (August 30, 2006) (Attachment 1).

A discussion of the above factors as applied to the present bridge proposal also reveals that an EIS is required.

Response: All transportation projects are evaluated on a case-by-case basis and require varying degrees of environmental analysis. The Coast Guard has considered all applicable factors and our own statutory requirements in its independent analysis for the ABEP. Regarding the comment concerning the Blue Water Bridge, the Draft EIS, dated June 11, 2007, offered four alternatives, including the No-Build alternative. Except for the No-Build alternative, all other alternatives required significant numbers of displacements of residences and businesses. The proposal to construct a new span in addition to the existing bridge for general traffic essentially caused a doubling of lanes at that crossing. These are just examples of the differences between the Blue Water proposal and the ABEP.

The USCG has completed a very thorough environmental study of the Ambassador Bridge project and has held several public meetings to solicit the views of the public. Based on a very large volume of data collected (including the earlier publicly-funded environmental studies regarding the border crossing) and impacts studied, it has been determined that the addition of a companion bridge to the existing Ambassador Bridge, using the same modified inspection facility that has already been studied in connection with the Gateway Project, will not result in significant environmental impacts. While there are groups and persons opposed to the project, that opposition has not demonstrated the potential for

significant environmental impacts, therefore not requiring any further environmental studies beyond those already undertaken, or identifying any issues that have not been thoroughly considered.

Comment 8: New crossing capacity for 3,000,000 trips per year will have a significant impact on immigration and customs facilities in Detroit and Windsor. Plaza space limitations in Windsor today will require either an expanded bridge plaza or an expanded offsite secondary inspection facility, either which has significant impacts both from a customs and immigration view but also in terms of land acquisition and neighborhood impacts near expanded plazas and inspection areas. DRIC, Generation and Assessment of Illustrative Alternatives Report (Canadian Side) (Draft) (November 2005) p. 10, 105-106 (120 acres required for Canadian plaza) (Attachment J, excerpts).

The situation is the same on the U.S. side. DRIC, U.S. Summary of Evaluations, p. 5-49. The DRIC study in consultation with border inspection agencies determined that general plaza space requirements to handle forecast volumes need 80 to 100 acres, Id. at p. 5-43, but the Ambassador Bridge plaza is only about 30 acres. Id. at 5-41. This suggests that 50 or more acres for the U.S. bridge plaza will be required over the next 30 years.

Response: The proposed construction of a second span through the ABEP is not designed to create additional capacity, but to upgrade the current crossing. The addition of two lanes in this proposal will be limited to FAST and NEXUS traffic, removing some commercial traffic from the four remaining general-use lanes. Modifications and improvements to the US inspection facility have already been studied and approved in connection with the Ambassador Gateway Project. Both the Gateway Project and ABEP have been designed to improve efficiency at the current crossing, and the forecasted traffic has been analyzed and approved by the transportation agencies involved in both projects. The prospective border crossings being explored by the DRIC study consider the continued use of the Ambassador border crossing in their forecasts.

As stated in the response to Comment 5 for this commenter, future projects in the vicinity, including possible expansion of the inspection facilities on the U.S. side will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

General Services Administration confirmed in a letter dated March 21, 2008 that a feasibility study was completed in 2007, entitled *Cargo Inspection Facility Master Plan*, and that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts.

The Coast Guard is not evaluating possible changes to facilities on the Canadian side. Any changes in Windsor to the facilities that process border traffic will be examined by Canadian regulatory authorities for compliance with Canadian laws and requirements.

Comment 9: As in the case of customs and immigration, border security and terrorism concerns will be greater as traffic increases. We do not have the expertise to comment on these issues in

detail but they are perhaps the most significant issues to be considered. An EIS should analyze both how these concerns will affect the bridge plazas and any offsite security areas and how requisite changes to bridge plazas to accommodate border security will affect the surrounding common ties.

Response: The ABEP proposes no changes to the operations in the plazas and no changes to the operation of the facility other than the addition of the FAST lanes over the river. As a result, there are no anticipated impacts to customs operations or current security practices directly caused by the ABEP. As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor and are included in proposals for expansion and modification to the existing facilities. The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

Comment 10: With every increase of international trade through the Detroit bridge and tunnel crossings, the negative impacts flowing from the disruption of one or both of these crossings becomes more severe. This is particularly true of the Ambassador Bridge because most trucks cannot detour to the tunnel. Under a twinned bridge alternative, all truck traffic must funnel through a common plaza at each end of the pair bridges. Something as commonplace as a major traffic accident or a severe weather event like a tornado, could stop international trade for an indefinite period. At the Canadian end, the limited access via Huron Church Road likewise represents a major bottleneck if there is a major accident or fire or other event along that road. Compound these scenarios with a terror threat or action and the impacts of lack of crossing redundancy are clear.

This redundancy concern, in addition to neighborhood impacts, is what prompted the Canadian agencies participating in the DRIC study to remove the twinned bridge crossing from the list of alternatives for further study. U.S. Summary of Evaluations, pp. S-49, 50; Canadian Summary of Evaluations, p. 112. Other organizations have also stated the redundancy of river crossings is essential.

- Detroit Regional Chamber, Border Crossing Policy (October 12, 2005), ("Meanwhile, the threat of terrorism has meant concerns about infrastructure redundancy and broad policy shifts affecting the border....A new crossing should ensure redundancy relative to existing structures.")
- Letter, Daimler Chrysler to MDOT (March 28, 2006), ("Fourth, we favor a site that is removed from existing crossing points for a number of reasons, including flexibility and resultant dependability of freight flows, security and competitive factors.")
- Letter, State Representatives to Representative LaJoy (January 25, 2006), ("Other Crossing proposals were eliminated due to the increased concerns of the Department of Homeland Security that redundancy needs to be created at the Detroit-Windsor border so that crossing alternatives exist in the case of terrorist strike.") (Correspondence at Attachment K.)

A river crossing alternative consisting of a new bridge located elsewhere with its own plazas and access roads would provide a crossing to which traffic could divert in the event that the Ambassador Bridge crossing is shut down.

Response: The purpose of the ABEP is to upgrade infrastructure at an already approved international corridor on property already owned or authorized for use by the private bridge company. The creation of another crossing with facilities and local roadway connections is outside the purpose of this proposal. The Canadian authorities will determine whether the ABEP can be approved based on Canadian laws and potential impacts on the Canadian side. It is the Coast Guard's responsibility to make determinations on the U.S. side.

Comment 11: The significant increase in traffic that additional border crossing capacity will bring to Windsor and southwest Detroit will have significant impacts on traffic operations and safety. The traffic studies for DRIC show that access roads in Canada are congested now with Ambassador Bridge traffic. DRIC, Travel Demand Forecasts, pp. 108-111. If no new capacity is provided to accommodate traffic growth, congestion will become severe. A new Canadian freeway connection would greatly improve traffic conditions but at a significant community cost due to home and business property acquisition for right-of-way and attendant disruptions to the community. DRIC, Canadian Summary of Evaluations, X3.5. Because of the Gateway Project on the U.S. side, access traffic impacts will be less in the short term. But the Gateway Project did not look past 2015. MDOT/FHWA, Environmental Assessment & Programmatic Section 4(f) Evaluation, Ambassador Bridge Gateway Project (January, 1997). Accordingly, it did not address access issues and impact beyond what is now the short term horizon. Access issues after 2015 must be addressed in an EIS.

Response: As noted in previous responses, the ABEP is not expected to increase traffic on its own, and has never been proposed to address capacity issues identified by another study.

The Gateway Project updated its traffic projections in the 2004 re-authorization for the Gateway Project EA/FONSI to 2025. These projections have since been analyzed and approved by SEMCOG. The ABEP analysis includes traffic projections based on the same approved traffic projections and advances them to 2030.

Comment 12: USEPA has identified six priority Mobile Source Air Toxics (MSATs), including benzene, formaldehyde, diesel particulate matter/diesel exhaust organic gases, and acrolein. Burbank, C., FHWA, Interim Guidance on Air Toxic Analysis in NEPA Documents (Feb. 3, 2006). Most of these are associated with diesel engine emissions. The Interim Guidance identifies projects with the potential for meaningful MSAT differences among project alternatives, including major intermodal freight facilities that have the potential to concentrate high levels of diesel particulate matter in a single location. The Interim Guidance recommends that environmental analyses for such projects should include a quantitative analysis that attempts to measure the level of emissions for the six priority MSATs for each alternative.

MDEQ, Detroit Air Toxics Initiative, Risk Assessment Report, Public Summary (Nov. 2005), reports on a one-year air toxins monitoring study including several monitors in southwest Detroit

and several more in nearby communities, Benzene and formaldehyde were identified for risk reductions efforts at each of those locations. Further, although monitoring data were not collected, the Public Summary identifies diesel particulate and acrolein as being of concern at those same locations because they are associated with mobile source emissions. The proposed bridge lies within the area of concern identified in MDEQ's air toxic study.

Research indicates that diesel vehicle emissions are substantially affected by the variability of driving behavior, and that stop-and-go activity produces higher emissions compared to free-flow travel. Clark N., *et al.* Factors Affecting Heavy Duty Diesel Vehicle Emissions, *J. Air & Waste Manage. Assoc.* 52, pp. 84-89 (2002). Recent research suggests that the particulate fraction of diesel exhaust is the dominant contributor to urban air toxic-related health risks (e.g., South Coast Air Quality Management District ("SCAQMD"), Multiple Air Toxics Exposure Study in the South Coast Air Basin: MATES-II. Final Report (and appendices) (2000). Other studies observe that ultra fine PM may be even more toxic than larger size PM, when comparing PM of identical mass and composition. E.g., Zhu Y. et al., Study Of Ultrafine Particles Near A Major Highway With Heavy-Duty Diesel Traffic. *Atmos. Environ.* 36, pp. 4323-4335(2002); Zhu Y. et al., Concentration And Size Distribution Of Ultrafine Particles Near A Major Highway, *J. Air & Waste Manage. Assoc.* 52, pp. 1032-1042 (2002). "Diesel-powered vehicles produce far more PM ... than gasoline-powered vehicles []. The degree to which these factors produce microscale problems is a function of the number of heavy-duty vehicles operating in the affected area, the distance to receptors, and the unit risks associated with exposure to diesel exhaust." Tamura, T., et al., Sonoma Technology, Inc., Transportation-Related Air Toxics: Case Study Materials Related to US 95 in Nevada, C 6.5.2. (2003) (prepared for FHWA, Office of Natural Environment).

Clearly an international bridge where thousands of semi-trucks stop, idle, crawl forward, stop again and finally slowly accelerate up the grade to the bridge will be a hotspot of diesel emissions requiring detailed air quality analyses. There have been a number of documented cases in which more than 400 trucks have exited from the Bridge in one hour. The Corradino Group, Ambassador Bridge/Gateway Project, Re-evaluation Report, p. 15 (August, 1999) (prepared for MDOT and SEMCOG). This number will increase with improvements in the plaza in the U.S. and as truck traffic more than doubles over the next 30 years. That is a tremendous amount of stop-and-go truck traffic.

Diesel emissions are a particular concern with regard to a second bridge crossing because southwest Detroit is within the PM non-attainment area. USEPA recently filed environmental objections to the draft EIS for the proposed Detroit Intermodal Freight Terminal which is close to the Ambassador Bridge and requested that the draft EIS be revised to better address fine particulate matter associated with diesel emissions (as well as environmental justice issues) and requested "that the Final EIS more fully describe localized impacts of PM25 and commit to air, quality mitigation strategies." 70 Fed. Reg. 53657 (Sept. 9, 2005). The DIFI, Air Quality Analysis Protocol, Detroit Intermodal Freight Terminal, Environmental Impact Statement (March 2005) (included on Attachment B), is an example of the kind of comprehensive analysis which should be performed for the proposed actions here.

Response: Air impacts, including diesel emissions and air toxics, were investigated for the entire project and were found not to be significant.

A hot-spot analysis was prepared by Weston Solutions, and is presented in the Final EA in Appendix M. Both US EPA and SEMCOG were consulted in designing the modeling protocol for the hot spot analysis. In addition, the analysis was based on US EPA air quality modeling guidance. The study compared the maximum predicted concentrations of air toxics with health-based screening levels set by Michigan's Air Pollution Control Rule 225. The study found that the maximum predicted concentrations of the modeled air toxics are less than all of the MDEQ health-based screening levels. Therefore, the hot spot analysis confirms that the project is not expected to have significant impacts with regard to air toxic pollutants.

Comment 13: The application conflicts with recommendations of DRIC Study which has dropped a second Ambassador Bridge crossing for environmental and community impact reasons.

Although a second bridge crossing at the Ambassador Bridge is an attractive alternative from a number of aspects, as noted elsewhere the affected Canadian agencies dropped it from further consideration in the DRIC study as the result of both adverse community impacts and the fact that the crossing does not address redundancy concerns. Proposing a bridge at a location opposed by the Canadian transportation agencies is by any definition controversial.

Response: The ABEP is not a new crossing and serves an entirely different purpose as compared to the DRIC. The ABEP is designed to maintain the current crossing capacity. The DRIC study eliminated a new crossing designed to increase capacity at this location; however, it did not advocate the elimination of the Ambassador Bridge, and in fact assumes that the Bridge will continue to operate. Canadian authorities will determine independently whether the ABEP will be approved and authorized on the Canadian side.

Comment 14: There is substantial concern in many quarters with granting a private company a virtual monopoly of border crossings in Detroit. See public comments raising this and other issues collected at Attachment L. This is not the time and place to decide the merits of that issue, but it is exactly the type of issue which will have substantial potential impacts on the human environment, justifying an environmental impact study.

The GCDC's testimony to the State Joint Transportation Committee states the issue well:

"The fundamental underpinning of this success is the public sector's leadership and involvement - and this must continue. The GCDC firmly supports public ownership and oversight of the next border crossing. The interests of the private sector, while important, are simply too narrow to fully achieve all that the DRIC study sets out to accomplish. The greatest threat to achieving the DRIC study mandate is allowing one party - whether public or private - to wield undue influence and control. The Gateway Communities Development Collaborative has had decades of experience with the challenges of working in an area that hosts the only privately-owned international crossing along the northern U.S. border and know first-hand of the inherent conflicts between the private interest to maximize profits and the public interests of community development, community

cohesion, and security. We ask the joint committees to consider that the company that owns the Ambassador Bridge owns an entire transportation conglomerate of shipping, trucking, and freight handling interests many of which are also located in southwest Detroit. We ask you to consider that this conglomerate has an extensive concessionaire privilege on all transportation-related projects of the Detroit Wayne County Port Authority. We ask that you consider the proposal, announced last October, to lease the Detroit interests of the Detroit-Windsor tunnel to this conglomerate. Finally, we ask you to consider the motivation and implications of criticisms raised by this conglomerate of the DRIC study. We have considered these issues and have concluded without reservation, that providing a monopoly to a private entity on the control and operations at the Detroit Windsor international border will not result in a more efficient and secure border system, local community and economic development, or mutually beneficial international relations." GCDC Testimony to the joint House and Senate Transportation Committee DRIC Study – March 30, 2006

A number of other witnesses repeated this point to the Committee during its hearings. Their testimony is included at Attachment L.

Response: The Coast Guard received a fair number of comments regarding private ownership of the Ambassador Bridge international crossing, and appears to be the basis of most opposition. There are no federal prohibitions to private ownership of a bridge over an international border crossing. The existing bridge was built with private funds and has been owned by a private company since its construction.

The DRIC study has been considered by the Coast Guard in its evaluation of the ABEP and is discussed in the Final EA.

Comment 15: A related issue is priority of certain shipments over the bridge in periods of congestion. At present, some trucks are given priority during periods of congestion to avoid disruption of industrial production. In general that makes sense. But, if such a policy is going to be part of the operating practices, what commodities/shippers/customers will be given priority (thereby permitting an analysis of the economic impact of that practice) and how will this be accommodated on the new bridge and its plazas (in order to consider physical impacts)?

Response: The DIBC informs us that there is no prioritization system for trucks during periods of congestion as described in this comment, nor is one planned for the new span. The two additional lanes proposed by the ABEP are expected to provide for more efficient processing of commercial traffic through the FAST and NEXUS programs.

Comment 16: AASHTO guidance recognizes that toll facilities raise issues which must be addressed in an EIS.

Any new international bridge will be supported by tolls, just as all existing bridges are. Toll financing of transportation facilities raise a variety of issues which must be considered in the NEPA process. See, AASHTO, Practitioner's Handbook 03: Managing the NEPA Process for

Toll Lanes and Toll Roads Only 2003)(Attachment M). We request USCG review the enclosed handbook and incorporate its recommendations into the scoping and conduct of the EIS.

Response: The toll facilities are not being altered or impacted as part of this project, nor have any changes to the toll facilities been proposed. The AASHTO handbook cited by commenter addresses how to assess new toll lanes and roads under NEPA, and is not applicable for this project; the existing toll facilities will not be altered.

Comment 17: Long standing community controversy and opposition to an expanded river crossing in vicinity of the existing Ambassador Bridge.

"[S]trong controversy over the environmental impacts of a proposed action can arise among the general public. Again, the EIS should be considered due to the possible significant impacts perceived by the public" Tools for Decision-Making, p 36.

In critiquing DIBC's draft USCG bridge application in 2005, FHWA noted, "The answer to this checklist question F was that no controversy is expected from the new bridge and there will be no negative environmental impacts. The bi-national partnership conducted several public meetings in April of this year. . . There was substantial controversy demonstrated at these meetings by the public over the twinned bridge proposal." Letter, FHWA to American Consulting Engineers of Florida (June 21, 2005) (Attachment E) (ACE is DIBC's consultant). See also, the public comments included at Attachment L.

The GCDC and its member organizations have worked cooperatively with DIBC to minimize the impacts of the present bridge on the community and generally supported the Gateway Project for that reason. However, the GCDC and the Council and their members and constituencies are opposed to another bridge and to increasing bridge and crossing capacity at this location. Further, the history of DIBC's conflict with the nearby community over bridge-related issues is too long to summarize here. Again, the point here is not whether DIBC or the community have been tight or wrong in the past - rather that an action permitting a new bridge to be owned and operated by DIBC will generate the level of controversy that requires an EIS.

Response: The Coast Guard's responsibility in this project and NEPA evaluation is to recognize the distinction between controversy based on impacts to the human environment and controversy based solely on social impacts. Per 40 CFR 1508.14, economic or social effects are not intended by themselves to require preparation of an environmental impact statement. The Coast Guard understands that there are numerous projects that have been proposed, studied, and are even currently being implemented in the Southwest Detroit neighborhoods. We also realize that the proponent is owner of numerous other properties in the Detroit area that have been the subject of legal cases and media coverage over many years.

The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on

the neighborhoods in Southwest Detroit and the human environment are not significant, and do not warrant an Environmental Impact Statement.

Comment 18: No effort has been made to work with a broad base of the affected community, or its citizens or businesses.

DIBC has made no showing of community support or involvement related to a new bridge. In fact, its application is counter to the present community involvement effort in support of the DRIC Study. The DRIC Study has had an in-depth community participation during the process. The DRIC Local Advisory Committee has reviewed and scored all of the river crossings evaluated by DRIC. Although the DIBC may wish to avoid this kind of citizen involvement by submitting its "go-it-alone" application, NEPA requires that USCG have the benefit of significant community involvement through the EIS process before it makes its decision on DIBC's permit application.

Response: The DRIC study proposes a completely new crossing that could potentially require residential and business relocations. The ABEP does not require residential or business relocations or alterations to local roadways. The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an Environmental Assessment and Finding of No Significant Impact (FONSI) for NEPA. The Gateway Project was the culmination of many years of analysis and coordination between federal, state, and local transportation agencies, DIBC, and the Southwest Detroit communities in the vicinity of the Ambassador Bridge Corridor. The Gateway Project required modifications to the nearby interstate system, residential and business relocations, noise abatement, and impacts to historic properties and districts. The ABEP has no significant impacts to the neighborhoods already covered by the Gateway Project, and no new crossings are proposed.

Comment 19: If there is scientific controversy concerning any aspect of a proposed action, then the occurrence of significant impacts is questionable and an EIS should be considered. Tools for Decision-Making, p. 35.

(a) Difficulty in evaluating mobile source air quality impacts from diesel trucks, where diesel emissions are believed to be the predominant contributor to adverse health effects from mobile source emissions.

The MSAT issue related to diesel emissions is an issue where there is scientific uncertainty as to the full extent of health impacts. This issue was the motivation behind FHWA's recent guidance on mobile source air toxics. Burbank, C., FHWA, Interim Guidance on Air Toxic Analysis in NEPA Documents (Feb. 3, 2006). The proposed action clearly falls within the guidance and is the type of issue which merits a full EIS so that all of the ramifications of this difficult issue can be fully addressed.

Response: Air quality impacts have been thoroughly analyzed using criteria established in conjunction with air quality expert agencies, EPA and SEMCOG, and utilized the accepted modeling tools. The modeling protocols and analysis results were vetted through these expertise agencies and the agencies concurred with the results.

Comment 20: The proposed action would preempt the ongoing DRIC Study. There is a need over the next 35 years for one new bridge, not two. Regardless whether there are public or private dollars in the new bridge itself, associated facilities will require the expenditure of hundreds of millions of public dollars. There is not enough public money for two bridges. So a permit for a new Ambassador Bridge will foreclose another bridge, which other bridge might be far preferable in the public interest. An EIS is required to consider the impact of foreclosing a better crossing location.

Response: As discussed above, this project has a different purpose and need than the DRIC study, and both projects could receive federal Bridge Permits if all requirements are satisfied. Also, as stated above, the Coast Guard does not fulfill the role of identifying regional transportation needs. The continuation or dissolution of the DRIC study, including potential funding, will be decided by federal, state, and local transportation agencies, and not the Coast Guard.

Comment 21: The City of Detroit is seeking to expand its port activities that are within a mile of the bridge. There are active plans to restore Fort Wayne, increasing its role as a generator of traffic. There are numerous other private, public and quasi public entities with plans in the vicinity of the proposed bridge. How will those plans affect the ability to expand the bridge plaza in the future and how will a new bridge affect current redevelopment plans? The CEQ regulations require USCG to flesh out these issues and evaluate the associated impacts on the human environment. Hence an EIS is required.

Response: The USCG has considered other projects in the vicinity of the Bridge. A full discussion of secondary and cumulative impacts of related projects in the area is provided in Section 4.14 of the Final EA. No significant cumulative impacts were found, and therefore an EIS is not required.

With regard to Fort Wayne, we understand that restoration activities are on-going at the Fort, but have not identified any potential cumulative impacts between those activities and the ABEP.

The new span is not expected to significantly impact port activities or any redevelopment plans for the area, such as Riverwalk.

As explained in the response to Comment 8 above, there are no plans to expand the US plaza beyond the already-approved Gateway project.

Comment 22: During the Blue Water Bridge EIS, the original structure of that bridge was considered an historical structure and the visual impact of a new bridge on the existing bridge was addressed in the EIS. The Ambassador Bridge, which has dominated the downriver skyline for many, years, is on the National Register of Historic Places and will require the same consideration. Letter, Michigan State Historic Preservation Officer to USCG (inlay 4, 2006) (Attachment H). Further, since the application raises the possibility of demolishing the Ambassador Bridge, an EIS is further justified.

Response: The Ambassador Bridge is considered eligible for listing on National Register of Historic Places. The existing bridge will not be demolished – it will be maintained and rehabilitated and made available as a redundant structure if needed in an emergency situation. The visual impact of the new span has been considered and is fully addressed in the Final EA. The future use and mitigation of impacts on the historic bridge have been negotiated with the Michigan SHPO and the Advisory Council on Historic Preservation (ACHP) as part of the Section 106 process. A Memorandum of Agreement is included in the Final EA in Appendix J.

Comment 23: Any bridge crossing in southwest Detroit will affect low income and minority neighborhoods, requiring consideration of environmental justice and other considerations which may vary substantially depending on where a new crossing is located. We are submitting on Attachment B the Social Cultural Effects Evaluation performed for DIFT because the Livernois-Junction Yard impact area approximates the area in the vicinity of the Ambassador Bridge. The socio-economic statistics for that area are provided and substantiate that disproportionately low income and minority neighborhoods will be impacted.

Response: The Final EA evaluates Environmental Justice concerns within the project study area, and found no significant impacts on Environmental Justice populations. No business or residential relocations are required as part of the ABEP.

Our evaluation of the Detroit Intermodal Freight Terminal (DIFT) project revealed that the project is still in the planning stages, with a Final EIS expected by the end of 2008. The study is looking at four intermodal terminals: NS/CSX-Livernois Junction Yard in Southwest Detroit, CP-Expressway in Corktown, CP-Oak in Grandmont and CN-Moterm in Ferndale. The area including and surrounding the existing Junction/Livernois Yard was determined to be the best location for the intermodal terminal complex in the Draft EIS issued in 2005. According to the draft EIS for the DIFT, the project is expected to reduce truck traffic in the area, “particularly on the major border access corridors of I-94 and I-75 and international border crossings...”The DIFT EIS does not include the ABEP in its evaluation of significant nearby transportation projects. The Coast Guard does not believe that the projects create cumulative impacts for each other, but if there were to be any cumulative impacts between the DIFT and ABEP, it is reasonable to expect there to be an overall reduction in diesel emissions in the area due to DIFT’s reduction in truck traffic and ABEP’s FAST lanes’ reduction in truck idling. A more detailed discussion of the DIFT and all potential cumulative impacts are included in the Final EA in Section 4.14.

Comment 24: Irreversible and Irrecoverable Commitments of Resources. When a proposed action may cause environmental damage that cannot be reversed or mitigated, such damage is likely to be considered significant. Tools for Decision-Making, p. 35. Here there will be but one new bridge crossing for the foreseeable future. Once built, its impacts will continue for a hundred years. USCG must make the best informed decision on this permit application because there will be no going back- An EIS is required to inform that decision.

Response: The fact that a new span will be built does not in and of itself indicate that an EIS is required. The Final EA evaluates the potential impacts of the project and found no significant impacts. Based on that assessment, no EIS is required. Also, the fact that a new

span will be constructed at the Ambassador crossing does not mean that another bridge project, such as the DRIC, will not proceed. As stated above, both proposals could receive federal Bridge Permits if all requirements are satisfied. The continuation or dissolution of the DRIC study, including potential funding, will be decided by federal, state, and local transportation agencies, and not the Coast Guard.

Comment 25: Issues related to hazardous material transportation need to be considered. What will be the policy for transporting such commodities on the new bridge as opposed to at another crossing, *e.g.*, the current truck ferry?

Response: The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. None of these agencies has raised a concern about hazardous materials traversing the Bridge. Further, the ABEP will have no impact on the application of the laws governing hazardous materials transport.

Comment 26: The Council on Environmental Quality has directed that:

"[The entire body of NEPA law directs federal agencies to analyze the effects of proposed actions to the extent they are reasonably foreseeable consequences of the proposed action, regardless of where those impacts might occur. Agencies must analyze indirect effects, which are caused by the action, are later in time or farther removed in distance, but are still reasonably foreseeable, including growth-inducing effects and related effects on the ecosystem, as well as cumulative effects." Council of Environmental Quality, Guidance on NEPA Analyses For Transboundary Impacts (July 1, 1997').

"[F]ederal agencies should use the scoping process to identify those actions that may have transboundary environmental effects and determine at that point their information needs, if any, for such analyses. Agencies should be particularly alert to actions that may affect . . . air quality . . . as well as to interrelated social and economic effects." *Id.*

As you are aware, Letter, Transport Canada to USCG (.August 30, 2006) (Attachment I), the Canadian government has determined this project requires an Environmental Assessment under the Canadian Environmental Assessment Act.

In addition, the DRIC study has undertaken just such an analysis and it makes clear that a twinned Ambassador Bridge will have significant impacts in Canada and the United States, for better and for worse. This is strong support for the need to conduct an EIS for this permit application.

The transportation analyses performed as part of the DRIC Study found that the principal access route to a new Ambassador Bridge (Huron Church Road and Highway 3/Talbot Road) now

suffers from congestion during the day, which congestion would increase significantly as traffic grows to reach the existing capacity of the Bridge, and then would be even worse after a second span is constructed because of the additional millions of vehicles flowing as the result of the increase in capacity. DRIC, Travel Demand Forecasts, § 6.1.2. "The current situations where trucks drive through the heart of Windsor's west end community is unsustainable. It's not good for Canadian and U.S. economics, it's not good for the trucks that carry that trade, and it's not good for the local community" Joint Press Release, Ontario Trucking Association, APNIA and Ontario Chamber of Commerce (December 7, 2005) (Attachment N).

The DRIC process spent a great deal of time considering the impacts which this increased traffic flow would have at each of the alternative locations for a new bridge crossing, including a new bridge next to the Ambassador Bridge (Alternative X-12 in the DRIC study). The increased roadway and plaza needs to accommodate future crossing traffic made possible by new crossing capacity would require the acquisition of many homes and businesses in Canada. It would have significant impacts on the neighborhoods in Windsor near the bridge' these impacts are made dear in the Canadian study of impacts, DRIC, Canadian Summary of Evaluations, relevant excerpts of which are attached (Attachment J). The second Ambassador Bridge "is eliminated because, in Canada, the plaza and freeway connection leading to a second span would have unacceptable community impacts and the constructability of a six lane freeway along Huron Church Road is doubtful in light of intensity of the surrounding development" DRIC, U.S. Summary of Evaluations, p. 5-56. It was eliminated because "maintaining the existing crossing and connections in the border transportation network does not address redundancy needs and, regardless of plaza site selected, it would cause high impacts to neighborhoods." *Id.* at p. S-50. A representative of I.IDOT met with Canadian representatives on May 16, 2000 and then testified at a Joint Transportation Committee meeting, "I am authorized to advise you the Canadians had previously rejected the second span of the ambassador Bridge and see no need to change that position." Testimony of M. Alghurabi, DRIC Project Manager for MDOT, Testimony to joint Transportation Subcommittees of the Michigan Legislature, May 18, 2006. (Attachment O).

As stated in the responses to Comments 10 and 13, the Canadian authorities will determine whether the ABEP can be approved based on Canadian laws and potential impacts on the Canadian side. It is the Coast Guard's responsibility to make determinations on the U.S. side. The proponent has submitted documentation to Canadian authorities for their evaluation.

Comment 27: In assessing the environmental impacts of a proposed action, the USCG must consider the cumulative impact of the proposed action. That is, the "impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions..." 40 C.F.R. 1508.7. As interpreted by CEQ, this refers to "the cumulative impact of the direct and indirect effects of the proposed action and its alternatives when added to the aggregate effects of past, present and reasonably foreseeable future actions." Memorandum, CEQ to Heads of Federal Agencies, Guidance on the Consideration of Past Actions in Cumulative Effects Analysis (June 24, 2005), p. 2. See generally, CEQ, Consideration Cumulative Effects Under the National Environmental Policy Act (January 1997).

(Note that the concern with the segmentation of actions (discussed above) arises in part because segmentation tends to undercut the consideration of the cumulative impact of a proposed action.)

With regard to the DIBC's permit application for a new bridge crossing, there are a number of past, present and future circumstances which must be considered in evaluating the impacts of this proposed action.

The past actions which need to be considered include the prior expansion of facilities associated with the Ambassador Bridge over the last 30 years and the associated traffic increases, steadily over time the presence of the Ambassador Bridge and its impacts on the nearby Detroit and Windsor communities have expanded. The Gateway project is just the latest installment. As mentioned above, DIBC has plans for expansion and roach relocation beyond the Gateway Project. The adverse impacts of a new bridge will come on top of prior adverse impacts. The totality of these impacts must be considered in terms of present projects, obviously the impacts of the Gateway Project must be considered as part of the cumulative impact.

In terms of reasonably foreseeable impacts from future actions, the proposed Detroit Intermodal Freight Terminal will cause the greatest impact. Its adverse impact - traffic, noise and diesel-related air pollution- are the same as the impacts of the existing Ambassador Bridge and the proposed bridge. These projects are only a mile or so apart. An EIS is needed to determine if they will have overlapping impacts and how such impacts will affect the southwest Detroit community. As another example the Detroit Riverfront Conservancy is planning a river walk from Belle Isle to the Ambassador Bridge. Further, the City of Detroit is about to begin a planning study for the "west" riverfront which includes the bridge area. How will the impacts of these projects be factored in?

A comprehensive seeping effort will undoubtedly identify other past, present and future actions that have direct and indirect impacts which may be cumulative with the impacts of the proposed new bridge.

As stated above in the response to Comment 23, potential secondary and cumulative impacts have been analyzed and have been found not to be significant for the ABEP. A more detailed discussion of the DIFT and all potential cumulative impacts is included in the Final EA in Section 4.14.

Comment 28: In 1994, an environmental assessment was performed for roadway improvements between the bridge plaza and connecting state trunkline highways in Michigan (the "Gateway Project"). That project did not consider the environmental impacts of a second bridge nor of the increase traffic capacity which such a facility would provide.

Ambassador Bridge Gateway Project Memorandum of Understanding (July 26, 1996) does not include the certain construction of a second span of the current bridge or a new bridge adjoining the current bridge. It describes the purpose of the Gateway Project as:

- Provide direct access to and from the Ambassador Bridge to and from the trunkline

- system and provide improved access to local community (roads).
- Accommodate access to meet future border crossing capacity needs and project plans by the DIBC for improvements to the Ambassador Bridge, including the future possibility of a new span.
- Accommodate access to the proposed Travel Information Center ...
- Obtain planning and environmental approvals needed to proceed with transportation improvements to improve access to the Ambassador Bridge.
- Facilitate future project development of an easy and convenient connection from the Ambassador Bridge to Mexicantown and downtown Detroit.....

The report, itself, is clearly limited to access improvements. MDOT & SEMCOG Environmental Assessment 6- Programmatic Section 4(Evaluation (January 1997).

"The action proposed by MDOT is the improvement of access between the Ambassador Bridge and Michigan's trunkline system, notably I-75 and I-96." Preface and p. 6-1.

"These studies are required to determine the best alternative to improving access at the United States end of the Ambassador Bridge...." p.1-1.

Figure 1-1, "Project Location" delineates a project location which excludes the bridge and is limited to the environs of the current plaza.

"This study; began in September 1995, addressing a broad range of alternatives for access to an egress from the bridge." p. 1-5.

The description of the preferred alternative includes new traffic lanes and a bridge deck built "in such a way that it could align with a future second span to the west of the existing plan." p. 1-7. Notably, that future span which might be built is not part of the preferred alternative which is described in detail on pp. 1-7 & 1-8.

The FHWA has been absolutely clear that the EA for the Gateway Project did not include a second bridge at that location. "For the record, the Gateway EA did not clear a future second span near the existing Ambassador Bridge. This was never the intent of the study of the Gateway EA." Letter, (FHWA to Westlake USEPA (August 22, 2066) (Attachment Q. The FHWA letter then explains in detail the limited scope of the Gateway Project Accordingly, USCG cannot rely on the EA or the associated FONSI to support a finding that an EIS is not required for a new bridge next to the Ambassador Bridge.

Response: The commenter is correct that the Gateway Project EA did not analyze all of the environmental impacts of a new span of the Ambassador Bridge as a specific bridge design was not completed at the time of the Gateway Plaza documentation. The Gateway Plaza EA/FONSI is pertinent in the evaluation of the ABEP. The Gateway Plaza EA/FONSI is incorporated by reference in this NEPA document. The ABEP includes the prior analysis done in the region as well as the independent analysis performed by the proponent and Coast Guard.

Comment 29: A bridge applicant must establish it has the legal authority to construct the bridge. 33 C.F.R. 115.05. "Special care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the bridge." *Id.* Under its procedures, USCG will not issue a bridge permit until the applicant can demonstrate it has all other federal, state and local approvals. USCG, Bridge Administration Manual, p. 12 and App. E.

U.S. law requires that the USCG's permit approval is subject to approval of the proper authorities in Canada. 33 U.S.C. § 535. Given Transport Canada's opposition to this project, such approval seems unlikely.

The DIBC plan appears to call for a new or expanded connector road involving Mill St. and Huron Church Road in Windsor, but the permit application states that "Presently, the DIBC/CTC has no authority or jurisdiction allowing for the construction of connecting roads from the Ambassador Bridge to Highway 401." Permit Application, p. 4. Because such access roads will clearly be required in order to accommodate the traffic with the new bridge capacity will generate, it is questionable whether the USCG can find that the DIBC has all of the permits and authorizations needed to proceed with a new bridge.

Response: Review of the ABEP on the Canadian side is on-going at the time of this writing. Transport Canada continues to process the application on their side, indicating that they have not rejected this project, but instead are conducting the necessary evaluation of the applicant-prepared environmental document. The Coast Guard has considered impacts in Canada as appropriate, but the Canadian authorities will determine whether to approve the project based on their own laws and requirements.

Once the NEPA process is completed the Coast Guard will determine whether to issue a federal Bridge Permit, and at what time, based on all U.S. laws and requirements.

Comment 30: A privately owned highway toll bridge may not be constructed or operated without prior approval of its location and plans by the state highway department. 33 USC § 525(c). The new bridge will certainly be a toll bridge. MDOT has not approved the proposed location. It is unlikely to approve the location given the decision in the DRIC study to eliminate a second Ambassador Bridge, but in any case; no MDOT decision is likely until the DRIC study is completed.

Response: This project involves constructing a companion bridge to connect with existing facilities, including existing toll facilities. No changes to the toll facilities or operations are required as part of this project. Because this project does not involve constructing a new toll bridge, but instead involves the improvement of the existing crossing, the statutory provision cited is not applicable. Additionally, MDOT has provided two letters to the Coast Guard for this project and have never referred to the provision cited. The Coast Guard has contacted the Michigan Attorney General's office directly concerning state laws or requirements and has been advised that no additional state laws apply. MDOT has never stated opposition to the project in any correspondence or discussion. The proponent already holds federal permit for the existing Ambassador Bridge and the international

corridor, and the U.S. Department of State has determined that no additional permissions are required for the ABEP.

Comment 31: City of Detroit approval is required in a variety of ways. First, the original bridge was approved by a 1927 city ordinance. (Attachment R). That ordinance clearly did not authorize a second bridge. Presumably, approval by ordinance will again be required. Second, it is not clear that a new bridge span will comply with Detroit's zoning ordinance. Third, the new bridge will span properties owned by Detroit (certain streets and potentially a city park). DIBC must obtain easements to traverse city property. Present information indicates that the easements for the Ambassador Bridge are not wide enough to include a second bridge. The 1927 Ordinance refers to a maximum 75-foot width, which width is fully occupied by the present bridge. A new six-lane bridge is likely to require another easement nearly 200 feet wide (including the space between the bridges). DIBC must demonstrate it has such easements, else it does not have the legal authority to construct the bridge.

In addition, Detroit asserts the right to enforce its building and safety codes with regard to any international bridge in the City. DIBC is presently in litigation with the City of Detroit over the City's ability to regulate the DIBC and its facilities like any other business in Detroit under the City's zoning and building ordinances. Detroit International Bridge Company v. City of Detroit, Court of Appeals Docket No, 257369. DIBC claims it is immune from the City's zone and building ordinances. Not until that litigation is resolved and then only if it prevails, will DIBC be able to demonstrate that it has all of the City approvals required in order to construct a new bridge.

Response: The proponent will be required to obtain all necessary permits or approvals from the City of Detroit prior to construction work, but it is the proponent's responsibility to obtain the necessary permits and authorizations. Prior or current litigation between the proponent and City of Detroit is not considered in our evaluation of the project for federal compliance.

Comment 32: We understand that there has been a preliminary determination that a new bridge adjacent to the Ambassador Bridge is not required to obtain a Presidential Permit We do not agree with such a conclusion and are unaware of any basis for it. The enabling legislation for the original Ambassador Bridge clearly is limited to a single bridge whose construction was to be completed within seven years after the legislation. [citation omitted] On July 19, 2006, we submitted a Freedom of Information Request to the Department of State for its file on the issue. The Department has been untimely in responding to our request. We reserve the right to comment further on this issue once we have possession of the relevant State Department record and determine the Department's position and are able to frame an appropriate comment.

Response: A copy of the Department of State letter advising that no additional authorizations, or Presidential Permits, are required for the ABEP in the previously approved international corridor are contained the Final EA in Appendix I.

Supplementary Comments from Bodman LLP on behalf of Gateway Communities Development Collaborative on CATEX Document, dated September 14, 2006

Comment 1: We have prepared and are submitting these supplementary comments on behalf of the Gateway Communities Development Collaborative and the Delray Community Council with regard to the pending international bridge permit application filed by the Detroit International Bridge Company as described in USCG, Public Notice 09-03-06 (July 28, 2006). Our principal comments were transmitted by Federal Express delivery yesterday.

The Detroit International Bridge Company appeared before the Detroit City Council today to provide an update on its proposal to build a second "twin" bridge. It was forced to make two concessions which strongly support a determination that an EIS is required.

During questioning by the City Council of its assertion that the proposed bridge does not increase crossing capacity, a DIBC representative stated that, "If this were a project to increase capacity, we would have agreed to an EIS." Yet, very clearly, the proposed bridge does increase crossing capacity. It will be a six-lane bridge. Even if the Ambassador Bridge is permanently removed from use (under questioning from Council, DIBC refused to commit that it planned to take the existing bridge out of use permanently), those six lanes would be a 50% increase in roadway capacity over the present four-lane bridge. While the present crossing capacity is limited today by the number of toll booths and inspection facilities, after planned plaza improvements are made, the limiting capacity of the crossing will be determined by the roadway capacity on the bridge itself. According to the DRIC study, cited in our main comments, regardless of plaza capacity, traffic will reach bridge roadway capacity by 2020, with extensive roadway congestion occurring in the years before absolute capacity is reached. The extra two lanes on the new bridge will accommodate that traffic demand. Thus, DIBC has really conceded an EIS is required.

Response: The stated purpose and need of the ABEP has never been to increase capacity at the border crossing, unlike the DRIC study. The ABEP proposal, by contrast, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC.

As the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

Comment 2: In addition, DIBC representatives told City Council that an EIS would be performed if they decided to take the Ambassador Bridge out of service permanently. We find it curious that DIBC would agree that an EIS is appropriate when a bridge is taken out of service but not when a new bridge is placed in service.

Response: The current and proposed uses of the existing and companion spans at the Ambassador Bridge crossing are within compliance of all federal bridge statutes. The ABEP does not include any proposals or plans to demolish the existing bridge. The proponent must comply with all applicable federal requirements if removal of the existing bridge is ever proposed.

CATEX Comments Submitted by Thompson Hine on behalf of City of Windsor dated September 14, 2006.

Comment 1: We are submitting these comments on behalf of our client, the Corporation of the City of Windsor, Ontario, Canada (“Windsor” or the “City”), in response to the U.S. Coast Guard’s (“Coast Guard’s”) tentative determination that the above-referenced proposed action is categorically excluded from NEPA review. This letter supplements the letter, dated September 14, 2006, submitted by David Estrin, Gowling Lafleur Henderson LLP, on behalf of the City. Mr. Estrin has provided a detailed summary of the relevant facts and substantiating materials as to why there will be significant adverse environmental impact on the City of Windsor as a result of the proposed second bridge and therefore why the Coast Guard’s tentative NEPA determination is improper and I will not repeat that discussion in this letter. Rather, I will narrowly focus on the inappropriateness of the Coast Guard’s use of the categorical exclusion. As explained in more detail below: (1) The Coast Guard’s determination is improper because the Coast Guard’s action will have significant impacts in the U.S. and Canada and, thus, an EIS is required. (2) The Coast Guard has inappropriately determined that the action falls under categorical exclusion number 32(a) identified in the Coast Guard’s Implementing Instructions where the proposed project is neither a “modification” or a “replacement” of an existing bridge. (3) Even if this action fell under this categorical exclusion (which it does not), the Coast Guard must conduct an EIS where it is demonstrated that the project may have significant environmental impacts.

Discussion

The Detroit International Bridge Company/Canadian Transit Co. (collectively “DIBC”) proposes to construct a new six lane bridge (with sufficient shoulder space to create two additional lanes) across the Detroit River between Detroit and the City. DIBC has requested approval from the Coast Guard of the location and plans for construction for the new bridge. Please see Mr. Estrin’s letter for a more detailed discussion of the background information, which is incorporated herein by reference. In its July 28, 2006 Public Notice, the Coast Guard stated that it has made a tentative determination that the proposed action meets the criteria for one of the categorical exclusions listed in the Coast Guard’s NEPA Implementing Instructions (Nov. 29, 2000). Based on information received on August 23, 2006 from Nick E. Mpras, Chief, Office of Bridge Administration, Coast Guard headquarters, we understand that the Coast Guard determined that the action meets the criteria of categorical exclusion number 32(a) on Figure 2-1 of the NEPA Implementing Instructions. Number 32(a) excludes Bridge Administrative Program actions which can be described as a “[m]odification or replacement of an existing

bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.” Mr. Mpras indicated that the Coast Guard considers the proposed project to be a modification of the plans for the existing Ambassador Bridge. As set forth in Mr. Estrin’s letter, the City believes that this tentative determination is unreasonable, arbitrary and capricious. We have provided below some additional comments to supplement those in Mr. Estrin’s letter.

Response: Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided. The Coast Guard, by objectively evaluating the accumulation of studies performed for the various projects involving the border crossing, its related facilities, and the neighborhoods around it, and through the independent and additional analysis performed for the ABEP, the Coast Guard believes that the potential impacts on the human environment are not significant.

Comment 2: NEPA is Starting Point of Analysis. The starting point for the Coast Guard’s NEPA determination must be NEPA itself. Under NEPA, federal agencies are mandated to assess the environmental impacts of major federal actions significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). NEPA places an obligation on federal agencies to consider every significant aspect of the environmental impact of a proposed action and to inform the public that it had considered environmental concerns in the decision making process. *Baltimore Gas and Electric v. NRDC*, 462 U.S. 87, 97, 103 S. Ct. 2246, 2252, 76 L. Ed. 2d 437, 446 (1983).

This mandate is incorporated in the CEQ regulations set forth at 40 C.F.R. § 1500 *et seq.*, which are binding on the Coast Guard. 40 C.F.R. § 1507.1. The CEQ regulations provide for categorical exclusions to be determined by the respective implementing agencies for categories of actions which do not individually or cumulatively have a significant effect on the human environment. 40 C.F.R. § 1508.4. The CEQ regulations provide that the implementing agencies must provide for extraordinary circumstances in which a normally excluded action may have a significant effect. This is simply a recognition by the CEQ that an agency may not use a categorical exclusion in compliance with NEPA if the specific action may have a significant environmental effect.

While it is appropriate for the Coast Guard to identify categorical exclusions which it has predetermined will not normally have a significant environmental effect, reliance on the categorical exclusion in this case without taking a “hard look” at the environmental consequences of the proposed action will not survive scrutiny by a reviewing court. *Kleppe v. Sierra Club*, 427 U.S. 390, 410, 96 S. Ct. 2718, 2730, 49 L. Ed. 2d 576, 590 (1976); *State of California v. Norton*, 311 F.3d 1162, 1168 (9th Cir. 2002). Otherwise, the Coast Guard will not satisfy the NEPA purpose of fostering informed decision making and informed public participation. *San Luis Obispo Mothers for Peace v. NRC*, 449 F.3d 1016, 1035 (9th Cir. 2006); *Highland Cooperative v. Lansing*, 492 F.Supp. 1372, 1380 (W.D. Mich. 1980) (holding insufficient “hard look” and invalidating action that created four lane highway and stating impropriety of relying “on bald conclusions.”). The City, the U.S. EPA, and other commenters have identified significant potential environmental effects of the proposed project. Thus, the

Coast Guard cannot apply its categorical exclusion. See *Sierra Club v. Bosworth*, 352 F.Supp 2d 909, 927 (D. Minn. 2005).¹

The Coast Guard is required under NEPA to include analysis of reasonably foreseeable transboundary effects in its analysis of proposed actions in the U.S. 42 U.S.C. § 4332(F) (requiring agencies to “**recognize the worldwide and long range character of environmental problems** and, where consistent with the foreign policy of the United States, **lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation** in anticipating and preventing a decline in the quality of mankind’s world environment” (emphasis added)). Furthermore, the *CEQ Guidance on NEPA Analysis for Transboundary Impacts* (July 1, 1997) states that “NEPA requires agencies to include analysis of reasonably foreseeable transboundary effects of proposed actions” in their analysis of proposed actions in the United States. The CEQ’s conclusion is entitled to “substantial deference.” *Andrus v. Sierra Club*, 442 U.S. 347, 358 (1979); see also *Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (Jan. 4, 1979)*; *Association of Pub. Agency Customers v. Bonneville Power Admin.*, 126 F.3d 1158 (9th Cir. 1997) (holding that agency did consider transboundary effects, thus there was no violation of NEPA or the executive order); *Government of the Province of Manitoba v. Norton*, 398 F.Supp.2d 41 (D.D.C. 2005) (looking to, among other facts, transboundary effects along river to invalidate agency action under NEPA).

The Coast Guard has recognized the obligation to assess the impact of its actions on a foreign nation. See, e.g., *Implementing Instructions*, Enclosure 1, at pp. 5, 16. This obligation does not depend on whether Canada will or will not conduct its own environmental impact study of the project. We object to the extent that the Coast Guard fails to consider the significant transboundary impacts of this action as part of its NEPA determination.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided.

¹ The USCG has not considered the cumulative impacts of the proposed action as required under NEPA. 40 C.F.R. § 1508.7 (must consider the “impact on the environment that results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions . . .”). In addition the USCG’s analysis of DIBC’s application on a stand-alone basis violates NEPA’s prohibition on project segmentation. The USCG must consider the impacts of the overall project, including, without limitation the expansion and improvements to the bridge plazas, access improvements to U.S. and Canadian roadways and construction of additional bridge capacity. The USCG must assess the impacts from the entire system as part of the NEPA review.

The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side

The Coast Guard, by objectively evaluating the accumulation of studies performed for the various projects involving the border crossing, its related facilities, and the neighborhoods around it, and through the independent and additional analysis performed for the ABEP, the Coast Guard believes that the potential impacts on the human environment are not significant.

Comment 3: The Action Does Not Fit Any Categorical Exclusion. The Coast Guard has tentatively determined that the proposed action fits within categorical exclusion number 32(a). This determination is clearly erroneous on its face. Number 32(a) applies to the “[m]odification or replacement of an existing bridge on essentially the same alignment or location.”

DIBC seeks approval to construct an entirely new six lane bridge. DIBC does not intend to terminate the use of the existing bridge. DIBC does not intend to alter the existing bridge. As such, the proposed project is neither a modification or replacement of the existing Ambassador Bridge under any reasonable definition of those terms. Nor can this project be construed as a modification or replacement “on essentially the same alignment or location.” The USCG’s list of categorically excluded projects simply does not include the construction of a new bridge, and certainly not a new six lane, mile long international bridge capable of carrying up to 50,000 vehicles per day. The Coast Guard’s use of the categorical exemption in this case would be unreasonable, arbitrary and capricious. *See State of Mississippi, ex rel. Moore v. Marsh*, 710 F.Supp. 1488 (S.D. Miss. 1989) (Corps of Engineers characterization of river maintenance activity as within categorical exclusions was clear error where project did not fit under definition in regulations); *West v. Secretary of the DOT*, 206 F.3d 920 (9th Cir. 2000) (holding use of DOT’s categorical exclusion for “highway interchanges” was intended for small scale projects and not “an entirely new, \$18.6 million, four-lane, ‘fully-directional’ interchange . . . requiring 500,000 cubic yards of fill material, 30,000 tons of crushed surfacing, and 32,000 tons of asphalt concrete pavement” and invalidating agency action.); *Ark. Nature Alliance, Inc. v. United States Army Corps of Engineers*, 266 F.Supp. 2d 876 (D. Ark. 2003) (more than doubling bridge side required EIS due to potential environmental impacts).

NEPA and the CEQ regulations unambiguously require the Coast Guard and other federal agencies to prepare an EIS or environmental assessment/finding of no significant impact (“FONSI”) for all major federal actions that are not categorically excluded as in this case as discussed above. *Anacostia Watershed Society v. Bobbit*, 871 F.Supp. 475, 481 (D.D.C. 1994). If the Coast Guard believes that the project will have no significant impacts, it must provide that assertion in an environmental assessment/FONSI where no categorical exclusions apply.

Id. at 482.

This project does not fit within categorical exclusion number 32(a) for a second reason. The exclusion does not include bridges with historic significance. The existing Ambassador Bridge is on the National Register of Historic Places. We do not believe that the construction of an entirely new bridge can reasonably be considered a “modification” of the existing bridge. In any event, categorical exclusion number 32(a) excludes on its face modifications to an existing bridge with historic significance. The Coast Guard has acknowledged that the Ambassador Bridge has historical significance. If the Coast Guard believes that the proposed project is a modification of the existing Ambassador Bridge, then it cannot rely on categorical exclusion number 32(a), because modifications to existing bridges with historical significance are excluded.²

Response: Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided

Comment 4: Extraordinary Circumstances. Finally, even if this action fell under the definition of categorical exclusion number 32(a) (which it does not), the Coast Guard must conduct an EIS because the proposed action will significantly affect the quality of the human environment. *State of California v. Norton*, 311 F. 3d at 1168.

As mandated by NEPA, and explicitly required in the CEQ regulations and the Coast Guard’s NEPA Implementing Instructions, a categorical exclusion does not apply under extraordinary circumstances in which a normally excluded action may have a significant environmental effect. When extraordinary circumstances are present, the Coast Guard must assess environmental impacts. *Id.* at 1170.

As noted above, the Coast Guard cannot ignore NEPA when reviewing a project under the CEQ regulations or its Implementing Instructions. Neither the CEQ regulations or the Implementing Instructions can trump the overriding duty of all federal agencies under NEPA to assess significant environmental impacts of their actions. The bottom line is that the Coast Guard must take a hard look at the potential impacts of this project. If there are any potential significant effects (and we believe there are many as set forth in Mr. Estrin’s letter and letters from the U.S. EPA and other commenters), then the categorical exclusions cannot be used. *Sierra Club*, 352 F.Supp. 2d at 922 (to prove decision to not prepare EIS was contrary to law, plaintiffs need only show that there is a substantial possibility that action may have significant impact on environment, not that it will clearly have such an impact); *Nat’l Audubon Soc’y v. Hoffman*, 132 F.3d 7, 18 (2d Cir. 1997); *Sierra Club v. United States Forest Serv.*, 843 F.2d 1190, 1193 (9th Cir. 1988).

² Moreover, the new bridge will adversely affect, at a minimum, the aesthetic character of an existing historically significant bridge.

The “extraordinary circumstances” exception to the categorical exclusions in the CEQ regulations and the Coast Guard’s Implementing Instructions merely state the obvious - categorical exclusions cannot apply if the specific project may have significant environmental effects. Otherwise, the regulations and implementing guidelines would contravene NEPA’s broad mandates and frustrate the fundamental purpose of NEPA, which is to ensure that federal agencies take a hard look at the environmental consequences of their actions. *State of California v. Norton*, 311 F. 3d at 1175.

The Coast Guard has identified in Enclosure 2 to the Implementing Instructions various considerations for determining when extraordinary circumstances are present. The City has provided substantial evidence with Mr. Estrin’s letter demonstrating that most of the potential effects identified in Enclosure 2 may result from the project. It defies logic to assume that the construction of a major new international bridge built into the center of two major cities would not have significant environmental impacts. The construction phase alone, with its noise impacts, stormwater run-off issues, and traffic impacts, among other things, would be sufficient to trigger NEPA review. See *Implementing Instructions*, Enclosure 1, Attachment 2, p. 12. In its tentative determination, the Coast Guard relied exclusively on DIBC’s assertions. Under NEPA, the Coast Guard must take a hard look at the potential effects of the action. *San Luis Obispo Mothers for Peace*, 449 F.3d at 1035; *Highland Cooperative*, 492 F.Supp, at 1380. The Coast Guard may not base its determination on the conclusory statements of the applicant, particularly where other evidence in the record contradicts the applicant’s assertions. *Highland Cooperative*, 492 F.Supp. at 1380.

Moreover, as pointed out by Mr. Estrin, many of the applicant’s statements are erroneous, misleading; or inaccurate. Reliance on such statements without further inquiry to conclude that the categorical exclusion applies and that the exceptions to the categorical exclusion do not would be unreasonable, arbitrary and capricious. See *Highland Cooperative*, 492 F.Supp. at 1380; *Save the Courthouse Committee v. Lynn*, 408 F.Supp. 1323, 1341 (S.D.N.Y. 1975). In any event, there is substantial evidence in the record that extraordinary circumstances exist and, thus, the Coast Guard may not use the categorical exclusion. *State of California v. Norton*, 311 F.2d at 1177. As recognized in the Implementing Instructions, if a categorical exclusion is not appropriate, an environmental assessment or EIS must be prepared. *Implementing Instructions* at p. 2-5.

The Ambassador Bridge was built in 1929, well before NEPA was enacted. The Coast Guard cannot ignore the fact that the environmental effects of the original bridge were never assessed. Therefore, the Coast Guard has no basis to conclude that the construction of a much larger bridge in the same general area will have no significant effects. Even if this project was for the purpose of replacing the Ambassador Bridge (which it is not), it would be a violation of NEPA to assume that there are no effects. The Coast Guard cannot reasonably conclude that the construction of a six lane bridge that passes over parks, will increase traffic with related congestion, pollution and health concerns, and will generate substantial cumulative indirect impacts, among many other things, will have no significant effect on the environment.

The City requests the Coast Guard merely to follow its own procedures, which provide the specific circumstances where the categorical exclusion may and may not be used. The failure to follow its own requirements has been held by the courts to demonstrate that the agency’s actions are unreasonable, arbitrary and capricious. *Simmons v. Block*, 782 F.2d 1545, 1550 (11th Cir.

1986); *Mine Reclamation Corp. v. Federal Energy Regulatory Comm'n*, 308 U.S. App. D.C. 152, 30 F.3d 1519, 1524 (D.C. Cir. 1994); *Bunyard v. Hodel*, 702 F.Supp. 820, 822 (D. Nev. 1988).

The Coast Guard's own policy requires that "responsible personnel should be alert for circumstances that dictate the need to prepare an EA or EIS" for actions that normally would be categorically excluded. *Implementing Instructions*, p. 2-4. The Implementing Instructions require that "the determination of a CE is inappropriate and more environmental analysis is needed, or that an EA or EIS is needed, must be based on the potential significance of the proposed actions affect on the environment. The proposed action must be evaluated in its context (whether local, state, regional, tribal, national or international) and in its intensity by considering the level of possible effects as listed in (1) - (10) above." *Implementing Instructions*, p. 2-5 (emphasis added).

Your policy also states that "a CE may not be used if the proposed action is likely to involve any of the circumstances set forth in Section 20.B(2) of DOT Order 5610.1 (enclosure 1). The 10 listed circumstances and those in the DOT Order are addressed in the Environmental Analysis Checklist (enclosure 1). If a CE is not appropriate, an EA or an EIS must be prepared." *Implementing Instructions*, p. 2-5 (emphasis added). Accordingly, your own commandant instruction requires that a categorical exclusion may not be used if the proposed action is likely to involve one of the circumstances set forth in the Environmental Analysis Checklist. Mr. Estrin's submission includes a letter dated September 13, 2006 from Robert Hayes, Chief Planner, City of Windsor, in which Mr. Hayes, as an experienced environmental assessment practitioner, provides a detailed discussion of the factors on the Checklist, showing that this project will in fact involve many of the listed circumstances. We ask the Coast Guard to follow its own guidance and procedures in this case and conduct a detailed environmental review of the project impacts.

Mr. Estrin has described in detail the significant impacts from this project. He has described and provided supporting documentation that this project will greatly increase traffic into the City and over and through urban parks, residential neighborhoods, schools, and cause massive congestion of municipal roads. This will exacerbate air pollution, noise pollution and congestion within the City, as well as impairing health and safety of Windsor residents. *See United States v. 27.09 Acres of Land*, 760 F.Supp. 345, 351 (S.D.N.Y. 1991) (traffic congestion can amount to a significant environmental impact requiring an EIS). We believe that the existence of these significant environmental impacts (along with other factors) preclude the USCG from using any categorical exclusion.

Mr. Estrin also has described the inaccuracies in DIBC's submission concerning the categorical exclusion checklist. DIBC's submission contains erroneous, conclusory and self-serving statements that cannot be relied upon to support the categorical exclusion determination. As shown, extraordinary circumstances clearly are present rendering the identified categorical exclusion inapplicable. *State of California v. Norton*, 311 F.3d at 1176 (failure to explain why extraordinary circumstances were not present rendered agency's reliance on categorical exclusion invalid); *Rhodes v. Johnson*, 153 F.3d 785 (7th Cir. 1998) (presence of one of listed extraordinary circumstances mandated environmental assessment).

Response: Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided

Comment 5: In this case, the existence of significant public controversy alone is sufficient to trigger the EIS requirements where the City, on behalf of its citizens, is voicing its substantial concerns of the environmental effects of the project, particularly where there is a substantial dispute about the size, nature or effect of the action. *State of California v. Norton*, 311 F.2d at 1176; *Cold Mountain v. Garber*, 375 F.3d 884 (9th Cir. 2004) (existence of public controversy over agency action is one factor in determining whether agency should prepare EIS); *Fund for Animals v. Williams*, 246 F.Supp. 2d 27 (D.D.C. 2003) (to be highly controversial under NEPA, must be substantial dispute about size, nature, and effect of project), *amended* 311 F.Supp. 2d 1; *aff'd* 428 F.3d 1059; *Jones v. Gordon*, 792 F.2d 821 (9th Cir. 1986) (decision to use categorical exclusion unreasonable where agency failed to address applicability of exception for public controversy). The existence of significant public controversy is demonstrated by, among other things, the Canadian agencies participating in the Detroit River International Crossing Study (“DRIC”) dropped a second Ambassador Bridge crossing for environmental and community impact reasons, there are substantial concerns over private ownership of the river crossing, and the long-standing community opposition to an expanded river crossing in the vicinity of the existing Ambassador Bridge.

Response: The fact that there is some local opposition to the ABEP does not, in and of itself, indicate that an EIS is required. The comments submitted in response to the Draft EA by the City of Detroit have been addressed in this section of the Final EA, along with all comments received.

The Coast Guard, by objectively evaluating the accumulation of studies performed for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the human environment are not significant, and do not warrant preparation of an Environmental Impact Statement.

Comment 6: Even if the new eight lane bridge was a modification of or a replacement for the existing bridge, the Coast Guard cannot use the categorical exclusion where a substantially different bridge is built. In this case, the new bridge is substantially larger and has a different footprint. The proposed bridge would be twice as wide and provide twice as many lanes as the current bridge. The new bridge will have substantial direct and cumulative effects on the environment. This project cannot reasonably be characterized as an “enhancement” of the existing bridge. The Coast Guard cannot exclude this project without taking a hard look at the potential effects that will be different and potentially larger than with the existing bridge. *Sierra Club v. DOE*, 255 F.Supp. 2d 1177 (D. Col. 2002) (DOE grant of easement constituted new use with new or different impacts and thus did not fall under categorical exclusion); *Ark. Nature Alliance, Inc.*, 266 F.Supp. 2d 876 (Corps violated NEPA when it did not conduct EIS for modification to low-water bridge where, among other things, new bridge was twice as large); *Pennaco Energy, Inc. v. U.S. Dept. of Interior*, 377 F.3d 1147 (10th Cir. 2004) (Bureau of Land

Management's issuance of oil and gas leases was arbitrary and capricious where use of lease for extraction of coal bed methane raised significant new environmental concerns).

In summary, there is substantial evidence in the record that exceptions to the categorical exclusion apply. Thus, the Coast Guards prohibited from using the categorical exclusion. *State of California v. Norton*, 311 F.3d at 1177 (fact that exceptions may apply is all that is required to prohibit use of a categorical exclusion).

Response: Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided.

Comment 7: Conclusion.

According to the U.S. Supreme Court, all federal agencies must take a hard look at the potential environmental effects of major federal actions. *Kleppe v. Sierra Club*, 427 U.S. 390. Under NEPA, the Coast Guard must take a hard look at the proposed project and identify potential impacts. If the impacts may be significant, the Coast Guard must prepare an EIS. The Coast Guard has substantial evidence before it of the numerous significant impacts from this project. The Coast Guard cannot reasonably conclude that the construction of a six to eight lane international bridge to be located in the heart of any major city would not have any potential significant impacts. Under NEPA, the CEQ rules, and the Coast Guard's Implementing Instructions, the categorical exclusion cannot be used where potential impacts exist as in this case. Moreover, the categorical exclusion referenced by the Coast Guard is inapplicable to this project based on the plain meaning of the language in the exclusion. If no categorical exclusion applies, the Coast Guard must conduct further environmental review.

Please let me know if you would like any additional information from us concerning the City's opposition to the Coast Guard's tentative NEPA determination.

Response: Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided

Comments on CATEX by Mexicantown Community Development Corporation, dated September 13, 2006

Comment 1: Mexicantown Community Development Corporation is a community-based, economic development corporation that develops neighborhood serving retail facilities in the restaurant district, known as Mexicantown, located adjacent to the U.S. Customs Plaza at the Ambassador Bridge. Our mission is to advocate for and build a stronger, more prosperous future for the historic, vibrant and diverse Mexicantown community of Southwest, Detroit through economic, business and cultural development. We are a member of Gateway Communities Development Collaborative and would like to not only take this opportunity to reiterate the comments submitted by Gateway Communities Development Collaborative on our behalf but would like to add to those comments.

Generally, speaking we have two major concerns with this permit request. First, the Detroit International Bridge Company has applied to the USCG for a permit to construct a new 6-lane international bridge to Canada. A new 6-lane international bridge will have significant impacts on the human environment here in Mexicantown. Therefore, a full environmental impact statement is required as part of the U.S. Coast Guard's consideration of the permit request.

Response: The decision whether to conduct an EIS is based on the significance of the environmental impacts of a project based on the findings in the EA. As set forth in this Final EA, the ABEP project will not result in substantial impacts to the environment. No residences or businesses will be relocated, and no changes in the existing land use will be required. The proposed bridge is being constructed in an already urban area where a bridge currently exists. Traffic crossing the bridge and on local roads will not significantly increase due to the project. No wetlands or floodplain impacts will occur. Piers will not be placed in the Detroit River. There are no known threatened or endangered species in the area. No significant air quality or noise impacts are expected. Therefore, the USCG has determined that an EIS is not required for this project.

Comment 2: Secondly, the Detroit River International Crossing project is currently conducting a comprehensive, transparent and inclusive analysis regarding the optimal location in Southwest Detroit for additional border crossing capacity. The DRIC analysis includes a full environmental impact statement and it has determined that the current site of the Ambassador Bridge is not an appropriate location for future investment in border crossing infrastructure. Based on this conclusion, the DIBC permit request should be denied. The proposal in question will have significant short and long term direct and indirect impacts on the human environment. Presently the demand for international vehicular crossings between the United States and Canada and the Detroit area is met by the Ambassador Bridge and the Detroit Windsor Tunnel. For trucks (and thus international trade) the Ambassador Bridge is the principal crossing because few necks can or are permitted to use the tunnel. Assuming border crossing capacity is increased, border crossings will increase 180% over the next 30 years from 9.5 million crossings per year to 12.2 million crossings, with truck traffic increasing by an even greater rate, 230%. IBI Group for URS Canada, Detroit River International Crossing Study: Travel Demand Forecasts, Working Paper (Sept. 2005), Ex. 5-23.1 (The DIBC's permit application at p. 15 grossly understates the current traffic growth estimates.)

Under the present base travel forecast prepared for the Detroit River International Crossing Study ("DRIC, the effective capacity (the point at which congestion is so significant that traffic conditions are "unstable") of the Ambassador Bridge is about 3,000 vehicles per hour in one direction and the absolute maximum capacity is about 3,500 vehicles per hour. DRIC, Travel Demand Forecasts. The base forecast travel demand indicates that demand will exceed the effective capacity by about 2011 and reach the absolute maximum capacity by 2020. Thereafter, unless there is a new bridge crossing, traffic will not be able to increase further. However, if additional capacity were available, the base travel forecast for 2035 is 4,500 vehicles per hour, which is 1,000 vehicles per hour above the Ambassador Bridge's maximum capacity.

When expressed on an annual basis, construction of additional river crossing capacity to cater to travel demand after 2020 will permit additional border crossings on the order of 1,780,000 annual auto trips and 2,220,000 annual semi truck trips (a total increase of 3,000,000 trips per year) that could not otherwise occur because of crossing capacity limitations. DRIC, Travel Demand Forecast, Ex. 5-23.

If the Ambassador Bridge is kept in service (and the permit application indicates it will), then a new six-lane bridge crossing will represent an approximate 150% increase in crossing capacity. Even if the Ambassador Bridge were taken out of service, a new bridge will represent a 50% increase in border crossing capacity.

In addition to the absolute increase in travel which an increase in crossing capacity will permit, adequate crossing capacity will reduce the time and cost associated with delays and congestion associated with crossing facilities otherwise operating at or near capacity. Given the forecast that Detroit/Windsor economic activity related to international trade will grow to the extent that international travel across the Detroit River is able to grow, increased border crossing capacity beyond the capacity of the present budge and tunnel portends major economic and community growth in Detroit and Windsor.

In this context, clearly the proposed action before the Coast Guard is not just the construction of a new six-lane bridge. Rather, the proposed action is more accurately described as "Undertake a new border crossing in order to increase border crossing capacity by 50% to 150% in the vicinity of Detroit in order to permit the additional growth of 3,000,000 trips per year by 2035 beyond current crossing capacity and to permit the expanded growth of Metropolitan Detroit/ Windsor as an international trade center."

Response: The DRIC study is focused on addressing region-wide transportation needs with an entirely new crossing that could potentially include a new plaza and connections to the highway system in Detroit. The DRIC has proposed several possible crossing sites since 2006. The creation of an entirely new crossing has the potential for significant environmental impacts in areas that have not already been developed to carry border traffic, and thus necessitates a greater degree of documentation to assess those potential impacts. In the case of the ABEP, border traffic has existed in the corridor for almost 80 years, with the major transportation or modification projects that affect the existing corridor having already been analyzed and documented, primarily through the Gateway Project. The ABEP proposal, by contrast, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. The DRIC group included a second span, or twin, of the Ambassador Bridge as one of their early alternatives during the scoping of possible crossings of Detroit River. The DRIC ultimately eliminated this option for consideration. The Coast Guard received numerous comments in response to the Draft EA stating that since the DRIC group eliminated the second span of the Ambassador Bridge as an alternative, that the Coast Guard should also reject the proposed second span. The decisions of the DRIC to eliminate this option are explained in their public documentation, but are not binding to the Coast Guard in its evaluation of the ABEP, which has a different purpose and need compared to the DRIC. It is important to note that the Canadian Environmental Assessment Agency has continued to review and process the application submitted to them by DIBC for approval of the ABEP and has not rejected the proposal

based on irreconcilable environmental impacts. It is also important to note that though the DRIC study eliminated a new crossing designed to increase capacity at this location it did not advocate the elimination of the Ambassador Bridge, and in fact assumes that the Bridge will continue to operate in its evaluation of other crossings.

The Gateway Project, DRIC study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing.

The Coast Guard received numerous comments stating that the traffic analysis should assume 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

Comment 3: It is worthwhile considering the alternatives to issuing this specific bridge permit. The "no-action" alternative would be no new border crossing capacity in the Detroit area with border crossing capacity being reached in the next 15 or so years. Clearly, if an action were proposed to cap crossing capacity so that no border crossing growth would occur after 2020, everyone would agree that would be a public policy decision with very significant impacts (largely adverse) on the southeast Michigan region. The decision to permit a new bridge to expand crossing capacity to permit border crossing growth after 2020 will have analogous impacts, mostly positive. In either case, the impacts are so significant that an EIS is required.

The fact that the proposed action is almost universally desired in order to encourage regional economic growth does not obviate NEPA's requirement that the significant effects of such an action on the human environment be fully considered before a bridge permit is granted. In fact, Mexicantown Community Development Corporation has continually advocated its position that the best location for a new border crossing is somewhere other than the in the vicinity of the Ambassador Bridge.

Response: The most significant impact discovered in this analysis is the adverse effect on the existing Ambassador, and the adverse effect was mitigated through the Section 106 process for the project. The Coast Guard has considered the accumulation of all analysis performed, including the independent analysis done by the proponent and Coast Guard, to determine the potential environmental impacts anticipated from this project and to fulfill its statutory obligation to process the application presented by DIBC. The federal, state, and local transportation agencies involved in the evaluation of border crossing projects in the project area have documented the importance of the crossing to the region. The proposed second bridge was planned for in the earlier Gateway Project. The only area required by the ABEP that was not already evaluated in the Gateway Project is the

corridor from the eastern limit of the Gateway Plaza eastward over Fort Street to the Detroit River shoreline. The primary impacts to neighborhoods near the border crossing, businesses, parks, or local roadways will be temporary during construction activities. Impacts during operations are not expected to be greater than current or projected impacts, and the project, on its own, is not expected to significantly contribute to air quality issues in the region or affect a disproportionate number of minority or low-income populations. The existing 80 year-old bridge can not reasonably be expected to carry heavy commercial traffic indefinitely. The modernization and upgrade of the structure, along with the two additional lanes for dedicated commercial truck traffic requested by the U.S. and Canadian border agencies, along with the Gateway Project on the U.S. side, are expected to improve the efficiency of moving traffic through the system that comprises the Ambassador border crossing, thereby easing impacts to surrounding neighborhoods and roadways.

Comment 4: USCG Needs To Incorporate DRIC Study Into Its Review. The "go-it-alone" DIBC permit application is in marked contrast to the Detroit River International Crossing Study being conducted by a bi-national partnership of transportation agencies (MDOT, FHWA, Transport Canada and the Ontario Ministry of Transportation). As part of the DRIC study, the alternatives analyses have identified numerous significant impacts associated with alternative crossing locations including a bridge adjacent to the Ambassador Bridge. The DRIC Study is preparing a draft EIS to insure that such impacts are fully considered. Nearly everything being done in the DRIC Study is relevant to considering the impacts of the DIBC permit application. The DRIC study has also demonstrated that a new over crossing, wherever located, will have environmental impacts. Furthermore, we urge the USCG to deny this permit application because is it inconsistent with conclusions of the DRIC study.

Response: The application of the DRIC study in the evaluation of the ABEP is addressed in Comment 2 from this commenter.

Comment 5: Analysis of the Bridge Application on a Stand-Alone Basis will Violate the Prohibitions on Project Segmentations Under NEPA.

CEQ requires that proposed actions be considered in their entirety and that actions not be analyzed as discrete segments that could tend to minimize impacts and avoid preparation of an EIS.

The range of actions that must be considered includes not only the project proposal but all connected and similar actions that could contribute to cumulative effects. Specifically, NEPA requires that all related actions be addressed in the same analysis. For example, the expansion of an airport runway that will increase the number of passengers traveling must address not only the effects of the runway itself, but also the expansion of the terminal and the extension of roadways to provide access to the expanded terminal. If there are similar actions planned in the area that will also add traffic or require roadway extensions (even though they are nonfederal), they must be addressed in the same analysis." CEQ, Considering Cumulative Effects Under the National Environmental Policy Act (January, 1997), pp. 1, 2.

This permit application, as presented to USCG, clearly segments the overall action being proposed by the DIBC. The overall project is the expansion of the Ambassador Bridge crossing through (i) expansion and improvements to the bridge plaza, (ii) access improvements to state trunkline highways

and the Canadian roadway system, and (iii) construction of additional bridge capacity. Now, in addition to the new bridge capacity reflected in the DIBC's permit application, a number of other bridge-related projects are in the offing. For example, DIBC has begun to consider improvements to the plaza and access roads beyond what is included in the Gateway Project. (See Attachment C of Gateway Communities Development Collaborative letter.) We are informed that the General Services Administration has a master plan study underway to identify federal facility needs. That study may prompt expansion of the bridge plaza. The DRIC Study has identified the need to greatly expand the U.S. and Canadian bridge plazas to inset long-term traffic needs. None of these activities are reflected in the DIBC's permit application but USCG must take them into consideration in assessing whether the proposed action will have significant impacts.

We are also aware that FHWA has already expressed its concern that incremental consideration by federal agencies of DIBC's developing plans will lead to inappropriate segmentation of project impacts from the point of view of NEPA.

Response: In the U.S., the Ambassador Bridge Gateway Project (ABGP), sponsored by the FHWA and MDOT, was expressly designed to accommodate a second bridge. The Gateway Project environmental documentation included a connection to a future second bridge. Although we are aware there have been discussions and feasibility studies performed by General Services Administration (GSA) regarding the possibility of the relocation of Fort Street in connection with possible plaza expansion, there is no formal proposal pending. It is our understanding that the relocation is contingent on many factors, and may or may not go forward. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require another study and approval from MDOT and other transportation agencies. At this time, the relocation of Fort Street is speculative, and it is not possible to reasonably foresee how or when that project might be undertaken, and what its impacts would be. The ABEP will have no direct permanent impact to Fort Street and its relocation is not required by or for the ABEP. Any other work at the plazas is not dependent upon or triggered by the new bridge. There has been no request to change the U.S. plaza as part of this project. Modifications to the existing plaza would require that DIBC submit a proposal to the General Services Administration and Customs and Border Protection, including another NEPA process, prior to approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT are proposed for the ABEP. The ABEP will require use of property only where bridge piers are expected to be placed.

The Coast Guard does not foresee that the proposed Ambassador Bridge Enhancement Project is interdependent with any possible future expansion of the inspection facility. The ABEP does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the ABEP is an independent project - and is not dependent on any other project. The Gateway Project did not require the addition of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to

public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

The comments from FHWA referenced in this comment have been responded to in this Appendix of the Final EA.

Comment 6: An Action Qualifies For A Categorical Exclusion Only If It Is So Identified in Adopted Agency Procedures And Major New Bridges Are Not So Identified.

In its notice of July 28, 2006 the Coast Guard has stated that it has made a tentative determination that the construction of a new 6-lane, mile-long international bridge should be granted a Categorical Exclusion from an analysis of its environmental impacts. USCG, Public Notice 09-03-06 (July 28, 2006). This initial determination is in error because (i) the USCG's adopted list of actions, which qualify as Categorical Exclusions does not include projects like a new 6-lane international bridge, and (ii) the proposed action meets all of the criteria for the conduct of an environmental impact statement. Accordingly the correct determination should be that an environmental impact statement must be prepared before the Coast Guard grants or denies the pending permit request.

The NEPA implementing regulations, 40 C.F.R. 1500 et seq., define "Categorical Exclusion" to be a category of actions which an agency through formally adopted procedures has determined will have no significant effect on the human environment and therefore no environmental assessment or environmental impact statement is required. 40 C.F.R. 1508.4. If a proposed action does not fall within a category or actions classified under adopted agency procedures as a "Categorical Exclusion," either an EA or an FIS is required. 40 C.F.R. 15014. The USCG has adopted procedures in compliance with § 1508.4 that define categories of actions that are deemed Categorical Exclusions. NEPA Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1D (series) (016475.11)", Figure 2-1. Figure 2-1 "contains a list of categories of actions that the USCG has determined, both individually and cumulatively, not to have significant environmental impacts." USCG, Office of Civil. Engineering, "Tools for Decisionmaking: Environmental Considerations" (undated), p. 19. "In order to categorically exclude your proposed action, it must fit into one or more of the categorical exclusions listed." Even if a project falls within one of the categories on that list, "you should look for circumstances that would make a CE inappropriate." Id. Finally, "all aspects of the proposed action must be covered by one or more Categorical Exclusions in order to Categorical Exclusion the action," Tools For Decisionmaking, p.20.

The USCG standard CE form makes this same point because it requires the Environmental Reviewer to specifically identify which CE category from Figure 2-1 covers the proposed action. USCG, Categorical Exclusion Determination Form, Enclosure (3) to M164751D.

Figure 2-1, the Coast Guard's list of 35 categories of Categorical Exclusions, does not include any kind of bridge, much less a 6-lane mile long international bridge capable of carrying up to 50,000 vehicles per day. Accordingly, the action does not qualify as a Categorical Exclusion.

It is clear from the foregoing, that even if a proposed action will impact (an erroneous conclusion on the facts of this proposal), it can not be exempted from environmental review as a Categorical Exclusion

because it is not one of the actions which the USCG has formally defined as qualifying for a Categorical Exclusion. Thus the statement in the public notice that the proposed new 6-lane international crossing “is a Categorical Exclusion for the purposes of NEPA because it satisfies criteria for such actions” is incorrect as a matter of CEQ regulations and USCG procedures.

Even if an action falls within a category of actions defined as a Categorical Exclusion, an environmental assessment or environmental impact statement must be prepared if the action will have a significant impact on the human environment. The proposed action here will certainly have very significant impacts on the environment.

Response: Since issuance of the Coast Guard Public Notice referenced, and the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided.

Comment 7: The Proposed Action, A New 6-Lane International Border Crossing Will Have Significant Impacts on the Human Environment, Requiring the Preparation of an Environmental Impact Statement.

An USCG implementing manual advises: “HOWEVER, if your proposed action: does not fit into a USCG Categorical Exclusion; has, or might have, extraordinary circumstances; or has, or might have, individual or cumulative significant environmental impacts then you must proceed to a more detailed level of environmental evaluation. Generally, you should proceed to an EA if you are unsure of the potential for significant impacts from your action and proceed to an EIS if you know or suspect your proposed action will have significant impacts.” *Tools For Decisionmaking*, p. 21 (capitalization as in the original).

The CEQ regulations include a list of factors that justify an EIS where significant impacts were expected. They include:

- Significant impacts on public health or safety
- Impacts on the quality of the human environment that are likely to be highly controversial in terms of scientific validity or public opinion
- An effect on the human environment that is highly uncertain or involves unique or unknown risks
- Future: precedent setting actions with significant effects or a decision in principle about a future consideration
- Individually insignificant, but cumulatively, significant, impact when considered along with other past, present, and reasonably foreseeable future actions
- The action involves a structure that is eligible for listing in the National Register of Historic Places

- The action involves an impact that may be both beneficial and adverse. A significant impact may exist requiring an EIS even if it is believed that, on balance, the effect will be beneficial.

Even without considering the above factors, it is clear that a new 6-lane international bridge project will have significant direct traffic, land use and air quality impacts flowing from the additional traffic capacity provided by the bridge and it will generate enormous cumulative indirect impacts because of the economic and community impacts which will flow from a new border crossing with Canada. Common sense dictates that a project with those impacts is exactly the kind of project for which an EIS should be prepared.

The Federal Highway Administration (“FHWA”) and the Michigan Department of Transportation (“MDOT”) have independently determined that new international bridges, even if adjoining existing bridges, requires a full EIS. An EIS was required for the twin span of the Blue Water Bridge and the Detroit River International Crossing study is currently performing an EIS for alternative bridge crossings of the Detroit River in the vicinity of the Ambassador Bridge.

A discussion of the above factors as applied to the present bridge proposal reveals that an EIS is required.

Response: As noted in the response to Comment 1, a thorough analysis of potential environmental impacts for the ABEP indicates that an Environmental Impact Statement is not required for this project.

1. Significant Effects On Public Health And Safety

Comment 8: (a) Immigration and Customs.

New crossing capacity for 3,000,000 trips per year will have a significant impact on immigration and customs facilities in Detroit and Windsor. Plaza space limitations in Windsor today will require either an expanded bridge plaza or an expanded offsite secondary inspection facility, either which has significant impacts both from a customs and immigration view but also in terms of land acquisition and neighborhood impacts near expanded plazas and inspection areas. DRIC, Alt. Anal. VI, p. 5-49. The DRIC study in consultation with border inspection agencies determined that general plaza space requirements to handle forecast volumes are 80 to 100 acres, DRIC Alt. Anal. V1, p. 5-43, but the Ambassador Bridge plaza is only about 30 acres. Id. at 5-41.

Response: As noted in the response to Comment 5, the proposed ABEP does not require modifications to the existing plaza facilities and would require additional environmental review if proposed in the future.

Comment 9: (b) Issues related to the prevention of terrorism need to be addressed.

As in the case of customs and immigration, border security and terrorism concerns will be greater as traffic increases. An EIS should analyze both how these concerns will affect the bridge plazas and any offsite security areas and how requisite changes to bridge plazas to accommodate border security will affect the surrounding communities.

Response: As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor. The General Services Administration (GSA), another federal agency operating at the border crossing, was also provided with the Draft EA for comment. Coordination occurs continually between the agencies listed and the bridge owner at the existing crossing. All current security-related federal requirements are being met by the current bridge owner, and are already enforced by the federal agencies with those responsibilities at the border crossing. There have been no new or additional federal requirements promulgated for the Coast Guard to apply regarding applications for international bridges since the terrorist attacks of September 11, 2001. The project proposes no changes to the operation of the facility other than the addition of the FAST lanes over the river. As a result, there are no anticipated impacts to customs operations or current security practices directly caused by the ABEP. None of the agencies listed above provided comments or concerns to the Coast Guard in response to the Draft EA.

Security will always remain a concern for the Ambassador Bridge crossing as well as all major infrastructure in the U.S. The security-related federal requirements that have been created since September 11, 2001 have already been implemented at the crossing. The Customs and Border Protection personnel permanently stationed at the border crossing on the U.S. side will continue to enforce security-related federal requirements.

Comment 10: (c) Redundancy of a crossing if there is catastrophic damage or disruption to one bridge or a plaza serving a bridge.

With every increase of international trade through the Detroit bridge and tunnel crossings, the negative impacts flowing from the disruption of one or both of these crossings becomes more severe. This is particularly true of the Ambassador Bridge because most trucks cannot detour to the tunnel. Under a twinned bridge alternative, all truck traffic must funnel through a common plaza at each end of the pair bridges. Something as commonplace as a major traffic accident or a severe weather event like a tornado, could stop international trade for an indefinite period. At the Canadian end, the limited access via the Huron Church Road likewise represents a major bottleneck if there is a major accident or fire or other event along that road. Compound these scenarios with a terror threat or action and the impacts of lack of crossing redundancy are clear.

This redundancy concern, in addition to neighborhood impacts, is what prompted the Canadian agencies participating in the DRIC study to remove the twinned bridge crossing from the list of alternatives for further study. A river crossing alternative consisting of a new bridge located elsewhere with its own plazas and access roads would provide a crossing to which traffic could divert in the event that the Ambassador Bridge crossing is shut down.

Response: Several comments received by the Coast Guard raised the question of redundancy in the event of an attack on the bridge(s) at the Ambassador Bridge crossing. The ABEP proposes an additional span within the already approved international corridor to maintain and improve the efficiency of the existing crossing. It was never the purpose of the ABEP to explore other crossings of the Detroit River, or to create a redundant structure in case the existing Ambassador Bridge is disabled due to attack. In fact, the Coast Guard recognizes that concerns for the viability of the

Ambassador Bridge crossing are based on the acknowledgement of the importance of the crossing on the economic health of Detroit and Windsor and the entire region. Also, with two structures in place, even two structures side-by-side, and the possibility of one structure surviving an attack, border traffic could continue to use the crossing, thereby limiting the economic impact if an attack were to occur. But the purpose of the proposed project is to modernize and improve efficiency of the border traffic that uses the existing crossing, not to provide a redundant structure in case of terrorist attack.

Comment 11: (d) Traffic Safety and Operations

The significant increase in traffic which additional border crossing capacity will bring to Windsor and southwest Detroit will have significant impacts on traffic operations and safety. The traffic studies for DRIC show that access roads in Canada are congested now with Ambassador Bridge traffic. If no new capacity is provided to accommodate traffic growth, congestion will become severe. A new Canadian freeway connection would greatly improve traffic conditions but at a significant community cost due to home and business property acquisition for right-of-way and attendant disruptions to the community. Because of the Gateway Project on the U.S. side, access traffic impacts will be less. But, the Gateway Project did not look past 2015. MDOT/FHWA, Environmental Assessment & Programmatic section 4(f) Evaluation, Ambassador Bridge Gateway Project (January, 1997). Accordingly, it did not address access issues and impact beyond what is now the short term horizon. Access issues after 2015 must be addressed in an EIS.

Response: As noted in the response to Comment 2, traffic counts and forecasts have been projected to the year 2030 and have been derived from the same traffic data used in other border crossing studies.

Comment 12: (e) Air Quality

USEPA has identified six priority MSATs, including benzene, formaldehyde, diesel particulate matter/diesel exhaust organic gases and acrolein. Burbank, C., FHWA, Interim Guidance on Air Toxic Analysis in NEPA Documents (Feb. 3, 2006). Most of these are associated with diesel engine emissions. The Interim Guidance identifies projects with the a potential for meaningful MSAT differences among project alternatives including major intermodal freight facilities that, have the potential to concentrate high levels of diesel particulate matter in a single location. The Interim Guidance recommends that environmental analyses for such a project should include a quantitative analysis that attempts to measure the level of emissions forth six priority MSATs for each alternative.

MDEQ, Detroit Air Toxics Initiative, Risk Assessment Report, Public Summary (Nov. 2005), reports on a one-year air toxics monitoring study including several monitors in southwest Detroit and several more in nearby communities. Benzene and formaldehyde were identified for risk reductions efforts at each of those locations. Further, although monitoring data was not collected, the Public Summary identifies diesel particulate and acrolein as being of concern at those same locations because they are associated with mobile source emissions. The proposed bridge lies within the area of concern identified in MDEQ's air toxic study.

Research indicates that diesel vehicle emissions are substantially affected variability of driving behavior, and that stop-and-go activity produces higher emissions compared to free-flow travel. Clark Net al. Factors Affecting Heavy-Duty Diesel. Vehicle Emissions. J. Air & Waste Manage. Assoc. 52, lip. 84-89 (2002). Recent research suggests that the particulate fraction of diesel exhaust is the dominant contributor to urban air toxic-related health risks (e.g., South Coast Air Quality Management District ("SCAQMT3"), Multiple Air Toxics Exposure Study in the South Coast Air Basin: KAXES-II. Final Report (and appendices) (2000). Other studies observe that ultra fine PM may be even more toxic than larger size PNT, when comparing PM of identical mass and composition. E.g., Zhu Y. ct al, Study Of Ultrafine Particles Near A Major Highway With Heavy-Duty Diesel Traffic. Atmos. Environ. 36, pp. 4323-4335(2002); Zhu Y. et al. Concentration And Size Distribution Of Ultrafine Particles Near A Major Highway, J. Air & Matte Manage. Assoc. 52, pp. 1032-3042 (2002). "Diesel-powered vehicles produce far more PM, including PM_{2.5}, than gasoline powered vehicles (on a g/mi basis). The degree to which these factors produce microscale problems is a function of the number of heavy-duty vehicles operating in the affected area, the distance to receptors, and the unit risks associated with exposure to diesel exhaust." (citation omitted).

Clearly an international bridge where thousands of semi-trucks stop, idle, crawl forward, stop again and finally slowly accelerate up the grade to the bridge will be a hotspot of diesel emissions requiring detailed air quality analyses. There have been a number of documented cases in which more that 400 trucks have exited from the Bridge in one hour. The Corradino Group, Ambassador Bridge/Gateway Project, Re-evaluation Report, p. 15 (August, 1999) (Prepared for MDOT and SEMCOG). This number will increase with improvements in the plaza on the U.S. and as truck traffic more than doubles over the next 30 years. That is a tremendous amount of stop-and-go truck traffic.

Diesel emissions are a particular concern with regard to a second bridge crossing because southwest Detroit is within the PM_{2.5}, non-attainment area. USEPA recently filed environmental objections to the draft EIS for the proposed Detroit Intermodal Freight Terminal which is close to the Ambassador Bridge and requested that the draft EIS be revised to better address fine particulate matter associated with diesel emissions (as well as environmental justice issues) and requested "that the Final EIS more fully describe localized impacts of PM_{2.5}, and commit to air quality mitigation strategies." 70 Fed. Reg. 53657 (Sept 9, 2005). The Air Quality Analysis Protocol, Detroit Intermodal Freight Terminal, Environmental Impact Statement (March 2005) (included on Attachment A), is an example of the kind of comprehensive analysis which should be performed for the proposed actions here.

Response: Air quality impacts have been thoroughly analyzed and modeled, including hot-spot analysis, and are included in the Final EA in Appendix M. The analysis indicates that the project will not result in significant air quality impacts.

Comment 13: (f) Impacts on numerous nearby schools, churches and other institutions have not been considered.

There needs to be an analyses of this crossing alternative for both the United States and Canadian sides of the Detroit River identify schools which will be affected by increased traffic associated with a second river crossing.

Response: The potential impacts to schools and other community facilities are discussed at section 3.1.4 of the Final EA. No significant impacts are anticipated to community facilities, including schools, from the construction or operation of the project.

Comment 14: Potential for Controversial Effects – There is no more controversial issue in Southwest Detroit than the environmental and economic impacts of the future location and ownership structure of additional border crossing facilities to be built in this densely populated neighborhood. In fact, I have attached a letter sent by the Detroit International Bridge Company to Detroit City Council dated today, that helps to document the level of controversy associated with the proposed facility. Additional controversial elements of the proposal include:

(a) The application conflicts with recommendations of DRIC Study which has dropped a 2nd Ambassador Bridge crossing for environmental and community impact reasons.

Although a second bridge crossing at the Ambassador Bridge is an attractive alternative from a number of aspects, as noted elsewhere the affected Canadian agencies dropped it from further consideration in the DRIC study as the result of both adverse community impacts and the fact that the crossing does not address redundancy concerns. Permitting a bridge at a location opposed by the Canadians is by any definition controversial.

Response: As noted in the response to Comment 2, the ABEP has a different purpose and need than the DRIC study and does not seek to satisfy the purpose of the DRIC to increase capacity across the border.

Comment 15: (b) Issues over public or private ownership of the River crossing.

There is substantial concern in many quarters with granting a private company a virtual monopoly of border crossings in Detroit. This is not the time and place to decide the merits of that issue, but it is exactly the type of issue which will have substantial potential impacts on the human environment, justifying an environmental impact study.

The GCDC's testimony to the State Joint Transportation Committee states the issue well:

“The fundamental underpinning of this success is the public sector's leadership and involvement – and this must continue. The GCDC supports public ownership and oversight of the next border crossing. The interests of the private sector, while important, are simply too narrow to fully achieve all that the DRIC study sets out to accomplish. The greatest threat to achieving the DRIC study mandate is allowing one party – whether public or private – to wield undue influence and control. The Gateway Communities Development Collaborative has had decades of experience with the challenges of working in an area that hosts the only privately-owned international crossing along the northern U.S. border and know first-hand of the inherent conflicts between the private interest to maximize profits and the public interests of community development, community cohesion, and security. We ask the joint committees to consider that the company that owns the Ambassador Bridge owns an entire transportation conglomerate of shipping, trucking, and freight handling interests, many of which are also located in southwest Detroit. We ask you to consider that this conglomerate has an extensive concessionaire privilege on all transportation-related projects of the County Port Authority. We ask that you consider

the proposal. announced last October, to lease the Detroit interests of the Detroit-Windsor tunnel to this conglomerate. Finally, we ask you to consider the motivation and implications of criticisms raised by this conglomerate of the DRIC study. We have considered these issues and have concluded without reservation, that providing a monopoly to a private entity on the control and operations at the Detroit Windsor international border will not result in a more efficient and secure border system, local community and economic development, or. mutually beneficial international relations.” GCDC Testimony to the Joint House and Senate Transportation Committee DRIC Study - March 30, 2006.

It has been the experience of Mexicantown Community Development Corporation that the profit motivated goals and objectives of any private company operating and maintaining such an important asset are often in conflict with the public goals of maintaining a safe and efficient border. A private border facility operator is simply not empowered to make the kind of operational decisions and investments that are needed to ensure that these goals are met. This is demonstrated clearly by the fact that we do not now have a safe and efficient border in Mexicantown and there is no clear and agreed upon plan as to how to create one.

The Detroit River International Crossing Study is the first international, fully transparent and complete attempt to develop a plan that can be supported at all levels of government, industry and community in both the United States and Canada. And as you know, it is currently being challenged by the private owner of the Ambassador Bridge and the private Investors of the Detroit River Tunnel Partnership. It is easy to conclude that any private owner of such an international facility is only in a position to support those plans and projects for the border crossing and host communities that increase its own bottom line.

Just as importantly, any private owner of border crossing infrastructure is generally motivated to reduce operational and maintenance costs at the expense of the local host communities. As such, local communities have been allocated a disproportionate share of the burdens that are associated with international freight and trade. The current Air quality and land use environment in. Southwest Detroit raises serious environmental justice issues and highlights the need for properly planned development of border crossing facilities. To date, private ownership of the border crossing Mexicantown has not resulted in mitigating the environmental hazards associated with such crossings.

The point here is not whether DIBC or the community is right or wrong respect to the issues of ownership and operation – rather that an action permitting a new bridge to be owned and operated by DIBC will generate the level of controversy which requires an EIS.

Response: There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard’s duties in this undertaking.

Comment 16: (c) AASHTO guidance recognizes that toll facilities raise issues which must be addressed in an EIS.

Any new international bridge will be supported by tolls, just as all existing bridges are. Toll financing of transportation facilities raise a variety of issues which must be considered in the NEPA process. See, AASHTO, Practitioner's Handbook 03: Managing the NEPA Process for Toll Lanes and Toll Roads (July 2003) (attached).

We request USCG review the handbook and incorporate its recommendations into the scoping and conduct of the EIS.

Response: The toll facilities are not being altered or impacted as part of this project, nor have any changes to the toll facilities been proposed.

Comment 17: (d) Long standing community controversy and opposition to an expanded River crossing in vicinity of the existing Ambassador Bridge.

“[S]trong controversy over the environmental impacts of a proposed action can arise among the general public. Again, the EIS should be considered due to the possible significant impacts perceived by the public.” Tools for Decision-Making, p 36.

The GCDC and its member organizations have attempted to work cooperatively with DIBC to minimize the impacts of the present bridge on the community and have supported the MDOT Ambassador Bridge Gateway Project for that reason. However, the GCDC and the Council and their members and constituencies have gone on record numerous times as being opposed to increasing bridge and crossing capacity at this location and by any private company.

In critiquing DIBC's draft application in 2005, FHWA noted, “The answer to this checklist question F was that no controversy is expected from the new bridge and there will be no negative environmental impacts. The bi-national partnership conducted several public meetings in April of this year. . . There was substantial controversy demonstrated at these meetings by the public over the twinned bridge proposal.” Letter, FHWA to Mr. Korpi of ACE of Florida (June 21, 2005) (ACE is DIBC's consultant).

Response: The USCG has completed a very thorough environmental study of the Ambassador Bridge project and has held several public meetings to solicit the views of the public. Based on a very large volume of data collected (including the earlier publicly-funded environmental studies regarding the border crossing) and impacts studied, it has been determined that the replacement of one span of the Ambassador Bridge with a new span, using the same modified inspection facility that has already been studied in connection with the Gateway Project, will not result in significant environmental impacts. While there are groups and persons opposed to the project, that opposition has not demonstrated the potential for significant environmental impacts, therefore not requiring any further environmental studies beyond those already undertaken, or identifying any issues that have not been thoroughly considered.

Comment 18: (e) No effort has been made to work with a broad base of the affected Community or its citizens or businesses.

DIBC has made no showing of community support or involvement related to a new bridge. In fact, its application is counter to the present community involvement effort in support of the DRIC Study. The DRIC Study has had in-depth community participation during the process. The DRIC Local Advisory Committee has reviewed and scored all of the river crossings evaluated by DRIC. Although the DIBC may wish to avoid this kind of citizen involvement by submitting its “go-it-alone” application, NEPA requires that USCG have the benefit of significant community involvement through the EIS process before it makes its decision on DIBC's Permit application.

Response: This project exceeded regulatory requirements for public meetings and public comment period. Public workshops were held on March 1, May 24, and December 6 of 2007. All were advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project. The May 24 and December 6 public workshops were also advertised by Press Release to Detroit media and publication by the proponent and Coast Guard and by Coast Guard Public Notice. Fliers were also distributed among the public for the May 24 design charette during the Cinco de Mayo celebration near the project area. In addition, a public meeting was held by DIBC and MDEQ on November 14, 2006 that was also advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer for MDEQ permit processes. Further public meetings have been held in Windsor as part of the proponents' processes in Canada. The community was provided the opportunity to comment on the project at the three public meetings and during the written comment period. The original comment period for the Draft EA was requested to be extended and was lengthened by 45 days so that more people and organizations could comment. The DIBC also maintains a website so that the public can comment on the project at any time as well as download the latest material on the project: www.AmbassadorBridge.com. All comments received through all of these meetings and means have been analyzed, considered, and responded to Appendix A in the Final EA.

The neighboring communities have been represented by an organization called Gateways Communities Development Collaborative (GCDC), comprised of nine local community groups located near the Ambassador Bridge corridor. GCDC has submitted comments in response to the Coast Guard Public Notices concerning the environmental documents provided by the proponent through their legal representative. GCDC also requested to be included in the Section 106 process as a consulting party. The Coast Guard subsequently invited a GCDC representative to be a consulting party in that process.

Despite the ample opportunities provided to comment on this proposed project, the Coast Guard did not receive an overwhelming response from the general public on this proposal. The comments received from GCDC are included in the Final EA in Appendix A, but many comments and claims of significant environmental impacts were based on incorrect assumptions regarding the volume of traffic moving through the corridor, the number of lanes of traffic to be utilized for traffic, local negative feelings towards DIBC, its owner, or unrelated projects and properties connected to DIBC.

The Coast Guard believes that the lack of overwhelming public response is due to the recognition from the public that the primary impacts to surrounding neighborhoods were

accomplished through the Gateway Project and that there will continue to be border traffic through the crossing indefinitely. Also, as noted in previous sections, since the DRIC study has been conducted essentially at the same time as the proposed ABEP, the general public has developed the impression that the two projects are in direct competition to identify a new crossing. This impression is supported by the nature of comments received from GCDC and others.

The Coast Guard also considers that all these other projects and ideas that have been proposed over the years that have included potential effects to the Southwest Detroit neighborhoods, including the various DRIC studies of possible river crossing sites in Detroit in the recent past and the Gateway Project, have necessarily resulted in close, direct consultation with neighborhood groups and representatives. Some neighborhood representative groups were even created through these projects and their consultations with federal, state, and local transportation agencies, as well as the DIBC, in the area adjacent to the Ambassador Bridge corridor. The Gateway Project especially involved direct impacts to neighborhoods and historic properties and districts, requiring extensive negotiations and coordination with neighborhood groups to minimize potential impacts. The same types of impacts are not expected to occur with this project, thus the same level of close and extensive coordination with neighborhood groups has not been necessary. This proposal being evaluated by the Coast Guard to permit a second span does not require any residential or business relocations, or modifications to local roadways that could impact residences or businesses in the Southwest Detroit neighborhoods. These impacts were primarily implemented through the Gateway Project. The air, noise, historic, and socio-economic studies, for example, that were performed for the Gateway Project logically apply to the second span proposal and should be considered when evaluating those types of impacts for this project, in part since they are derived from the same obvious cause (traffic through the system that makes up the border crossing) and are analyzed and approved by the agencies responsible for applying federal, state, and local environmental requirements.

Comment 19: Uncertain and Unknown Effects on the Human Environment

- a. Difficulty in evaluating mobile source air quality impacts from diesel trucks, where diesel emissions are believed to be the predominant contributor to adverse health effects from mobile source emissions.

If there is controversy concerning any aspect of a proposed action, then the occurrence of significant impacts is questionable and an EIS should be considered. Tools for Decision-Making, p. 35.

The MSAT issue related to diesel emissions is just such an issue. This issue was the motivation behind FHWA's recent guidance on mobile source air toxics. Burbank; C, FHWA, Interim Guidance on Air Toxic Analysis in NEPA Documents (Feb. 3, 2006). The proposed action clearly falls within the guidance and is the type of issue which merits a full EIS so that all of the ramifications of this difficult issue can be fully addressed.

Response: As the comment specifically refers to air quality analysis and potential impacts, and the comment was provided in response to the initial Categorical Exclusion scoping document, an

Environmental Assessment has since been conducted, including modeling for potential air quality impacts.

Comment 20: Precedent For Future Actions With Significant Effects Or A Decision In Principle About A Future Consideration

Action would preempt the ongoing DRIC Study.

Response: The ABEP and DRIC processes are separate processes and, as noted in previous responses, have separate stated purposes and needs.

Comment 21: Need to consider results of General Services Administration's ongoing master, plat, study of future customs, immigration and DHS facility needs associated with future border crossings.

Response: These issues were dealt with in the development of the Gateway Project and the plaza and roadway connections are being reconstructed in accordance with these plans, needs and requirements. The Ambassador Bridge Enhancement Project does not include any work within the plazas but consists only of a bridge beginning in the vicinity of Fort Street.

Comment 22: Significant Cumulative Impacts When Considered With Other Foreseeable Future Actions

- a. Need to consider the interrelationship and impacts between a new river and the proposed Detroit Intermodal Freight Terminal.
- b. Interrelationship between a new river crossing and redevelopment plans for southwest Detroit.

Response: As previously noted, the DRIC study does not apply in the processing and review of the ABEP. Our evaluation of the Detroit Intermodal Freight Terminal (DIFT) project revealed that the project is still in the planning stages, with a Final EIS expected by the end of 2008. The study is looking at four intermodal terminals: NS/CSX-Livernois Junction Yard in Southwest Detroit, CP-Expressway in Corktown, CP-Oak in Grandmont and CN-Moterm in Ferndale. The area including and surrounding the existing Junction/Livernois Yard was determined to be the best location for the intermodal terminal complex in the Draft EIS issued in 2005. According to the draft EIS for the DIFT, the project is expected to reduce truck traffic in the area, "particularly on the major border access corridors of I-94 and I-75 and international border crossings...." The DIFT EIS does not include the ABEP in its evaluation of significant nearby transportation projects. The Coast Guard does not believe that the projects create cumulative impacts for each other, but if there were to be any cumulative impacts between the DIFT and ABEP, it is reasonable to expect there to be an overall reduction in diesel emissions in the area due to DIFT's reduction in truck traffic and ABEP's FAST lanes' reduction in truck idling.

Comment 23: Impacts on Historic Resources

During the Blue Water Budget 115, the original structure of that bridge was considered an historical structure and the visual impact of a new bridge on the existing bridge was addressed in the EIS. The Ambassador Bridge, which has dominated the downriver skyline for many years, will require the same consideration.

Response: A Section 106 process was conducted in conjunction with the NEPA process for this project. Michigan SHPO made a determination of adverse effect on the existing Ambassador Bridge on March 26, 2007. The Ambassador Bridge is eligible for inclusion on the National Register of Historic Places. The adverse effect was primarily based on aesthetic visual impact to the existing bridge. The Advisory Council on Historic Preservation also participated in the Section 106 process for the project. A local community group, Gateways Communities Development Collaborative requested to be a consulting party in this process and was invited to participate. The coordination and consultation ultimately resulted in a Memorandum of Agreement (MOA) between all parties to mitigate the aesthetic visual impact to the existing Ambassador Bridge. A more detailed discussion of the Section 106 process that was conducted is included in Section XV of the Final EA Preface. All Section 106 correspondence, as well as the MOA that concluded the Section 106 process, is included in Appendix J in the Final EA.

Comment 24: Other Significant Impacts

- a. Any bridge crossing in southwest Detroit will affect low income and minority neighborhoods, requiring consideration of environmental justice and other considerations which may vary substantially depending on where a new crossing is located.
- b. DIBC has made proposals for plaza configuration and construction different from that which is part of the MDOT Ambassador Bridge Gateway Project plans. No environmental impacts or considerations arising out of those plans has been considered.
- c. Irreversible and Irrecoverable Commitments of Resources. When a proposed action may cause environmental damage that cannot be reversed or mitigated, such damage is likely to be considered significant. Tools for Decision-Making, p. 35. Here there will be but one new bridge crossing for the foreseeable future. Once built, its impacts will continue for a hundred years. USCG must make the best informed decision on this permit application because there will be no going back. An EIS is required to inform that decision.

Response: The Coast Guard evaluation of the ABEP indicates that the primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of Detroit. The proponent will need to obtain ownership, lease, or easement of this land prior

to construction, as well as other local permits or authorizations. The ABEP will not require business or residential relocations. The second bridge will not cross, or split, any neighborhoods, and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways. Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Comment 25: Transboundary Impacts Require Preparation of an EIS

The Council on Environmental Quality has directed that:

"[T]he entire body of NEPA law directs federal agencies to analyze the effects of proposed actions to the extent they are reasonably foreseeable consequences of the proposed action, regardless of where those impacts might occur. Agencies must analyze indirect effects, which are caused by the action, are later in time or farther removed in distance, but are still reasonably foreseeable, including growth-inducing effects and related effects on the ecosystem, as well as cumulative effects." Council of Environmental Quality, Guidance on NEPA Analyses For Transboundary Impacts (July 1, 1997)

“[F]ederal agencies should use the seeping process to identify those actions that may have transboundary environmental effects and determine at that point their information needs, if any, for such analyses. Agencies should be particularly alert to actions that may affect . . . sit quality as well as to interrelated social and economic effects.” Id.

In fact, the DRIC study has undertaken just such an analysis and it makes clear that a twinned Ambassador Bridge will have significant impacts in Canada and the United States, for better and for worse. This is strong support for the need to conduct an EIS for this permit application.

The transportation analyses performed as part of the DRIC Study found that the principal access route to the Ambassador Bridge (Huron Church Road and Highway 3/ Talbot Road) now suffers from congestion during the day, which congestion would increase significantly as traffic grows to reach the existing capacity of the Bridge, and then would be even worse after a second span is constructed because of the additional millions of vehicles flowing as the result of the increase in capacity. DRIC, Travel Demand Forecasts, § 6.1.2, “The current situations where trucks drive through the heart of Windsor’s west end community is unsustainable. It’s not good for Canadian and U.S. economies, it’s not good for the trucks that carry that trade, and it’s not good for the local community” Joint Press Release, Ontario Trucking Association., APDQ1 and Ontario Chamber of Commerce (December 7, 2005).

The DRIC process spent a great deal of time considering the impacts which this increased traffic flow would have at each of the alternative locations for, a new bridge crossing, including a new bridge next to the Ambassador Bridge (Alternative Y-12 in C study). The increased roadway and plaza needs to accommodate future crossing traffic made possible by new crossing capacity would require the

acquisition of businesses in Canada. It would have significant impacts on the neighborhoods in Windsor near the bridge. These impacts are made clear in the Canadian study of impacts, Generation and Assessment of Illustrative Alternatives Report – Canadian Side 3.5, 3.6 (Draft November 2005), relevant excerpts of which are attached to the Gateway Communities Development Collaborative comments. The second Ambassador Bridge "is eliminated because, in Canada, the plaza and freeway connection leading to a second span would have unacceptable community impacts and the compact ability of a six lane freeway along Huron Church Road is doubtful in light of intensity of the surrounding development" DRIC, Alt. Anal., VI, 5-56. It was eliminated because "maintaining the existing crossing and connections in the border transportation network does not address redundancy needs and regardless of plaza site selected, it would cause high impacts to neighborhoods," DRIC, Alt. Anal. VI, p 5-50. A representative of MDOT met with Canadian representatives on May 16, 2006 and then testified at a Joint Transportation Committee meeting, "I am authorized to advise you the Canadians had previously rejected the second span of the ambassador Bridge and see no need to change that position." Testimony of M. Alghurabi, DRIC Project Manager for MDOT, Testimony to joint Transportation Subcommittees of the Michigan Legislature, May 18, 2006.

Response: The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 26: Cumulative Impacts

In assessing the environmental impacts of a proposed action, the USCG must consider the cumulative impact of the proposed action. That is, the "impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions . . ." 40 C.F.R. 1508.7. As interpreted by CEQ this refers to "the cumulative impact of the direct and indirect effects of the proposed action and its alternatives when added to the aggregate effects of past, present and reasonably foreseeable future actions." Memorandum, CEQ to Heads of Federal Agencies, Guidance on the Consideration of Past Actions in Cumulative Effects Analysis (June 24, 2005), p. 2. See generally, CEQ, Consideration Cumulative Effects Under the National Environmental Policy Act (January 1997).

(Note that the concern with the segmentation of actions discussed above) arises in part because segmentation tends to undercut the consideration of the cumulative impact of a proposed action.)

With regard to the DIBC's permit application for a new bridge crossing, there are a number of past, present and future circumstances which must be considered in evaluating the impacts of this proposed Action.

The past actions which need to be considered include the prior expansion of facilities associated with the Ambassador Bridge over the last 30 years and the associated traffic increases. Steadily over time the presence of the Ambassador Bridge and its impacts on the community have expanded. The Gateway Project is just the latest installment. The adverse impacts of a new bridge will come on top of prior adverse impacts. The totality of these impacts must be considered.

In terms of present projects, obviously the impacts of the Gateway Project must be considered as part of the cumulative impact.

In terms of reasonably foreseeable impacts from future actions, the proposed Detroit Intermodal Freight Terminal will cause the greatest impact. Its adverse impact – traffic, noise and diesel-related air pollution and the same as the impacts of the existing Ambassador Bridge and the proposed bridge. These projects are only a mile or so apart. An EIS is needed to determine if they will have overlapping impacts and how such impacts will affect the southwest Detroit community. As another example the City of Detroit is planning a pedestrian-way from Belle Isle to the Ambassador Bridge. How will the impacts of that project be factored in? In addition, as noted above, DIBC has already begun discussions with MDOT about access improvements beyond those in the Gateway Project.

A comprehensive scoping effort will undoubtedly identify other past, present and actions that have direct and indirect impacts which may be cumulative with the impacts of the proposed new bridge.

Response: As noted in the response to Comment 22, the DIFT has been reviewed and is independent from the proposed ABEP. A full discussion of secondary and cumulative impacts of related projects in the area is provided in Section 4.3 of the Final EA. No significant cumulative impacts were found, and therefore an EIS is not required.

Comment 27: The Environmental Assessment for the Gateway Project Is Not a Substitute For an EIS for a New Crossing

In 1994, an environmental assessment was performed for roadway improvements between the bridge plaza and connecting state trunkline highways in Michigan (the "Gateway Project"). That project did not consider the environmental impacts of a second bridge nor of the increase traffic capacity which such a facility would provide.

Ambassador Bridge Gateway Project Memorandum of Understanding July 26, 1996 does not include the certain construction of a second span of the current bridge or a new bridge adjoining the current bridge. It describes the purpose of the Gateway Project as:

- Provide direct access to and from the Ambassador Bridge to and from the trunkline system and provide improved access to local community (roads).

- Accommodate access to meet future border crossing capacity needs and project plans by the DIBC for improvements to the Ambassador Bridge, including the future possibility of a new span.
- Accommodate access to the proposed “Travel Information Center”
- Obtain planning and environmental approvals needed to proceed with transportation improvements to improve access to the Ambassador Bridge.
- Facilitate future project development of an easy and convenient connection from the Ambassador Bridge to Mexicantown and downtown Detroit.....

The report, itself, is clearly limited to access improvements. MDOT & SEMCOG Environmental Assessment & Programmatic Section 4(f)Evaluation (January 1997)

“The action proposed by MDOT is Ambassador Bridge and Michigan’s trunkline system, notably I-75 and I-96.” Preface and p. 6-1.

"These studies are required to determine the best alternative to improving access at the United States end of the Ambassador Bridge..." p. 1-1.

Figure 1-1, “Project Location” delineates a project location which excludes the bridge and is limited to the environs of the current plaza.

“This study; began September 1995, addressing a broad range of alternatives for access to an egress from the bridge.” p. 1-5.

The description of the preferred alternative includes new traffic lanes and a bridge deck built “in such a way that it could align with a future second span to the west of the existing plan.” p. 1-7. Notably, that future span which might be built is not part of the preferred alternative which is described in detail on pp 1.7 & 1-8.

The FHWA has been absolutely clear that the EA for the Gateway Project did not include a second bridge at that location. “For the record, the Gateway EA did not clear a future second span near the existing Ambassador Bridge. This was never the intent of the study of the Gateway EA.” Letter, Kirschensteiner (FHWA) to Westlake (USEPA) (August 22, 2006) (Attachment I). Mr. Kirschensteiner's letter then explains in detail the limited scope of the Gateway Project. Accordingly, USCG cannot rely on the EA or the associated FONSI to support a finding that an EIS is not required for a new bridge next to the Ambassador Bridge.

Response: The Ambassador Bridge Gateway Project (ABGP) anticipated the eventual construction of a second span in the location proposed by the ABEP and provided for a direct link at the eastern limit of the Gateway to accommodate a second bridge. The layout of the plaza and “hub” where the second bridge would be located immediately west of the existing bridge has been graphically illustrated in the Draft EA and again in the Final EA.

The ABGP is referenced in the Draft EA and Final EA; specifically, the Environmental Assessment and subsequent Finding of No Significant Impact (Gateway Project EA/FONSI) issued by Federal Highway Administration for the ABGP. The Coast Guard considers the application of the Gateway Project EA/FONSI as pertinent documentation for the ABEP, and as such the Gateway EA/FONSI is incorporated by reference into the overall evaluation of the project by the Coast Guard in accordance with 40 CFR 1506. The analysis and documentation for the ABEP also incorporates the publicly-funded studies performed for the DRIC study; specifically, the traffic volumes, forecasts, economic factors, population factors, and other factors are based on the same data used for both the Gateway Project and the DRIC studies.

In addition to the above-mentioned environmental studies, the Coast Guard has undertaken an independent review of this project, including consultation with responsible federal, state, and local agencies to evaluate potential traffic, air, noise, wildlife, and environmental justice issues, among others.

The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second bridge will enter directly into the Gateway Plaza where most international traffic using the corridor will be contained and processed before connecting with the interstate highway on the U.S. side, thereby reducing traffic on local roadways.

The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The Gateway Project EA/FONSI included extensive documentation of the potential cultural, historic, and other environmental impacts in the area around the Ambassador Bridge and Gateway.

Comment 28: Lack of Present Authority To Construct and Operate

Lack of Local Approvals

DIBC is presently in litigation with the City of Detroit over the City's ability to regulate the DIBC and its facilities like any other business in Detroit under the City's zoning and building ordinances. Detroit International Bridge Company v. City of Detroit, Court of Appeals Docket No. 257369. DIBC claims it is immune from the City's zoning and building ordinances. Not until that litigation is resolved and then only if it prevails, will DIBC be able to demonstrate that it has all of the City approvals required in order to construct a new bridge.

The DIBC plan appears to call for a new or expanded connector road involving Mill St, and Huron Church Road in Windsor, but the permit application states that "Presently, the DIBC/CTC has no authority or jurisdiction allowing for the construction of connecting roads from the Ambassador Bridge to Highway 401." Permit Application, p. 4. Because such access roads will clearly be required in order to accommodate the traffic with the new bridge capacity will generate, it is questionable whether the

USCG can find that the DIBC has all of the permits and authorizations needed to proceed with a new bridge.

Response: The litigation to which the commenter refers has no direct bearing on the Coast Guard's processing of the federal bridge permit application submitted by the proponent. The proponent must obtain all other necessary federal, state, and local permits and authorizations prior to commencement of the project.

Comment 29: Lack of Presidential Permit

We understand that there has been a preliminary determination that a new bridge adjacent to the Ambassador Bridge is not required to obtain a Presidential Permit under the procedures required by 33 U.S.C. §535a and Executive Orders 11423,12847 and 13337. We do not agree with such a conclusion and are unaware of any basis for it. The enabling legislation for the original Ambassador Bridge clearly is limited to a single bridge whose construction was to be completed within seven years after the legislation. Statutes at Large, 66" Cong., Sess. 111, ch. 167 (March 4, 1921). On July 19, 2006, the Gateway Communities Development Collaborative submitted a Freedom of information Request to the Department of State for its file on the issue. The Department has been untimely in responding to our request. We reserve the right to comment further on this issue once we have possession of the relevant State Department record and determine the Department's position and are able to frame in appropriate comment.

Response: The proponent requested a determination from U.S. Department of State (DOS) regarding Presidential Permit requirements for the ABEP. The Acting Director of the DOS Office of Canadian Affairs, Bureau of Western Hemisphere Affairs, provided a letter dated August 5, 2005, confirming that a Presidential Permit was not required for the proposed ABEP. The letter is included in the Final EA in Appendix I, and concludes coordination with DOS.

Comments From Craig A. Czarnecki, USFWS, On CATEX Document, Dated August 29, 2006

We have reviewed the Public Notice for the above referenced file, concerning an application for a permit, pursuant to section 9 of the Rivers and Harbors Act of 1899. We submit these comments under the authority of the Endangered Species Act of 1973, as amended (Act).

According to the Public Notice, the applicant proposes to construct a second fixed highway bridge adjacent to the existing Ambassador Bridge. The proposed project would occur over Detroit River, Mile 19.5, Detroit, Wayne County, Michigan.

Endangered Species Act Comments

In accordance with section 7 of the Act, we are notifying you that the northern riffleshell mussel (*Epilblasma torulosa trangiana*), a federally listed endangered species, may occur in the vicinity of the proposed project location. The northern riffleshell historically occurred in Detroit River, but the mussel communities in the river have experienced severe declines over the past 20+ years, due mainly to the introduction of the zebra mussel (*Dreissena polymorpha*). The northern

riffleshell has not been found alive in Detroit River since 1988; however, the Michigan Natural Features Inventory discovered several fresh dead valves of the northern riffleshell in the river in this new evidence indicates the potential for it's continuing presence in the river.

Pursuant to section 7 of the Act you must determine whether authorization of the proposed work may affect federally listed species. If you determine that authorization of the proposed work may affect but would not likely adversely affect listed species, you must seek written concurrence from us. If you determine that authorization of the proposed work may affect but would not likely adversely affect listed species, you must seek written concurrence from us. If you determine that authorization of the proposed work would adversely affect a listed species, you must initiate formal consultation. Biologists from this office are available to assist you in determining potential effects of the proposed work on listed species.

The northern riffleshell also receives protection by the Michigan Department of Natural Resources through Part 365, Endangered Species Protection, of the Natural Resources and Environmental Protection Act. We suggest you contact Ms. Lori Sargent at 517/373-1263 if you have questions concerning the protection of threatened and endangered species under State law.

We appreciate the opportunity to provide our resource protection recommendations. For further discussion, please contact Barbara Hosler of this office at 517/351/6326 or the above address.

Response: The U.S. Fish and Wildlife Service (USFWS) was provided Coast Guard Public Notices for the *Project Description and Type 2 Categorical Exclusion Environmental Documentation* in 2006, and for the Draft EA in April 2007. USFWS provided letters in response to both Public Notices. The letters are dated August 29, 2006, and May 31, 2007, respectively, and are included in Appendix I of the Final EA.

The August 29, 2006 letter identified one species, the northern riffleshell mussel (*Epioblasma torulosa rangiana*), a federally listed endangered species, may occur in the vicinity of the project. The letter advised coordination with MDEQ for state-listed species, and additional information on the status of the northern riffleshell mussel. MDEQ issued a permit for the project dated January 17, 2007, and did not specify any concerns regarding the status of the northern riffleshell mussel. The Coast Guard notified USFWS by letter dated February 20, 2007 that the MDEQ permit was received and did not identify any state-listed threatened or endangered species of concern in the permit, and based on the receipt of the MDEQ permit and the fact that no pier construction is expected in Detroit River, the Coast Guard believed that no federal-listed threatened or endangered species would be affected by the project. USFWS was required to respond to the letter only if they did not concur or required additional information. USFWS did not respond to the Coast Guard letter. A phone call to USFWS representatives in East Lansing, Michigan, on February 27, 2007 confirmed there were no concerns or further coordination necessary with USFWS.

Michigan Department of Natural Resources (MDNR) was contacted by the proponent on March 1, 2007, for confirmation of no impacts to any state-listed threatened or endangered species. MDNR representatives stated they did not realize the ABEP would not place piers

in Detroit River and confirmed that the project would not affect state-listed threatened or endangered species.

Comments by Kirk T. Steudle, P.E., Michigan Department of Transportation on CATEX, dated September 14, 2006

Comment 1: The Michigan Department of Transportation (MDOT) has reviewed the submission and notice for the Ambassador Bridge Enhancement Project which pursues a new crossing of the Detroit River as a private sector initiative. MDOT has no objection to the application before you. Thank you for the opportunity to comment.

Response: Comment noted.

Comments by Joanne Spalding, Staff Attorney, Sierra Club, dated September 13, 2006

Comment 1: Thank you for the opportunity to comment on the Detroit International Bridge Company's ("DIBC") permit application to build a second span of the Ambassador Bridge ("Bridge"). The Sierra Club is a nation-wide grassroots environmental organization dedicated to protecting our communities. The Sierra Club and its members in the Detroit metropolitan area are concerned about the environmental impacts of a second span of the Ambassador Bridge. These concerns are discussed below and are supported by applicable law or findings where necessary. We believe that this project has potentially significant environmental impacts rendering it ineligible for a categorical exclusion from the requirements of the National Environmental Policy Act ("NEPA"). Due to the fact that this project would have potentially significant impacts, the United States Coast Guard should conduct an environmental assessment to determine the extent of those impacts and should move forward as required by law in addressing those impacts through mitigation or further environmental impact review.

The proposed "Ambassador Bridge Enhancement Project" involves a second bridge span between Detroit, MI and Windsor, Ontario, adding six lanes to the existing four. In their "Preliminary Review Permit Application" the project proponent, DIBC has concluded that there will be no potentially significant environmental impacts resulting from this new bridge and that the project is thus qualified for a Categorical Exclusion ("CatEx") exempting it from environmental review. This conclusion is incorrect and without merit. The permit application is filled with conclusory terms and lacks sufficient analysis or detail to support a finding of no impact.

In filling out the "CatEx Checklist," DIBC answered "NO" to every question asking whether this project would have an adverse environmental impact. Several of these answers are misleading and false and do not give appropriate consideration of the project impacts. DIBC's answers should be discarded upon further review. Below is an accurate and more comprehensive answer to the checklist questions suggesting that the correct answer to many of them is actually "YES" and at the very least, more data is needed to make a reasoned decision. Further review suggests that there are potentially significant environmental impacts that would result from this project and that a CatEx is not applicable.

Response: Since issuance of the original Categorical Exclusion document by the proponent, an Environmental Assessment has been prepared and reviewed.

Comment 2: Checklist Question A: *Is the action likely to be inconsistent with any applicable Federal, State, Indian tribal, or local law, regulation or standard designed to protect any aspect of the environmental?*

The Coast Guard should not rely on DIBC's promise that this project will not have any air quality impacts or increased traffic volumes. As we discuss in great detail below under Question D, there are potentially significant air quality impacts that will result from this project as well as increased traffic volume. Given our response to Question D below, it seems appropriate that more information and analysis will be necessary to determine whether further compliance with Federal, State, Indian tribal or local law, regulations or standards will be required. In particular, a local "Hot-Spot" analysis might be required as well as compliance with Federal and State air quality regulations and a conformity determination by the South East Michigan Council of Governments ("SEMCOG").

When considering the relevant environmental standards, the Coast Guard should also consider the standards set by the Environmental Protection Agency for PM_{2.5} non-attainment areas. We have pointed out below that the Detroit area has been designated as a non-attainment area for national standards for fine particulates. When an area is designated in non-attainment, certain transportation projects must undergo a review for localized impact for PM_{2.5} also known as a "HotSpot" analysis. This standard was developed by the Environmental Protection Agency to ensure that areas that have failed to attain national standards are reviewing projects that may exacerbate the negative impact of that pollutant on air quality and human health. This standard should not be ignored as the Coast Guard reviews the application for a permit for the expansion of the Ambassador Bridge. Due to the 150% increase in size of the existing Bridge and the correlation between traffic and PM_{2.5}, the Coast Guard must consider the potential impact of PM_{2.5} emissions from the project, their effects on nearby communities, and their impact on the ability of the region to attain the PM_{2.5} NAAQS. The federal 2.5 hotspot analysis is a relevant standard to apply.

Response: The Coast Guard has objectively evaluated the accumulation of studies performed for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the human environment are not significant. Thorough air quality analysis, including "hot-spot" analysis, has been conducted and is included in the Final EA in Appendix M. The traffic data is derived from the same data utilized in other border crossing studies. All traffic volume reports, and additional discussion and clarification of the maximum operating scenario of the bridge(s), are contained in Sections 1.6 and 2.8, respectively, in the Final EA.

Comment 3: Checklist Question B: *Is the action likely to have results that are inconsistent with locally desired social, economic, or other environmental conditions?*

The Coast Guard needs more data before accepting DIBC's answer of "NO" to this question. The purposes of NEPA are to ensure that environmental information is available to the public before decisions are made and before action is taken. This information is expected to be accurate and of high quality. Public scrutiny is seen as essential to meeting the goals of NEPA. Up until this point, the public has not been given an opportunity to comment on this project. DIBC has not conducted outreach to local organizations in determining what desired social, economic or other environmental conditions actually are. An answer of "NO" without this outreach or public participation frustrates the purpose of NEPA in requiring public scrutiny. Without more information, the Coast Guard cannot accept that this action is unlikely to be inconsistent with the desired environmental conditions in this community.

Public participation was addressed in a response to a letter written by James Steele, Division Administrator for the Federal Highway Administration, Michigan Division. Mr. Steele noted that there was no evidence in the documentation supporting a categorical conclusion about public involvement or coordination with local officials. Scott Korpi, the Project Manager and consultant for the twinning project responded to this criticism. He disagreed, stating, "numerous public meetings were held during the preparation, completion and approval of the Gateway Project and clearly that project anticipated the construction of a second span across the river..." Public meetings held ten years ago are not sufficient to satisfy the need for public involvement on *this* project. While a second span of the Bridge was *anticipated* in the 1997 Environmental Assessment done for the Gateway Project, it was not the focus of the project nor part of the environmental analysis. The reference to the second span and the possibility of its realization was so uncertain that the public was not given the opportunity to make meaningful comment on its impact on the desired social, economic, or environmental conditions. The information given to the public in 1997 with regard to a second bridge was not sufficiently detailed, accurate, or based on expert analysis in a way that would comply with the purposes of NEPA as described above.

Mr. Korpi's response does not take into consideration the possibility of changed conditions in the last decade. In ten years, the social, economic and environmental conditions may have changed such that these considerations must be revisited. For example, as discussed below, the regulatory regime for air quality impacts is significantly different now than it was ten years ago. Transportation studies have been published giving us more information regarding the impact of road construction on the human environment. These new environmental considerations, along with changes to local social and economic conditions must be analyzed as part of the decision to grant a CatEx. They are entirely absent from the submitted environmental documentation for the Ambassador Bridge Enhancement Project such that an answer of "NO" to checklist question B is inappropriate without further outreach and analysis.

In addition to investigating the locally desired social, economic, or other environmental conditions, it is important for the Coast Guard to take into consideration their legal mandate to give consideration to the issues of environmental justice. The Coast Guard, as a federal agency, shall make achieving environmental justice part of its mission by identifying and addressing "disproportionately high and adverse human health or environmental effects" on low-income or minority populations resulting from its programs and activities. The area of southwest Detroit is already burdened by the adverse environmental impacts of the existing Ambassador Bridge and

the infrastructure that surrounds it and this project may exacerbate an existing problem. In addition to the air pollution attributable to the traffic corridor, Wayne County is one of the dirtiest counties in the Country. The list of existing sources of pollution is long and includes oil, automobile, steel, wastewater and power industries to name a few. Southwest Detroit is made up of African American, Hispanic and low-income neighborhoods. This area is deserving of special attention as the Coast Guard considers this permit and the burdensome environmental impacts a new bridge will produce on top of a long legacy of environmental devastation.

Response: There has been significant public outreach and opportunity for public input during the review of all potential environmental impacts. Since issuance of the initial tentative Categorical Exclusion scoping document, extensive analysis has been performed, including an evaluation of potential neighborhood impacts and environmental justice concerns.

Comment 4: Checklist Question D: *Is the action likely to adversely affect a significant aspect of the natural environment?*

The answer to this question is a resounding “YES.” Specifically, the Sierra Club is extremely concerned with the potentially adverse impacts on air quality that will result from the twinning of the Ambassador Bridge. The discussion of air quality impacts in the permit application is incomplete and entirely insufficient to provide the foundation for the “NO” answer provided on the application checklist. The science on this subject is replete with conclusions regarding the adverse effect of car and truck emissions on human health. In light of this science, the Coast Guard should conduct further review into the potential air quality impacts of six added lanes to the existing traffic corridor, a 150% increase in the roadway capacity of the existing Ambassador Bridge.

The connection between air pollution from traffic and human health is undeniable. The environmental impact of highways has been a source of concern since the 1960s and was even cited as a major factor behind the enactment of NEPA. Air pollution from transportation sources includes a toxic mixture of particulate matter measuring 2.5 microns in diameter (PM_{2.5}), carbon monoxide, nitrogen oxides (NO_x), volatile organic compounds (VOCs), and mobile source air toxics including diesel particulate matter. PM_{2.5} is often linked to increased mortality, hospitalization from respiratory problems, decreased lung function, and increased respiratory symptoms as well as cardiovascular and pulmonary causes of death. Exposure to this toxic mixture from exposure to vehicular traffic in urban areas may increase the risk of a heart attack in susceptible persons. Fine particulates are more likely to be mixtures of chemicals and metals that result from combustion sources (such as gasoline or diesel engines) and can penetrate deeper into lung tissue and even enter the blood stream. PM_{2.5} and mobile source air toxics are the subject of a growing body of scientific evidence linking these pollutants to substantial adverse human health impacts.

The impact of mobile source air pollution on children is particularly acute. Some studies have shown a correlation between asthma and attending school near major roadways. A study in California’s East Bay was designed to determine the relationship of the proximity of middle schools to freeways and adverse health effects. The study found that the closer the schools were

to the freeways, the higher the concentrations of PM_{2.5} and diesel exhaust. Also higher, was the prevalence of asthma and bronchitis among students at the schools most affected by motor vehicle emissions. Another study followed school children in 12 California communities, finding large deficits in lung function among those students living in communities with high pollutant concentrations. Reductions in lung function and other health complications connected to exposure to air pollution were expected to impact those children for the remainder of their lifetimes. Yet another important study found that preliminary data suggested that concentrations of pollutants primarily generated by motor vehicle fuel combustion were higher in areas of close proximity to roadways with higher vehicle density.

The U.S. Environmental Protection Agency (“EPA”) recognizes that air pollution levels near major roadways are significantly higher than at locations farther away:

Urban-scale assessments done in Houston, TX and Portland, OR illustrated steep gradients of air toxic concentrations along major roadways, as well as better agreement with monitor data. Results of the Portland study show average concentrations of motor vehicle-related pollutants are ten times higher at 50 meters from a road than they are at greater than 400 meters a road. These findings are consistent with pollutant dispersion theory, which predicts that pollutants emitted along roadways will show highest concentrations nearest a road, and concentrations exponentially decrease with increasing distance downwind. These near-road pollutant gradients have been confirmed by measurements of both criteria pollutants and air toxics, and they are discussed in detail in Chapter 3 of the RIA.

Studies show that these elevated levels of ambient air pollution near major roadways result in a commensurate increase in indoor air pollution near roadways. Citing a leading study that assessed children’s exposure to traffic-related air pollution while attending schools near roadways, the EPA notes:

Overall results indicate the indoor pollutant concentrations are significantly correlated with traffic density and composition, percentage of time downwind, and distance from major roadways.

The American Academy of Pediatrics has warned that children and infants are among the most susceptible to the harmful effect of air pollution. The AAP notes:

In addition to associations between air pollution and respiratory symptoms, asthma exacerbations, and asthma hospitalizations, recent studies have found links between air pollution and preterm birth, infant mortality, deficits in lung growth, and possibly, development of asthma.

The AAP reports that these harmful health effects result in large part, from motor vehicle pollution:

Motor vehicles represent the principal source of air pollution in many communities, and concentrations of traffic pollutants are greater near major roads.

Air quality impacts on children's respiratory health are often compounded when these pollutants are present in high concentrations on playgrounds and athletic fields, where children are at even higher risk during physical activity.

The connection between adverse health impacts in children and mobile source air pollution is especially relevant to the Ambassador Bridge Enhancement Project. The Border Transportation Partnership, a group proposing another bridge across the Detroit River, has published a map locating all the schools in southwest Detroit. This map shows half a dozen schools located at the foot of the existing Ambassador Bridge. These schools range from elementary through high schools, with the presence of children from ages of roughly 5 through 18 who will be exposed to ambient concentrations of these harmful pollutants from increased traffic resulting from the new span of the Ambassador Bridge. This is in addition to the many children who may be living nearby who would be subject to these impacts in their neighborhood.

In addition to the risks to children and developing respirator function, serious cancer risk is attributed to mobile source air pollution. A 2000 study done in the Los Angeles air basin measured exposures to 30 toxic air pollutants at 22 locations in the basin. This study, known as MATES II, found that 90% of cancer risk attributed to air pollutants came from mobile sources. Logically, this risk was more pronounced near freeways and other locations dominated by mobile sources.

Detroit already has its fair share of air quality problems. The Detroit area is currently a non-attainment area for the National 8-hour ozone standards, as well as for National standards for PM_{2.5}, two criteria pollutants that carry serious human health concerns. In addition to air quality problems, the city has identified capacity problems associated with the projected increases in vehicle and truck traffic over the next 30 years. Health related air quality impacts must be considered within this context. An additional six lane bridge, coupled with the necessary infrastructure to manage the increased vehicle capacity will lead to increased mobile source air pollution in southwest Detroit.

DIBC asserts that an increase in traffic is not anticipated as result of the construction of additional lanes across the river. However, there is evidence to the contrary, suggesting that increased lane miles actually does result in an overall increase in traffic, and therefore, an increase in mobile source pollution. NEPA analysis is required to ascertain how the proposed project would effect traffic levels. Rather than summarily concluding that a 150% increase in capacity will not result in an increase in traffic, the agency must perform appropriate modeling to quantify anticipated traffic levels. This modeling must account for the phenomenon of induced travel.

The air quality and resulting health impacts of this bridge cannot be ignored. Increased lane miles lead to increased traffic. Increased traffic will lead to increases in mobile source air pollution including PM_{2.5} and other air toxics which have been repeatedly linked to reduced lung function in developing children, heart attacks in susceptible populations, certain cancers as well as lasting health impacts from this exposure. The consensus among the environmental health professionals about the seriousness of this problem suggests that a six lane increase to a Bridge

that has several schools positioned near its base is a project that has potentially significant, potentially life threatening impacts on human health and should be analyzed for those impacts.

Air pollution may not be the only environmental concern stemming from this project. It appears that the Michigan Department of Natural Resources (“MDNR”) has identified state and federally endangered mollusk species. Before DIBC can move forward, they must obtain a “no effect” statement from the MDNR. The Coast Guard should be aware of the potential impacts that might include the direct destruction of species and disturbance of critical habitat for the endangered species identified by MDNR.

The new span of the Ambassador Bridge has the potential to have a negative impact on parklands that are adjacent to the Bridge and plaza areas. Section 4(f) of the Department of Transportation Act requires that programs or projects shall not be approved if they require use or harm to publicly owned land from park, recreation area, wildlife and waterfowl refuge or any area of national, state, or local significance unless no prudent alternative exists. While the plans for the new span of the Bridge indicate that no such land will be used, it is important for the Coast Guard to investigate this claim and assure that the project, both the Bridge and any plazas or roadways built to accommodate the Bridge, will not use adjacent parklands in a way that would violate the requirements of 4(f).

Response: Since publication of the Categorical Exclusion document and Draft EA, the proponent has performed general conformity and air dispersion (hot-spot) air analysis utilizing currently accepted models. The analysis has been reviewed and approved by U.S. agencies with expertise in the evaluation of air quality impacts. The project was reviewed by Southeast Michigan Council of Governments (SEMCOG) for inclusion on the regional transportation plan, ultimately demonstrating compliance with U.S. National Ambient Air Quality Standard requirements and standards. All air analysis performed for the project, including short-term impacts during construction, are included in the Final EA in Appendix M.

The Gateway Project, DRIC study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on previously approved sources, including the volumes developed during the preparation of the Environmental Assessment for the Gateway Project, which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the DRIC Study website sponsored by FHWA, MDOT, Transport Canada, and Ministry of Transport Ontario. The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030.

Regarding the application of Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303 (c)]. Section 4(f) applies only to the actions of agencies within the U.S. Department of Transportation. The 4(f) program remains a DOT program, and did not transfer with the Coast Guard to the Department of Homeland Security. The USCG has no Section 4(f) responsibilities on any permit application received after March 1, 2003, and therefore Section 4(f) is not applicable in the evaluation of the ABEP.

See CG response above to Craig A. Czarnecki, USFWS, On CATEX Document, Dated August 29, 2006 regarding endangered species. See EA, Section 1.6.3 for an explanation of why the project is six lanes and not ten.

Comment 5: Checklist Question F: *Is the action likely to generate controversy on environmental grounds?*

Yes, this project has already generated controversy on environmental grounds. An article written in the Metro Times titled “The battle of the bridge: Distrust of Moroun has Delray residents rallying behind a public span” is a good indicator of more controversy to come. There is no doubt that adverse environmental consequences will be associated with increased truck traffic in southwest Detroit. Residents are also concerned with the decision making process. The Ambassador Bridge project is a private project, funded entirely by the project proponent, DIBC and its affiliates. Members of the public are concerned that a closed door, private project will lack the transparency involved with public projects and environmental review.

In addition to gathering information regarding public sentiment on the bridge enhancement project, it would be prudent for the Coast Guard to hold a public hearing regarding the permit application to better gauge public concerns in making a final determination regarding controversy on environmental grounds.

Response: The USCG has completed a very thorough environmental study of the Ambassador Bridge project and has held several public meetings to solicit the views of the public. Based on a very large volume of data collected (including the earlier publicly-funded environmental studies regarding the border crossing) and impacts studied, it has been determined that the replacement of one span of the Ambassador Bridge with a new span, using the same modified inspection facility that has already been studied in connection with the Gateway Project, will not result in significant environmental impacts. While there are groups and persons opposed to the project, that opposition has not demonstrated the potential for significant environmental impacts, therefore not requiring any further environmental studies beyond those already undertaken, or identifying any issues that have not been thoroughly considered.

There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its

owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

As noted in the response to Comment 3, there has been significant opportunity for public comment and input. The comments provided do not indicate significant environmental impacts.

Comment 6: Checklist Question I: *Is the action part of an ongoing pattern of actions (whether under the control of GSA or others) that are cumulatively likely to have adverse effects on the human environment?*

The twin span of the Ambassador Bridge is being described as entirely separate and apart from any other ongoing projects. This is not an accurate portrayal of other projects in the area and the Coast Guard should consider the environmental impacts of this bridge in connection with other projects in the area, that cumulatively, are likely to have a significant impact on the environment.

The second span of the Detroit Bridge will touch down in Detroit in the area that is the subject of the Gateway Project. The Gateway Project is a series of improvements to the ingress and egress systems at the foot of the existing bridge as well as improved toll and customs areas. This project was the subject of an environmental assessment done in January, 1997. The permit application repeatedly asserts that the "Ambassador Bridge Enhancement Project" consists *only* of an additional six lane bridge span. DIBC asserts that this project "is not a part of the ongoing "Gateway Project," however, four paragraphs later, DIBC notes that the bridge enhancement project would "seamlessly interact with the Gateway Project."

It is clear that these two projects, while analyzed separately by the project proponent, may have significant cumulative impacts on the air quality in the region. NEPA requires that when several proposals for action will have cumulative or synergistic environmental impact, their environmental consequences must be considered together. As discussed above, the air quality impacts of this project have not been analyzed to the extent necessary to make a determination that there is no impact and, in fact, studies on the issue suggest that air quality impacts will be significant. The finding of no impact entered on the Gateway Project is inapplicable to a cumulative impacts analysis now because the environmental assessment from that project did not identify air quality harms that are now required for PM_{2.5}, 8 hour ozone and other air toxics tests.

These two projects may also be considered "similar actions" under NEPA. Actions are considered similar when, viewed with other reasonably foreseeable or proposed agency actions, they have similarities that provide a basis for evaluating their environmental consequences together. These similarities can include common timing or geography. The geography of these two projects is not only common but largely identical. The Gateway Project and the new bridge span will intersect and abut each other on common land. The timing of these two projects, for the purposes of an impact analysis, is also common. While the Gateway Project was analyzed for environmental impacts nearly ten years ago, to the best of our knowledge, it is far from complete. It is foreseeable that some of the construction from the Gateway Project will coincide with the construction of the proposed bridge. Because of the close geographic and temporal proximity of these two different but related projects, the Coast Guard should consider the

environmental impacts together in making a determination whether further environmental review should be done. This analysis must include the impacts of construction, as well as the impacts resulting from the completed projects.

In addition to the Ambassador Bridge Enhancement Project, a second proposal for a bridge is being worked out by the Border Transportation Partnership, a group formed to assess the mobility needs of the international border traffic. This partnership includes members from the Federal Highway Administration, Michigan Department of Transportation, Ontario Ministry of Transportation and Transport Canada. While the Partnership has taken steps to determine the best location for a new bridge based on social, economic, and environmental considerations, DIBC has moved forward without these considerations to build another span of their Ambassador Bridge. There is no indication that the second span of the Ambassador would be built instead of the bridge proposed by the Border Transportation Partnership. Therefore, it is possible that both bridge proposals will move forward, resulting in two new border crossings in Detroit within close proximity of each other. The possibility of this result should lead the Coast Guard to require more information regarding the location and proposal for the bridge by the Border Transportation Partnership and the plan for that project to move forward if a second span of the Ambassador Bridge is built.

Response: As the Ambassador Bridge Gateway Project (ABGP) was developed to improve the overall efficiency of the Ambassador International Crossing as a complete system, which obviously includes any bridge structure crossing Detroit River connecting the plazas, the data and analyses used to determine potential impacts applies to the ABEP and the Coast Guard's evaluation of potential impacts. The Coast Guard accepts the ABEP as an integral part of the international crossing infrastructure as a whole, and one of the components of the system in place to carry, process, and distribute traffic crossing the border at the Ambassador Bridge Crossing, and views the ABEP as a natural extension of the Gateway Project and essentially finalizes the process started in the mid-90's by FHWA, MDOT, GSA, and DIBC to address efficiency of border traffic at the crossing and to reduce impacts on local neighborhoods and roadways.

The sum of all the documentation performed in the Gateway EA and the additional analyses performed in this undertaking, along with the low expectation of additional impacts expected by constructing a second bridge in a location already designed in the Gateway Project EA to accommodate it, suggests that the most significant potential environmental impact from the ABEP is the visual adverse effect to the existing bridge. The Coast Guard believes that the ABEP will not introduce significant impacts on the natural or man-made environment within the project area examined by both the Gateway Project and ABEP, and will not impose additional significant impacts that have not already been considered for the ABGP.

The cumulative impacts of the DRIC project were not included in the EA because the DRIC project is not reasonably foreseeable at this time. Any new bridge and associated inspection plaza that might be proposed by the DRIC Study partnership could not be constructed, in part, without the issuance by the DOS Presidential Permit under Executive

Order 11423 (Aug. 16, 1968), as amended. Our understanding is that a Presidential Permit has been applied for, but has not been granted as of the date of this Final EA.

The DRIC study is focused on addressing region-wide transportation needs with an entirely new crossing that could potentially include a new plaza and connections to the highway system in Detroit. The DRIC issued the draft Environmental Impact Statement in February 2008 and issued a final Environmental Impact Statement in November 2008. The creation of an entirely new crossing has the potential for significant environmental impacts in areas that have not already been developed to carry border traffic, and thus necessitates a greater degree of documentation to assess those potential impacts. In the case of the ABEP, border traffic has existed in the corridor for almost 80 years, with the major transportation or modification projects that affect the existing corridor having already been analyzed and documented, primarily through the Gateway Project.

The ABEP proposal, by contrast, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. In the Coast Guard's view, the fact that both proposals have been conducted at virtually the same time has helped to create the impression that they are in direct competition with each other to satisfy the same purpose, and therefore has helped to create an impression of local controversy. This is not the case and has never been the case. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Comment 7: Conclusion

In conclusion, the Sierra Club and its members in the Detroit metropolitan area urge the Coast Guard to deny the application of a CatEx to the Ambassador Bridge Enhancement Project. Based on the above information, we feel that there are significant questions about the environmental impact of this project, many of which have not been sufficiently addressed in the CatEx, and some which have not been addressed at all. Under NEPA, "An agency must prepare an EIS if 'substantial questions are raised as to whether a project...may cause significant degradation of some human environmental factor.'" According to the Coast Guard's own NEPA implementing procedures, an environmental assessment or environmental impact statement shall be prepared for actions normally categorically excluded, but which are likely to involve

significant impacts on the environment, substantial controversy on environmental grounds or be inconsistent with any Federal, State or local law. Based on our revised answers to the Coast Guard's CatEx checklist, an environmental impact statement is appropriate in this situation, and at the very least, an environmental assessment should be done to further determine what environmental impacts may be significant.

Hanging on this permit decision is the consideration of all environmental impacts that will potentially stem from this project. DIBC has stated that construction on this Bridge may commence shortly after the granting of a Coast Guard permit. If true, the timing of this project and the Coast Guard's position as the final agency arbiter of environmental impact is extremely important. Given the potential for significant environmental impacts, the Coast Guard should conduct a full environmental impact study before issuing the permit sought by DIBC.

Thank you for your consideration in this matter.

Response: As previously noted, an Environmental Assessment was performed following the initial tentative Categorical Exclusion determination. Also, as previously noted, the potential environmental impacts have been reviewed and determined to be not significant.

Comments by Dolores V. Leonard, Treasurer, Original United Citizens of Southwest Detroit, dated September 13, 2006

Comment 1: This letter is being sent in response to Public Notice 09-03-06. The Detroit Ambassador Bridge Company (DIBC) has submitted an application for the construction of a second highway bridge. This new bridge would be a fixed bridge over the Detroit River; would extend between the city of Detroit and the city of Windsor; and would be adjacent to and south of the current existing Ambassador Bridge.

I live in the Fort and Schaefer area, zip code 48217, between Fort Street and Jefferson Avenue and which runs to the end of the city limits at Outer Drive. My community is downwind from the existing Ambassador Bridge. The 48217 community is adjacent to the 48209 Delray Community. We are all considered Southwest Detroit. Also, as an officer of the Original United Citizens of Southwest Detroit (OUCSWD), the following comments and concerns are mine and those of my 48217 community. The OUCSWD, a fifty plus year organization, is the parent body of 48217 block clubs that have united to share and present information that concerns our area. For the past two years, the erection of a bridge in the area has been a monthly topic.

For the past year and a half, I have attended Detroit River International Crossing (DRIC) meetings. This is the proposed Michigan Department of Transportation (MDOT) crossing between Detroit and Windsor and have become involved in the DRIC community and local advisory council meetings.

In reading the section of the public notice identified as Environmental Considerations, my interpretation of that is that no environmental impact statement (EIS) will be required; that DIBC will receive a categorical exclusion. My understanding is that NEPA does require an environmental impact statement (EIS). The Coast Guard's tentative determination of exclusion

is made based upon information supplied by the DIBC. As I have not seen the documents, although they were made available for public viewing at the Cleveland, Ohio office, I am curious as to what information was (or was not) supplied to the Coast Guard that would nullify and void a direct requirement in the NEPA?

Response: An Environmental Assessment (EA) has been completed, but potential environmental impacts do not indicate that an EIS is required.

Comment 2: Did DIBC receive such an exclusion from the Environmental Protection Agency? Is an EIS no longer being required by EPA? It is my understanding the Michigan Department of Transportation (MDOT) was required to submit an EIS for a second span for the Blue Water Bridge. What is the difference between MDOT being required to submit an EIS and DIBC not being required to submit an EIS? When the existing Ambassador Bridge was built, NEPA did not exist. An EIS was not required. Environmental issues and awareness were not prevalent during that period. The environment is a major concern for my community. What additional pollution will filter into my community? To me, as a new structure, the proposed DIBC bridge should come under the jurisdiction of the existing and current laws governing such permits being issued.

Response: The processing of the Blue Water Bridge project by MDOT and Federal Highway Administration (FHWA) is a separate project with significant differences. Each project is evaluated on a case-by-case basis.

The Coast Guard is a Federal permitting agency utilizing Council on Environmental Quality (CEQ) approved implementing instructions to apply NEPA. The ABEP will require the issuance of a Coast Guard Bridge Permit since the proposed companion bridge will cross a navigable waterway of the United States. By virtue of the permit requirement, the ABEP is a Federal undertaking. The applicant is a private entity committed to using private funds for the proposed project. There will be no federal money expended for this undertaking. The use of private funds, and the Coast Guard Bridge Permit requirement, requires the Coast Guard to assume the duties of lead federal agency for NEPA as well as a federal permitting agency.

The Coast Guard, by objectively evaluating the accumulation of studies performed for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the human environment are not significant, and do not warrant preparation of an Environmental Impact Statement.

Comment 3: The Gateway Project, currently under construction, uses public funding to accommodate the current, private Ambassador Bridge. Public funds will be required for road repairs near entry/exit traffic throughout community streets and major thoroughways.

Also, as I have read and heard, the Gateway EIS did not include the environmental impact of a new bridge being built by the DIBC.

Information that has circulated within my community is that in 1921 the United States Congress gave the Ambassador Bridge authorization to build. In 1927 the city of Detroit passed an ordinance to establish the Ambassador Bridge. Has the Ambassador Bridge (DIBC) received or been required to receive a new ordinance/authorization from the city of Detroit?

As these are international waters, Detroit River, I assume the DIBC must receive U.S. Coast Guard approval and the Canadian counterpart agency approval.

Response: The Gateway Project resulted in the issuance of a Finding of No Significant Impact, not an EIS.

The City of Detroit has submitted comments in response to the Draft EA in the form of City Council resolutions and has outlined the necessary permits and approvals that the proponent would be required to obtain from the City prior to construction. The letters are included in the Final EA in Appendix I. While the Coast Guard has responsibility to evaluate the ABEP for NEPA and for a federal bridge permit, the proponent is responsible to obtain all other federal, state, and local permits required for the project. The Final EA includes an expanded section on coordination with the City of Detroit.

The proponent must also obtain all necessary permits and authorizations from the Canadian government prior to construction.

Comment 4: The public notice indicates no homes nor businesses will be relocated. What will be the proximity of the new bridge to the existing inhabited property? A new bridge will require it to be extended /suspended over either private or public property. If the piers of the proposed bridge will not be in the water where will they be located? How many homes/businesses will eventually be needed to complete the full DIBC project? Data presented by DRIC suggests approximately 300 families will need to be relocated should their project be accepted by the legislators. DIBC has said there would be no families that need to be relocated.

Response: The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of Detroit. The proponent will need to obtain ownership, lease, or easement of this land prior to construction, as well as other local permits or authorizations.

The ABEP will not require business or residential relocations. The second bridge will not cross, or split, any neighborhoods, and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways.

Comment 5: In March 2006 I attended two state of Michigan joint legislative transportation committee hearings in Lansing, Michigan where representatives from the DRIC, DIBC and others presented their bridge proposals before the joint committees. What became painfully clear during those hearings is that the senators and representatives focused on what seemed to me to be how a crossing would be financed—what monies would need to be appropriated and who would do it. When the DIBC said private money, it was as if the legislators stopped listening. They did not appear to focus on the fact that households would be affected regardless who builds a crossing; that people would be dislocated; that these people have lived in their homes for numbers of years, are primarily seniors, at the poverty level and will not be able to afford new housing wherever they are eventually required to relocate.

Slowly, I came to recognize a bridge will be built in this area of Detroit. If you look at the city of Detroit website for the City Planning Commission and City Planning Department for my community, Cluster 5, there is a descriptive paragraph that states this Southwest Detroit area will become the transportation hub of the city. We are close to the Detroit River; there are major interstate expressways nearby; we are across from Canada; and the Detroit Intermodal Freight Terminal (DIFT) is underway.

Several weeks ago I attended a meeting initiated by the state representative for my district, Mr. Steve Tobocman. The two speakers—a member of the Canadian Parliament and the manager of the Peace Bridge in Buffalo, New York—presented their positions and experiences about bridges. The Peace Bridge does have a community oversight committee as well as it is publicly owned. Revenues from the bridge are invested in the community that bears the inconvenience of the bridge. It is my understanding the Canadian Parliament has developed legislative laws that will require protocols for the maintenance of a crossing.

When a new bridge is built, my community would prefer it come under the jurisdiction of the federal and state governments where the tolls are regulated, maintenance protocols would be established and a citizens advisory council would be established such that the community would benefit from the revenues from the bridge. To do otherwise, the community is bearing the burden of private industry reaping profits at the expense of the health and inconvenience to the community. As much as possible, the community must be made whole.

Response: Regarding funding, the proponent has outlined their finance plan in Section 1.9 of the Final EA. The proponent is seeking the issuance of tax-exempt Private Activity Bonds to finance the construction of the proposed second span. The use of Private Activity Bonds is not a consideration for the Coast Guard, and does not affect the Coast Guard's position as lead federal agency for NEPA in this proposal. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. It is important to note that it is not the Coast Guard's role to make business decisions for private entities. The applicant is responsible for funding the entire construction of the project and meeting the costs associated with the project. The proposal will not utilize congressionally authorized funding that is disbursed through any federal agency.

There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of whether the bridge is privately or publicly owned is not a part of the Coast Guard's duties in this undertaking.

Comment 6: Currently, along the interstate transportation corridors, there are two secondary schools, four to five elementary schools and a middle school in the area. Many of our children are testing below grade levels. Much is related to poverty levels; some is related to the impact upon children's health and air quality. (Yi-Chen Wu and Stuart A. Batterman, Proximity of schools in Detroit, Michigan to automobile and truck traffic, University of Michigan, 2006). This is an older section of Detroit. Ethnically it is comprised of African Americans, Latinos and Caucasians. It has a high poverty rate. One of the high schools has an extremely high drop out rate and a high asthma rate. This entire area is approximately 45% senior citizens. The homes here have been encircled by industry. Also, this is considered a non-attainment zone and is noted for high levels of asthma among adults and children. It is in this area that DIBC proposes to erect a new bridge.

I have never attended a community meeting that the DIBC has called. They may have held them, but my community was not notified of such meetings. We are less than five minutes drive time away from the Ambassador Bridge. Therefore, to my community, it appears as though the DIBC shows lack of or no regard for all persons who will be affected by the building of a new bridge.

Response: The potential impacts to schools and other community facilities are discussed at section 3.1.4 of the Final EA.

This project exceeded regulatory requirements for public meetings and public comment period. Public workshops were held on March 1, May 24, and December 6 of 2007. All were advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project. The May 24 and December 6 public workshops were also advertised by Press Release to Detroit media and publication by the proponent and Coast Guard and by Coast Guard Public Notice. Fliers were also distributed among the public for the May 24 design charette during the Cinco de Mayo celebration near the project area. In addition, a public meeting was held by DIBC and MDEQ on November 14, 2006 that was also advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer for MDEQ permit processes. Further public meetings have been held in Windsor as part of the proponents' processes in Canada. The community was provided the opportunity to comment on the project at the three public meetings and during the written comment period. The original comment period for the Draft EA was requested to be extended and was lengthened by 45 days so that more people and organizations could comment. The DIBC also maintains a website so that the public can comment on the project at any time as well as download the latest material on the project: www.AmbassadorBridge.com. All comments received through all of these meetings and means have been analyzed, considered, and responded to Appendix A in the Final EA.

There have been numerous community outreach efforts by the Coast Guard and proponent for the ABEP. The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.**
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.**
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- d) April 24, 2007 - Draft Environmental Assessment (Draft EA) issued.**
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.**
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- g) May 24, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 27 people from the general public, with 18 submissions for design preferences.**
- h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.**
- i) November 6, 2007 - Coast Guard Press Release to local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.**
- j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- k) December 6, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 21 people from the general public, and 16 suggestions for design were collected.**
- l) April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, Gateway Communities Development Collaborative, a consulting party in the Section 106 process, was provided approximately 30 days to review and recommend mitigation measures to be incorporated into the final MOA.**

Comment 7: In my immediate area, I am concerned about additional truck traffic exiting expressways when there are backups and will exit the bridge, taking shortcuts, coming down Jefferson to Schaefer to enter Interstate 75 or Interstate 94. The damage to the county road will increase which will increase our county taxes. The additional diesel fumes will pollute increasing the already high levels of asthma and respiratory conditions in our neighborhoods. It is my understanding, once a crossing is built, truck, and car traffic will increase from 50% to 150% over the next 30 years.

Response: The Coast Guard accepts the ABEP as an integral part of the international crossing infrastructure as a whole, and one of the components of the system in place to carry, process, and distribute traffic crossing the border at the Ambassador Bridge Crossing, and views the ABEP as a natural extension of the Gateway Project and essentially finalizes the process started in the mid-90's by FHWA, MDOT, GSA, and DIBC to address efficiency of border traffic at the crossing and to reduce impacts on local neighborhoods and roadways. The proposed second bridge will enter directly into the Gateway Plaza where most international traffic using the corridor will be contained and processed before connecting with the interstate highway on the U.S. side, thereby reducing traffic on local roadways.

Comment 8: There is a new study conducted at Harvard University that found an association between reduced ambient levels of particulate matter and people living longer. The study was conducted in six cities and found a scientific correlation (relationship) between PM levels and health and consequently longevity. My and my neighbors' quality of life will greatly diminish when the winds send the diesel fumes down our direction

Standing on the street and looking at the traffic flow on the Ambassador Bridge, the traffic moves smoothly once it gets on the bridge. The backups occur at the toll booths and the inspection areas on the plazas. In the print media, I read of proposed toll booth plans by the DIBC. It was proposed that Canadian toll booths be closed, transfer the Canadian toll officers onto American soil to collect tolls, have truck and car traffic enter an area one to two miles away from the bridge as an entry way (similar to a Michigan loop). Do the DIBC plans address toll booth and inspection areas?

Response: The toll-booth and inspection area scenario described in this comment is not part of the evaluation for the ABEP. If a similar scenario is proposed it would require separate analysis and review by the agencies with applicable jurisdiction.

A thorough air quality analysis has been performed and the project, on its own, is not expected to significantly impact air quality. All air analysis found in the Final EA in Appendix M.

Comment 9: Also, in print media, several statements have been made as being quotes from current DIBC workers as to how they have been told to speed up the cars and get them off the bridge when there are heavy backups. Homeland security is a concern for citizens living in this area as is immigration. We are concerned about drugs coming into our communities as well as illegal aliens.

Additionally, I am concerned that a single company will be able to monopolize the transportation industry in this area. The parent company of DIBC has been given control of the Port of Detroit. As I understand it, they have a number of trucking companies in the area and lease the city of Detroit portion of the Detroit/Windsor tunnel.

If the DIBC is awarded the Coast Guard approval, does this mean the DRIC becomes redundant and unnecessary?

Response: As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor. Coordination occurs continually between the agencies listed and the bridge owner at the existing crossing. All current security-related federal requirements are being met by the current bridge owner, and are already enforced by the federal agencies with those responsibilities at the border crossing. There have been no new or additional federal requirements promulgated for the Coast Guard to apply regarding applications for international bridges since the terrorist attacks of September 11, 2001.

Security will always remain a concern for the Ambassador Bridge crossing as well as all major infrastructure in the U.S. The security-related federal requirements that have been created since September 11, 2001 have already been implemented at the crossing. The Customs and Border Protection personnel permanently stationed at the border crossing on the U.S. side will continue to enforce security-related federal requirements.

There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of whether the bridge is privately or publicly owned is not a part of the Coast Guard's duties in this undertaking.

Any decisions regarding the continuation or stoppage of the DRIC study based on the outcome of the ABEP will be made by agencies other than the Coast Guard. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Comment 10: At some point, legislators, government agencies and companies need to understand that without human, live, people, there will be neither commerce nor advancement. It appears the very persons who should be protecting us have totally failed to recognize we too wish to enjoy and participate in the American dream.

Response: Comment noted.

Comments by Kathleen H. Wendler, President, Southwest Detroit Business Association, dated September 14, 2006

Comment 1: I am writing on behalf of the Southwest Detroit Business Association regarding the permit application. Due to the complexities, controversy, and potential impacts of this permit application, we respectfully request that the U.S. Coast Guard conduct a public hearing within the host communities.

We are requesting that the U.S. Coast Guard provide a detailed explanation of the basis for the preliminary determination that the proposed project is categorically exempted under the National Environmental Policy Act (NEPA). The Federal Highway Administration, the lead agency, has clearly stated to the Environmental Protection Agency that the environmental assessment completed for the Ambassador Bridge Gateway Project did not review and report on the impacts of a second, twin, or companion bridge structure, including plaza and connections, of the Ambassador Bridge. The Gateway Project environmental assessment was completed over ten years ago in the mid- 1990s and is not entirely applicable to the context at the Ambassador Bridge crossing today. The proposed “Enhancement Project” is not accurately named in that the project will result in a second bridge located adjacent to the existing Ambassador Bridge adding significant border crossing and transportation infrastructure. The construction of a second bridge would increase international border traffic capacity by 50 -150 percent. The impacts are vast and significant and require a full Environmental Impact Statement.

Response: Since issuance of the original Categorical Exclusion document by the proponent, an Environmental Assessment (EA) has been prepared and reviewed. Based on the evaluation of the EA, the Coast Guard has determined that the potential environmental impacts are not significant and do not require an Environmental Impact Statement.

The second span will add one lane in each direction that will be dedicated for FAST (Free And Secure Trade) traffic. The ABEP was not proposed to increase traffic capacity across the border, but rather is designed to upgrade the facilities that carry traffic over the river.

Comment 2: The optimal location for expanded international border crossing capacity within the Detroit and Windsor area is currently being evaluated through the Detroit River International Crossing (DRIC) Study. The GCDC has been actively engaged in discussions and plans regarding the international border and several member organizations serve on the DRIC Local Advisory Council. At the inception of the DRIC Study, the GCDC advocated for a moratorium on governmental actions that would promote any border crossing option until the study is completed. While the DIBC may pursue its plans independent of the DRIC Study, the proper evaluation of the permit application requires review within the context of a bi-national, multi-agency analysis of expanded border crossing capacity in the Detroit and Windsor area. *The DRIC Study evaluated the feasibility and impacts of expanded capacity at the Ambassador Bridge and concluded that it is not feasible and that there are viable alternatives.* The U.S. Coast Guard should consult the data and information gleaned through the DRIC Study process.

GCDC understands that there are outstanding questions regarding the process, requirements, and timeline for processing local, state, and federal governmental permits for expanded and new international border crossing capacity external to the DRIC Study. The U.S. Coast Guard should

conclusively ascertain that the permit application must be processed prior to completion of the DRIC Study. The GCDC would appreciate reviewing any correspondence on this matter.

Response: The ABEP proposal, in contrast with the DRIC, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. In the Coast Guard's view, the fact that both proposals have been conducted at virtually the same time has helped to create the impression that they are in direct competition with each other to satisfy the same purpose, and therefore has helped to create an impression of local controversy. This is not the case and has never been the case. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Comment 3: The GCDC is particularly concerned that the ABEP permit application improperly and inadequately describes the full scope of the expansion that could occur at the Ambassador Bridge location and thereby segments the proposed project disallowable under NEPA. As already indicated, the project consists of the construction of a second bridge – it is not a modification or an enhancement of the existing bridge or plazas. In fact, there are no modifications, enhancements, or other changes to the existing bridge and the application states that there are no modifications to the plazas:

“This project consists of additional lanes over the Detroit River to the west of the existing span and connecting directly into the existing plazas in both Windsor and Detroit without the need for modification.”

However, during the DIBC's presentation to the Detroit City Council on September 14, 2006, they clearly stated their intention to initiate plaza expansions and a relocation of Fort Street to accommodate existing and future traffic processing demands. The DIBC contends that these endeavors are separate and distinct from the construction on a second bridge and therefore are not including these activities in their proposed Enhancement Project. NEPA is clear that cumulative and future contemplated actions are collectively assessed and reported.

Response: In the U.S., the Ambassador Bridge Gateway Project (ABGP), sponsored by the FHWA and MDOT, was expressly designed to accommodate a second bridge. The

Gateway Project environmental documentation included a connection to a future second bridge. Although we are aware there have been discussions and feasibility studies performed by General Services Administration (GSA) regarding the possibility of the relocation of Fort Street in connection with possible plaza expansion, there is no formal proposal pending. It is our understanding that the relocation is contingent on many factors, and may or may not go forward. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require another study and approval from MDOT and other transportation agencies. At this time, the relocation of Fort Street is speculative, and it is not possible to reasonably foresee how or when that project might be undertaken, and what its impacts would be. The ABEP will have no direct permanent impact to Fort Street and its relocation is not required by or for the ABEP. Any other work at the plazas is not dependent upon or triggered by the new bridge. There has been no request to change the U.S. plaza as part of this project. Modifications to the existing plaza would require that DIBC submit a proposal to the General Services Administration and Customs and Border Protection, including another NEPA process, prior to approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT are proposed for the ABEP. The ABEP will require use of property only where bridge piers are expected to be placed.

The Coast Guard does not foresee that the proposed Ambassador Bridge Enhancement Project is interdependent with any possible future expansion of the inspection facility. The ABEP does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the ABEP is an independent project - and is not dependent on any other project. The Gateway Project did not require the addition of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

Comment 4: Additionally, the DIBC has repeatedly and publicly announced their intention to construct an “international plaza” that would accommodate joint United States and Canadian customs inspections requiring a substantial expansion of the existing U.S. plaza. This international plaza is described as consisting of between 100 to 200 toll booths. The DIBC has presented these plans to local, state, and federal public officials and has had these plans depicted in advertisements published in the *Detroit News*, *Detroit Free Press*, and *Crain’s Detroit Business*. In October, 2005 a proposal to sell the Detroit interest in the Detroit-Windsor Tunnel to a DIBC-affiliated company including construction of a joint customs facility and connector road between the Ambassador Bridge and the Detroit-Windsor tunnel, was presented to the Detroit City Council and represented in a document entitled “Binding Agreement.” Finally, the DIBC has submitted a request to the Michigan Department of Transportation requesting that Fort Street be reconfigured and relocated to the south to accommodate their expansion plans. Collectively, these actions create a compelling case that the DIBC is misrepresenting the full

scope of their intended project and that the permit application segments the project in violation of the National Environmental Protection Act.

Response: The response to Comment 3 from this commenter also addresses this comment.

Comment 5: In March and May 2006, the joint Michigan Senate and House of Representatives Transportation Committee held four hearings on the DRIC Study. The DIBC testified at each of these hearings directly and through their consultants. The transcripts of these hearings should be considered in the evaluation of the permit application as there were various, and conflicting, representations made by or on behalf of the DIBC with respect to the need and timing of expanded international border crossing capacity, whether state and federal funding would be requested for their border crossing projects, and the capacity of existing plaza facilities to accommodate increased traffic. Today, the DIBC testified that their Enhancement Project will not increase capacity. Traffic infrastructure is one variable that strongly predicts traffic levels. The second proposed bridge will be six lanes with the capacity to go to eight lanes. The existing Ambassador Bridge is four lanes. There is no firm plan for the future of the existing Ambassador Bridge. Today, the DIBC testified that the Ambassador Bridge would eventually be taken out of service. In their permit application the future of the Ambassador Bridge is predicated on the economic outcomes of leaving it in service or taking it out. They further state that once the second bridge is constructed, the Ambassador Bridge would provide desired redundancy in crossing capacity. The future of the existing Ambassador Bridge under the DIBC's Enhancement Project is anything but clear and therefore should be clarified before a processing the permit application.

Response: The Coast Guard received numerous comments stating that the traffic analysis should assume up to 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

As discussed in the Draft EA that was published following the initial tentative Categorical Exclusion document that this comment refers to, the existing bridge will be maintained and rehabilitated, and will provide a redundant structure for traffic. The existing bridge could also be used for DIBC and government vehicles, special events, and other recreational uses, subject to the approval of respective government agencies at the border crossing. The status of the existing bridge was addressed in detail in the Section 106 process performed for the project and the resultant MOA.

Comment 6: The General Services Administration (GSA) is currently undertaking a Master Planning analysis for the Ambassador Bridge inspection facility, expected to be complete in

September. The outcome of this planning process may change the location, size, and operation of the plaza facility and therefore the impacts of the project. It would be prudent to delay evaluation of the permit application until the GSA completes its Master Plan.

Response: Please see response to Comment 3 above. The USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts.

Comment 7: Under Item 2 – Project Description, the following is stated:

“The proposed bridge will run roughly parallel to the existing Ambassador Bridge and will tie directly into the existing plaza areas without need for plaza configuration modifications beyond those already approved under the Gateway project approved by FHWA and undertaken by MDOT and DIBC. Once the new structure is completed, the exiting Ambassador Bridge will be taken out of service in order to evaluate and make repairs deemed necessary and economically feasible. Upon completion of the anticipated repairs, the existing bridge will be used to provide redundancy and backup support when necessary to ensure the free flow of traffic at all times. The existing bridge would not be placed back into service before all necessary approvals are obtained.”

The Environmental Assessment (EA) conducted for the Gateway Project resulted in a Finding of No Significant Impact (FONSI). Although the Gateway Project was designed to accommodate a second span of the Ambassador Bridge – should that action be studied, mitigated, and undertaken in the future – the impacts of a new six lane bridge or two parallel bridges, representing a doubling of capacity, were not included in the Gateway Project EA. Therefore, a full Environmental Impact Statement should be conducted on the impacts of a new six-lane bridge as well as the operations of two parallel bridges. In addition, the capacity of the plaza, following completion of the Gateway Project, to accommodate the traffic estimates for two bridges, with an appropriate time horizon, must be evaluated and its impacts determined.

Response: An Environmental Assessment (EA) has been completed in response to this comment and those of others received in response to the initial tentative Categorical Exclusion document released. Based on the EA for this project, the USCG has determined an EIS is not required.

Comment 8: One of the objectives of the DRIC Study is to recommend an alternative that will provide redundancy, or other options, for crossing the Detroit and Windsor border. Given that the permit application explicitly discusses the possibility of the project providing redundancy, the U.S. Coast Guard should inquire and secure a clear definition of redundancy from the various agencies and departments participating in the DRIC Study; specifically such a definition should be requested of the Department of Homeland Security. Based on previous commentary and testimony, redundancy is not achieved by the close proximity of two parallel bridges.

Response: Several comments received by the Coast Guard raised the question of redundancy in the event of an attack on the bridge(s) at the Ambassador Bridge crossing. The ABEP proposes an additional span within the already approved international corridor to maintain and improve the efficiency of the existing crossing. It was never the purpose of the ABEP to explore other crossings of the Detroit River, or to create a redundant structure in case the existing Ambassador Bridge is disabled due to attack. In fact, the Coast Guard recognizes that concerns for the viability of the Ambassador Bridge crossing are based on the acknowledgement of the importance of the crossing on the economic health of Detroit and Windsor and the entire region.

Comment 9: The U.S. Coast Guard should ascertain the positions of the Canadian parties as it relates to the permit application. The DRIC Study partners developed several principles that govern the study process and the final recommendations. One principle is that decisions would not be made that disproportionately burden one side of the border. The U.S. Coast Guard evaluation of the permit application should acknowledge that the DRIC Study has already determined that increased capacity at the Ambassador Bridge location is not feasible due to its impacts on the Canadian border and therefore be denied.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities. The USCG has consulted and coordinated with Canadian authorities regarding the ABEP in Canada. The proponent must satisfy all laws and statutes in Canada prior to approval for the overall project in Canada.

Comment 10: The permit application states that the existing Ambassador Bridge structure will be evaluated to determine the extent of repairs required and its future use. Whether the existing structure will continue to be used is predicated on the economic feasibility of the repair costs. The economic feasibility of repairs is a subjective matter and can be significantly different for a private corporation than for a public entity. Given the importance of the international crossing to the commerce, trade, and security of the United States and Canada, what is the government's role in the evaluation of the conditions of the Ambassador Bridge and the determination of economic feasibility? Since the future use of the existing structure is described in the permit application, the U.S. Coast Guard should require that an independent third party inspection of the Ambassador Bridge is completed and reviewed in evaluating the permit application.

Response: Please see the response to Comment 5 regarding the future use of the existing bridge. The ABEP, and the proponent's plans for the existing bridge, are within compliance with federal bridge statutes. The proponent will continue to be required to fulfill all federal, state, and local laws and requirements.

Comment 11: Southwest Detroit hosts extensive transportation infrastructure that primarily benefits the regional and state economies while the host communities shoulder the negative impacts. Expanded transportation infrastructure has not been coordinated within a comprehensive and cumulative framework. In particular, the environmental impacts have not

been comprehensively evaluated. The permit application is another example of the piecemeal approach to transportation infrastructure expansion in southwest Detroit. The U.S. Coast Guard should require and participate in a comprehensive analysis of the environmental impacts – including air quality impacts which are not reported in the permit application.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP, including air quality impacts.

Thank you for the opportunity to comment on the permit application. As the process continues and additional information is disclosed, we are likely to have additional comments. The SDBA is available for additional discussion of this important matter.

Comments on CATEX by Paul E. Tait, Executive Director, SEMCOG, dated August 31, 2006

Comment 1: Our overall concern relates to the U.S. Coast Guard's determination that the proposed action is a categorical exclusion for purposes of the National Environmental Policy Act (NEPA), because it satisfies criteria for such actions listed in the Coast Guard's NEPA Implementing Instructions. This determination would allow for the proposed project to move forward without the normally required Environmental Assessment or an Environmental Impact Statement. It is our feeling that the Coast Guard came to its conclusion in part as a result of how the proposed project limits were defined. The proposed project is not as site specific as the Coast Guard reports. The entire scope of the project includes the portions of the bridge that go over the Detroit River, but also include the plazas and connecting roadways on both sides of the border.

A finding by the Coast Guard that the project should be considered a categorical exclusion without any analysis of the possible human and environmental impacts of the entire project would result in an incomplete analysis, and potentially underestimate impacts of the project. As you know, the Ambassador Bridge is the busiest commercial crossing between Canada and the United States. It connects two densely populated urban areas and carries over 3 million trucks a year. Given these conditions, we believe that an additional structure has the potential for significant social, environmental, and transportation system impacts. These potential impacts can only be sufficiently analyzed through a public review process.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP, including air quality impacts.

Comment 2: A specific conflict appears to exist with regard to U.S. EPA regulations 40 CFR part 93 which govern projects subject to regional conformity analysis for air quality. According to the regulations, projects determined to be regionally significant are subject to this analysis. In addition to the points made earlier in this letter, the regulations further define regionally

significant projects to include those projects, which provide “access to and from an area outside of the region.” Clearly, the DIBC’s proposed project is regionally significant and subject to conformity analysis. Ultimately, this is to be determined by the Interagency Consultation process, which includes representation from MDOT, Federal Highway Administration, Federal Transit Administration, and the U.S. Environmental Protection Administration (EPA) and conduct an Environmental Assessment to assess the potential environmental impacts of the proposed action before determining if further analysis is required.

Response: Extensive coordination has been conducted since issuance of the initial tentative Categorical Exclusion document with the USCG, proponent, EPA, and SEMCOG, including determinations of regional significance and the necessary analysis for considering the ABEP on regional transportation plans (RTP) in accordance with Clean Air Act requirements. The SEMCOG’s General Assembly amended the RTP to include the ABEP on June 26, 2008 conditioned on identification of the preferred alternative on the Canadian side by the appropriate Canadian officials.

Comments on CATEX by Deb Summer, President, Clark Park Coalition, dated August 28, 2006

I am writing on behalf of the Clark Park Coalition regarding the referenced Public Notice above pertaining to and application for approval of location an plans for construction of a second (twin) fixed highway bridge over a navigable waterway of the United States adjacent to the existing Ambassador bridge and submitted by the agent of the Detroit International Bridge Company (DIBC).

The Clark Park Coalition requests that he Coast Guard fully evaluate the environmental impacts, short and long term of the local host communities and regional areas regarding the complexities and impacts of this application for approval.

For myriad of serious reasons that exist within our Southwest Detroit community, the Coalition believes that the National Environmental Policy Act (NEPA), the Federal Highway Administration (FHWA) and the Michigan Department of Transportation (MDOT) needs to have a comprehensive environmental review regarding the DIBC Application for Approval. It would seem imperative that DIBC would be required to conduct a full Environmental Impact Statement (EIS) and has provided the Coast Guard with no justification for the preliminary finding that the project will qualify for a categorical exclusion for the NEPA’s requirement that an environmental analysis be performed. As you are aware, the Detroit River International Crossing (DRIC) Study has been well underway to study the most appropriate location for another border crossing including all of the international governmental agencies involvement including the Southwest Detroit community. The DRIC study and it’s process has been conducted quite thoroughly thus far and allowing the community to be fully engaged.

Unfortunately, the DIBC does not operate in this type of open public process and now all of a sudden since the DRIC study did not prefer the DIBC’s “twinning” of their bridge proposal, DIBC has now decided to make the case that their existing bridge is obsolete and a “replacement” bridge must built. DIBC has repeatedly published full page color advertising in

our city newspapers regarding their plans to build new expanded toll booth plaza and yet within their application permit to MDEQ regarding their “bridge enhancement/bridge replacement” they state something quite to the contrary “no plaza expansion needed.” Such conflicting messages to the public, to the State of Michigan, to the City to our border country, to our federal government agencies and to the surrounding community.

The Clark Park Coalition believes the bullet points below are additional concerns that the Coast Guard must take into serious consideration:

Comprehensive environmental review

Comment 1: The proposed DIBC Project would in fact impact minority and low income populations that happen to be located in the geographical area of Southwest Detroit where this [sic]

Response: USCG evaluation of the ABEP indicates that the primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of Detroit. The proponent will need to obtain ownership, lease, or easement of this land prior to construction, as well as other local permits or authorizations. Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Comment 2: There is an on-going bi-national process that has been studying the need for additional border infrastructure capacity. That study, called the Detroit River International Crossing Study, considered the addition of a second span to the Ambassador Bridge crossing and rejected it because of the impacts on the Canadian side of the project. Nevertheless, DIBC is free to pursue construction of a second span outside of this process. However, all state and federal agencies responsible for issuing permits should agree along the Detroit River until the DRIC study is complete. The impacts of new border crossings should not be studied independently of each other, given their close proximity.

Response: The DRIC study is focused on addressing region-wide transportation needs with an entirely new crossing that could potentially include a new plaza and connections to the highway system in Detroit. The DRIC has proposed several possible crossing sites since 2006. The creation of an entirely new crossing has the potential for significant environmental impacts in areas that have not already been developed to carry border traffic, and thus necessitates a greater degree of documentation to assess those potential

impacts. In the case of the ABEP, border traffic has existed in the corridor for almost 80 years, with the major transportation or modification projects that affect the existing corridor having already been analyzed and documented, primarily through the Gateway Project. The ABEP proposal, by contrast, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. The DRIC group included a second span, or twin, of the Ambassador Bridge as one of their early alternatives during the scoping of possible crossings of Detroit River. The DRIC ultimately eliminated this option for consideration. The Coast Guard received numerous comments in response to the Draft EA stating that since the DRIC group eliminated the second span of the Ambassador Bridge as an alternative, that the Coast Guard should also reject the proposed second span. The decisions of the DRIC to eliminate this option are explained in their public documentation, but are not binding to the Coast Guard in its evaluation of the ABEP, which has a different purpose and need compared to the DRIC. It is important to note that the Canadian Environmental Assessment Agency has continued to review and process the application submitted to them by DIBC for approval of the ABEP and has not rejected the proposal based on irreconcilable environmental impacts. It is also important to note that though the DRIC study eliminated a new crossing designed to increase capacity at this location it did not advocate the elimination of the Ambassador Bridge, and in fact assumes that the Bridge will continue to operate in its evaluation of other crossings. It should finally be noted that the two primary agencies involved in the DRIC study, FHWA and MDOT, though submitting comments concerning the Draft EA, have expressed support for the ABEP as an important project for the region.

Comment 3: Given the Concentration of transportation uses and proposed transportation projects in Southwest Detroit, a comprehensive transportation study is needed to truly understand the impacts of any transportation project in Southwest Detroit. No permits should be approved until that study is undertaken and completed.

Response: The USCG has reviewed prior and current transportation project documentation in the region and has federal bridge permitting and NEPA responsibilities in this project. The USCG is also a participating agency in the on-going DRIC study. The identification of regional needs is not a function of the USCG. Rather, the USCG is required to evaluate the federal bridge permit application submitted by the proponent for compliance with federal bridge statutes and NEPA.

Comment 4: Six-lane bridge is an expansion of capacity which should have full environmental impact review, even if the existing bridge is never put back into service.

Response: The ABEP has been evaluated based on 6-lanes of traffic across the river and has been thoroughly evaluated to determine potential environmental impacts.

Comment 5: Should the original bridge be repaired after the new bridge constructed, this project represents an unprecedented expansion of border capacity at the Detroit-Windsor border- and one that was rejected in the bi-national study conducted to address border capacity at the Detroit-Windsor border.

Response: DIBC's plan is that the existing bridge would not be placed back into service for general traffic unless the new span was unavailable due to an emergency or repairs. See the EA, Section 1.6.3 for an explanation of how only 6 lanes of traffic can be moved through the constrained segment of the project.

Comment 6: The public deserves to be afforded the greatest protections when it comes to the quality of their community, their health and the environment. Unbridled expansion of private transportation infrastructure represents an environmental justice issue. How will community concerns like economic development, air quality, etc. be addressed by this project?

Response: Socioeconomic impacts of the project are fully addressed in Section 3.1. In addition, environmental justice is discussed above in response to comment 1, as well as in section 3.1.5 of the Final EA.

Comment 7: There should be an air quality analysis conducted, particularly since the expansion of the bridge will likely lead to increased truck traffic.

Response: Air quality impacts are fully addressed in section 3.10 of the EA, and the air quality studies are included in Appendix M, including the current and projected truck traffic.

Comment 8: Some analysis of health impacts must be undertaken. This is particularly true given the importance being placed on protecting the natural environment. The health of humans is just as important as the health of wildlife and plant life.

Response: All required analysis has been performed and is included in the Final EA.

Comment 9: Project specifications
Must independently confirm that a new bridge is needed

Before approving this permit, the Coast Guard should require an independent analysis of the condition of the original bridge. The permit application is premised on the notion that the existing bridge is unsafe and must be repaired or shut down. Before the environment is disturbed by construction of a new crossing, we should have an independent analysis of the condition of the existing bridge.

Response: The proponent has expressed several reasons for constructing the second span and moving traffic from the existing bridge to the new span in Section 1.0 of the Final EA. The existing bridge is 80 years old, and cannot indefinitely continue to carry heavy commercial traffic without significant and costly upgrades; it would be imprudent not to plan for a new span given the level of use and its age. The existing bridge lacks dedicated

FAST lanes, an addition which DIBC has been requested to add to its crossing by the governments of the U.S and Canada. The current travel lanes do not meet modern standards for highway and shoulders. The existing bridge cannot feasibly be widened due to engineering restrictions since it is constrained by the existing towers and catenary cables. For these reasons, DIBC has proposed replacing the existing bridge with a new structure that has standard 12' lanes, standard safety shoulders, and provides for the operation of the FAST booths already in place in the existing plazas.

As discussed in the Draft EA that was published following the initial tentative Categorical Exclusion document that this comment refers to, the existing bridge will be maintained and rehabilitated, and will provide a redundant structure for traffic. The existing bridge could also be used for DIBC and government vehicles, special events, and other recreational uses, subject to the approval of respective government agencies at the border crossing. The status of the existing bridge was addressed in detail in the Section 106 process performed for the project and the resultant MOA.

The ABEP, and the proponents plans for the existing bridge, are within compliance with federal bridge statutes. The proponent will continue to be required to fulfill all federal, state, and local laws and requirements.

Comment 10: In addition, the claim that the existing bridge would not be put into service without “all necessary approvals” should be substantiated with a listing of the required approvals.

Response: The proposed project is designed to move traffic from the existing 4-lane Ambassador Bridge to a new 6-lane cable-stay bridge. The existing bridge will be used only for purposes as may be allowed by inspection officials in both the U.S. and Canada, for DIBC vehicles, and to serve as a backup for the new structure in the event of an impediment to traffic on the new span and for emergencies. All alternatives considered for this project included four lanes for general traffic and two lanes for commercial vehicles meeting the requirements of both governments for the FAST program with booths already present in the plazas. Thus, all alternatives have no more than six lanes between the U.S. Plaza and Fort Street. As the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

Comment 11: While the DIBC portrays the purpose of the Gateway project as being to build a second span for the Ambassador Bridge, the actual purpose of the Gateway project is to directly tie the bridge into the freeway system in order to improve transportation movements from the bridge to the freeway system and to take truck traffic off of local roads. The Gateway project was *designed* to accommodate a second span if one were built sometime in the future, not to enable a second span to be built. The Environmental Assessment for the Gateway project did not

study the impacts to the Detroit River, the environment, or the community of a second span. It studied the impacts related to the ramps and other infrastructure needed to connect the plaza to the freeway system, with or without expanded border capacity at that location.

Response: The Ambassador Bridge Gateway Project (ABGP) anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, and at the eastern limit of the Gateway plaza, including designing the “hub” where the second bridge would connect. The design of the ABGP provided for a direct link at the eastern limit of the Gateway to accommodate a second bridge. The layout of the plaza and “hub” where the second bridge would be located immediately west of the existing bridge has been graphically illustrated in the Draft EA and again in the Final EA. The ABGP is referenced in the Draft EA and Final EA; specifically, the Environmental Assessment and subsequent Finding of No Significant Impact (Gateway Project EA/FONSI) issued by Federal Highway Administration for the ABGP. The Coast Guard considers the application of the Gateway Project EA/FONSI as pertinent documentation for the ABEP, and as such the Gateway EA/FONSI is incorporated by reference into the overall evaluation of the project by the Coast Guard in accordance with 40 CFR 1506. The analysis and documentation for the ABEP also incorporates the publicly-funded studies performed for the DRIC study; specifically, the traffic volumes, forecasts, economic factors, population factors, and other factors are based on the same data used for both the Gateway Project and the DRIC studies.

In addition to the above-mentioned environmental studies, the Coast Guard has undertaken an independent review of this project, including consultation with responsible federal, state, and local agencies to evaluate potential traffic, air, noise, wildlife, and environmental justice issues, among others.

The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second bridge will enter directly into the Gateway Plaza where most international traffic using the corridor will be contained and processed before connecting with the interstate highway on the U.S. side, thereby reducing traffic on local roadways.

Comment 12: While DIBC says that no increase in plaza size is necessary, they have provided no evidence that their current facility or even the slightly expanded facility created through the Gateway project will be able to accommodate future truck traffic should a new 6-lane bridge be built or the existing bridge rehabilitated and both bridges functioning. An expanded plaza would severely impact the growing residential community and commercial area that has already seen encroachment by the bridge compound.

Response: The USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a

separate NEPA process to assess environmental impacts. Also, please see the response to Comment 10 from this commenter.

Comment 13: DIBC has publicly touted its proposal for a new plaza facility going south of the existing plaza toward the river. This proposal has been made to Detroit City Council, the City of Detroit Mayor's office, various meetings at the DIBC offices and to MDOT. MDOT is currently beginning the process of relocations of Fort Street as it relates to this proposal. The permit to build a second span cannot be issued without an environmental review of this proposal. The environmental consequences of having a truck facility so close to the Detroit River must be studied to ensure that run-off and other contaminants does not pollute the environment.

Response: Please see the responses to Comments 10 and 12 above. In regards to stormwater run-off, the project does not involve any discharges of dredged or fill material in the Detroit River. The proponent has received clearance from the USACE for the project in their letter dated February 28, 2007. During the operational phase, the stormwater will be collected and directed into the existing stormwater/drainage facilities. The stormwater from the new bridge will be collected and treated using the facilities constructed as part of the Ambassador Bridge Gateway Project. Just as the ramps in the interchange and plaza were designed to accommodate a new span, the stormwater treatment facilities were also sized to receive the additional stormwater from a new structure should one be constructed. A permit dated January 17, 2007, has already been obtained from the MDEQ for such purposes. USEPA has been notified by the Coast Guard that MDEQ has provided a permit for stormwater handling. This has been clarified in the Final EA.

MDEQ has issued two permits to DIBC in connection with the ABEP and operations of the Ambassador Bridge. The first permit was dated January 17, 2007, and provided overall permitting for the proposal, including Water Quality Certification. The second permit was dated March 1, 2007, and provided approval for storm water outfall and discharge at the bridge. These permits conclude coordination with MDEQ.

Comment 14: In addition, the permit does not speak to the treatment of hazardous materials on the new bridge. Given the existing bridge lacks the capacity to safely handle any hazardous material spills, the new bridge must have protections and safeguards to protect the Detroit River and the surrounding community from hazardous spills that might occur on the bridge. Recent media reports have revealed that DIBC engages in "lane-flushing" the practice of allowing trucks through without inspection, and have even allowed trucks known to be carrying hazardous materials, which are prohibited by federal statute from crossing the bridge, to cross. There must be a thorough understanding of the protections that will be put in place to ensure that hazardous materials are not a threat to the environment or community.

Response: The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the

requirements of these agencies, and with the similar requirements in Canada by Transport Canada. The Coast Guard has not been advised of any concerns regarding hazardous materials at the border crossing. The ABEP is not expected to have any impact on the application of the laws governing hazardous materials transport, or the enforcement of current laws by the agencies that hold this responsibility.

Stormwater run-off was addressed in the response to Comment 13 above.

Comment 15: *More information needed*

In fact the information provided in the permit application is minimal in terms of design, construction and operation. More detailed information regarding site plans, construction phasing, construction methods, homeland security safeguards and other safety features must be provided before a permit can be issued.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

Comment 16: *Should be designed with true community input*

There has been limited community involvement in the design of this new bridge.

The bridge should be designed to be a signature structure for the city, a symbol for the area.

There should be consideration of the West Riverfront Conservancy plans to bring public access to the riverfront.

Response: No negative impacts to the public access of the riverfront are expected to occur as part of the project. The Riverwalk project is on-going, and is addressed in the Final EA.

This project exceeded regulatory requirements for public meetings and public comment period. Public workshops were held on March 1, May 24, and December 6 of 2007. All were advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project. The May 24 and December 6 public workshops were also advertised by Press Release to Detroit media and publication by the proponent and Coast Guard and by Coast Guard Public Notice. Fliers were also distributed among the public for the May 24 design charette during the Cinco de Mayo celebration near the project area. In addition, a public meeting was held by DIBC and MDEQ on November 14, 2006 that was also advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer for MDEQ permit processes. Further public meetings have been held in Windsor as part of the proponents' processes in Canada. The community was provided the opportunity to comment on the project at the three public meetings and during the written comment period. The original comment period for the Draft EA was requested to be extended and was lengthened by 45 days so that more people and organizations could comment. The DIBC also maintains a website so that the public can comment on the

project at any time as well as download the latest material on the project: www.AmbassadorBridge.com. All comments received through all of these meetings and means have been analyzed, considered, and responded to Appendix A in the Final EA.

There have been numerous community outreach efforts by the Coast Guard and proponent for the ABEP. The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- d) April 24, 2007 - Draft Environmental Assessment (Draft EA) issued.
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- g) May 24, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 27 people from the general public, with 18 submissions for design preferences.
- h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.
- i) November 6, 2007 - Coast Guard Press Release to local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.
- j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- k) December 6, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 21 people from the general public, and 16 suggestions for design were collected.
- l) April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, Gateway Communities Development Collaborative, a consulting party in the Section 106 process, was provided approximately 30 days to review and recommend mitigation measures to be incorporated into the final MOA.

Comment 17: Bridge oversight and long-term community impact

There should be open discussion and debate regarding the most appropriate governance structure for the next border crossing. While the DIBC proposes to build a new span, there should be

public oversight over the crossing given the long-term implications of this expanded infrastructure. The community has no venue for having their complaints heard and a new bridge will only exacerbate this problem.

Should an additional border crossing be pursued for construction anywhere along the Detroit River, there must be a Community Benefits Agreement between members of the host community and the project sponsors

Response: Please see the response to Comment 2 from this commenter. Also, please see the response to Comment 16 above regarding public input.

Comment 18: Thank you your completely thorough and comprehensive review this complex issue and the request of approval of the application before you from DIBC. The Coalition has requested that the Coast Guard “deny” approval of constructing a twin structure in our international waterway. The DIBC twin border crossing at their proposed location in our Detroit River way is redundant, a homeland security issue, an environmental justice issue for the residential, small business and tourist community including an extreme burden on our low income, minority community.

Response: Comment noted.

FHWA Comments on the Proposed Ambassador Bridge Enhancement Project Dated June 7, 2006

Comment 1: On May 24, 2006, staff from the Detroit International Bridge Company (DIBC) and the Canadian Transit Company (CTC) conducted a tour of the Ambassador Bridge and facilities for members of the Michigan Transportation Commission. During this tour, the DIBC presented the Commission members copies of the attached document (attachment 1) which outlines the DIBC's future plans for expansion of the plaza in to an "International Center," relocating various roadways, and relocating individuals and businesses (see tab marked "Ambassador Bridge Final Master Plan"). This document supports FHWA's comment number 8) and comment b which were provided to you via e-mail on April 13, 2006 (attachment 2).

It is FHWA's opinion that the DIBC's proposed Bridge Enhancement for a new structure is part of a larger plan by the DIBC and as such should be analyzed as part of the whole, not piecemeal as is being attempted. The Council on Environmental Quality regulations at 40 CFR 1508.7 and 1508.8 address this situation.

"§ 1508.7 Cumulative impact.

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other pas4 present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. "

"§ 1508.8 Effects.

Effects include:

Direct effects, which are caused by the action and occur at the same time and place.

Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.

Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. "

The FHWA believes that the cumulative impacts from the DIBC's proposed enhancement project along with the direct and indirect effects of this action be adequately addressed in the environmental analysis prepared by the DIBC.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

An expanded discussion and analysis of potential secondary and cumulative impacts is included in the Final EA. Regarding potential plaza expansion and impacts to local roadways, beyond the FHWA approved Gateway Project, the USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts.

FHWA General Comments and Observations on the Ambassador Bridge Enhancement Project;

3. The document is still a qualitative document and does not perform a quantitative analysis of many topical areas.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

4. The Detroit International Bridge Company (DIBC) philosophy and presentation

has changed since the last document. Fort Street is not proposed to be relocated. No future expanded plaza is shown. The bridge type is now a cable stay rather than a suspension bridge similar to the old bridge. The cross section has changed with the proposed shoulders conceivably allowing conversion to additional lanes in the future (six lanes to eight lanes). DIBC is indicating that the old bridge may be replaced some day. DIBC is indicating that old bridge, once repaired, will be used for redundancy and back-up support for the new bridge when necessary to ensure free flow of traffic.

Response: Comment noted.

5. The philosophy is to merely added lanes, no more no less, hence the type 2 categorical exclusion.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

6. DIBC reiterated that DIBC/CTC will fund the entire project. No federal funds needed.

Response: The proponent has outlined their finance plan in Section 1.9 of the Final EA. The proponent is seeking the issuance of tax-exempt Private Activity Bonds to finance the construction of the proposed second span. The use of Private Activity Bonds is not a consideration for the Coast Guard, and does not affect the Coast Guard's position as lead federal agency for NEPA in this proposal. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. It is important to note that it is not the Coast Guard's role to make business decisions for private entities. The applicant is responsible for funding the entire construction of the project and meeting the costs associated with the project. The proposal will not utilize congressionally authorized funding that is disbursed through any federal agency.

7. Design work has begun and is expected to be completed within 18 to 24 months. Construction is scheduled to begin after design is complete and consistent with traffic volumes.

Response: The proponent estimated the preliminary design of the proposed Ambassador Bridge Enhancement Project was completed to assess potential impacts and final design and is expected to be completed within 24 months. Construction is scheduled to begin following design and is anticipated to be completed within 36 months for a total of five years for both design and construction.

8. The analysis draws on data from the DRIC study and leans very heavily on the environmental clearance from the Ambassador Gateway.

Response: A full environmental assessment has been prepared for this project, so the USCG is not relying on the environmental documentation from the DRIC or Gateway projects in order to assess the impacts of the ABEP project. However, the USCG has considered the environmental documents for these other projects, incorporated them by reference herein, and drawn from them where appropriate, consistent with 40 CFR §1506.5(b).

9. This project would be a regionally significant transportation project and should be in the Long Range Transportation Plan and undergo an air quality conformity analysis by SEMCOG.

Response: EPA and SEMCOG were consulted regarding “regional significance”. Air dispersion, or hot-spot, analysis was performed and the project was submitted to SEMCOG for inclusion with the Regional Transportation Plan.

10. The information presented in this document has been revised from the previous document to only focus on a new bridge, either a twinned bridge or a replacement bridge. It does not acknowledge any of the past publicly disclosed future plans of the Detroit International Bridge Company such as relocating Fort Street to accommodate a much larger 100+ booth Customs plaza, joint US/Canadian customs inspection on the US side, combining customs inspections from the Detroit/Windsor tunnel with the Ambassador Bridge expanded customs plaza, etc. along with similar plans as proposed on the Canadian side. Even though this document focuses only on the new bridge and the new bridge appears to have independent utility under NEPA, it also appears to be segmenting the publicly proposed actions by the DIBC. The analysis also does not address any secondary or cumulative impacts which may result from the proposed project.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

An expanded discussion and analysis of potential secondary and cumulative impacts is included in the Final EA. Regarding potential plaza expansion and impacts to local roadways, beyond the FHWA approved Gateway Project, the USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts.

The Coast Guard does not foresee that the proposed Ambassador Bridge Enhancement Project is interdependent with any possible future expansion of the inspection facility. The ABEP does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the ABEP is an independent project - and is not dependent on any other project. The Gateway Project did not require the addition of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

11. From what the FHWA has heard from public meetings on the DRIC study, it is very probable that this action proposed by the DIBC will be controversial. Under NEPA, controversy can elevate a Categorical Exclusion to an Environmental Assessment to determine the significance of the social, environmental or economic impacts from the proposed action. The FHWA recommends that the DIBC prepare an Environmental Assessment to assess the degree of significance of impacts.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

Specific comments:

- A. Page 9, Section 3.2 Neighborhoods; ". . . new bridge would reduce the length of backups on the bridges thereby reducing the amount of time trucks are idling in the neighborhoods, which could then improve air quality and noise pollution." Where is the traffic analysis, air quality analysis and noise analysis to support this statement?

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP, including discussion of traffic, air quality, noise, and socio-economic issues.

- B. Page 10, Section 3.6 Visual Quality and Aesthetics; it is indicated that the new proposed cable stay bridge is similar to the existing National Historic Register Ambassador bridge and should not impact it visually or aesthetically. The Section 106 consultation with the State Historic Preservation Officer and/or the Advisory Council on Historic Preservation will make this determination, but in my opinion, the proposed cable stay bridge will not compliment the existing bridge, but will compete and overpower the existing bridge.

Response: A comprehensive discussion on the results of the Visual Quality and Aesthetics is provided in Appendix F. USCG has concluded a Section 106 process with the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation, and a local community group regarding mitigation of these visual impacts. A copy of the MOA that was developed through this consultation is included in the Final EA.

- C. Page 11, Section 4(f) is discussed. Section 4(f) only applies to projects or actions of US DOT agencies. It would not apply in this instance since the US Coast Guard is not longer a part of the US DOT.

Response: This comment is correct.

- D. Page 15, Section 3.11 Noise/Vibration; a statement is made that, "Future traffic projections suggest that automobile traffic will increase by 40% and truck traffic will increase by 120% in the next 30 years." Where will this increase take place? If it is taken from studies performed by the Border Partnership for the DRIC study then this traffic increase is cross border traffic increases, which would impact noise levels in the area. This section goes on to say, "No changes in traffic are expected as part of the proposed improvement." It goes on to say that the initial screening for noise levels is satisfactory and no further noise analysis is required. If cross border truck traffic increases by 120%, noise levels will be significantly different that they are today. Where is the noise analysis and where did the projected increase in traffic figures come from?

Response: Potential noise impacts have been analyzed, including a separate USCG review of the analysis performed by the proponent, utilizing current federal and state models and standards. The analysis is included in the Final EA in Appendix N.

- E. Page 15, Section 3.12. There is no traffic analysis provided. The document seems to rely heavily on work performed under the Ambassador Bridge Gateway Environmental Assessment. This document is referenced several times. The traffic analysis for the Gateway projected traffic volumes 20 years into the future to 2015. We are currently only 9 years from the Gateway projected traffic. What impact will the proposed new crossing have on traffic Interstate traffic volumes? The document cross section shows 6 through lanes with shoulders, but the shoulders could potentially be converted by the owner to through lanes at some point in the future thereby resulting in an 8 lane cross section. What impact does this have on capacity of the Interstate system at the bridge location?

Response: An analysis of traffic is provided at Section 1.6 of this Final EA.

The Gateway Project, DRIC study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes

used were based on previously approved sources, including the volumes developed during the preparation of the Environmental Assessment for the Gateway Project, which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the DRIC Study website sponsored by FHWA, MDOT, Transport Canada, and Ministry of Transport Ontario. The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030. Since the unconstrained demand volumes were used without assuming diversion of any traffic to any new facility, this demand is reasonably considered the upper bound, or maximum expected traffic, for cross border traffic at the Ambassador Bridge.

A Level 2 Traffic Operations Study dated January 2007 has also been completed by the DRIC study. This Level 2 analysis projects a volume of traffic that would utilize a new six lane bridge if it were introduced into the region. In other words, that study investigates the volume of traffic that the construction of six additional lanes would attract to the area from existing crossings. The Final EA for the ABEP evaluates impacts resulting from the entire volume predicted by this Level 2 analysis even though the ABEP would only add two lanes to the system and even though those lanes are restricted to FAST traffic. The forecasted traffic volumes and further analysis have been reviewed by EPA and SEMCOG for consideration in our consultation since issuance of the Draft EA.

The Coast Guard received numerous comments stating that the traffic analysis should assume up to 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

The Coast Guard accepts the traffic analysis provided by the proponent, including projected traffic to 2030, as derived from the traffic data used in the most recent border traffic studies conducted by MDOT and approved by FHWA, MDOT, and SEMCOG. The ABEP is not expected, as an independent project, to cause an increase in overall traffic volumes, including commercial traffic volumes, at the Ambassador Bridge crossing, and thereby will not create a significant impact on air quality, noise, or surrounding neighborhoods.

All traffic volume reports, and additional discussion and clarification of the maximum operating scenario of the bridge(s), are contained in Sections 1.6 and 2.8, respectively, in the Final EA.

Additional Comments:

- a. Does this proposal need another permit such as the City of Detroit Building Permit? If yes, who signs it? And where is it?

Response: In addition to the federal bridge permit that the USCG is processing, the proponent must obtain all other federal, state, and local permits and authorization prior to construction.

- b. Page 9, Section 3.5. No discussion for indirect and cumulative impacts (please refer to CEQ publication on considering cumulative effects).

Response: Please see the response to Comment 8 from this commenter above regarding secondary and cumulative impacts. This issue is addressed in the Final EA in Section 4.3.

US EPA CATEX Comments, Dated August 30, 2006

Comment 1: Lack of a Suitable Categorical Exclusion

None of the 35 types of actions on the Coast Guard's categorical exclusion list fits for this project. The Coast Guard has indicated to EPA that it intends to rely on Categorical Exclusion Number 32(a), which reads as follows:

“Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.”

In our opinion, this categorical exclusion does not apply because the proposed project is for a new bridge, with additional capacity on a new alignment, albeit very close to the existing bridge. Furthermore, the existing bridge is historic and is on the National Register of Historic Places. Additionally, other circumstances unique to this project suggest that it is not a good candidate for a categorical exclusion. We believe that the complexities of the project, the level of coordination that is still required between governments, remaining environmental questions, the possibility of unevaluated connected actions, and the controversial nature of the preclude the project from being assessed with a categorical exclusion. Each of these factors is discussed below.

Response: The existing Ambassador Bridge is considered eligible for listing on the National Register. Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP, including discussion of traffic capacity, historic and cultural properties, and potential secondary and cumulative impacts.

Comment 2: Relationship of ABEP to Other International Crossing Projects in Unclear – We are concerned about how the ABEP project relates to the whole international crossing system (freeway connections, plazas, and bridge capacity on both sides of the border). We are aware of the EA, Finding of No Significant Impact (FONSI), and subsequent re-evaluations for the Ambassador Bridge Gateway project issued by the Federal Highway Administration (FHWA). In a letter dated August 22, 2006 (enclosed), FHWA explained to EPA that the Ambassador Gateway EA did not evaluate the environmental impacts of a second bridge span. The purpose of the Gateway project was to make direct connections from the interstate system (I-75 and I-96) to the bridge and to correct structural and geometric deficiencies in I-75 and I-96 at the foot of the Ambassador Bridge.

Response: In addition to the incorporated environmental documentation for the Gateway Project EA/FONSI, a complete independent environmental analysis has been performed for the ABEP. The comment recognizes the interconnectivity of the Gateway Project and ABEP and the consideration of both projects as part of the whole international crossing system in the existing international corridor. Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP

Comment 3: The CATEX document states that the ABEP would seamlessly interact with the Gateway Project transportation plan already underway in the Detroit River area. There is no information in the CATEX document that suggests whether the traffic volumes evaluated in the Gateway EA are the same or different than traffic volumes anticipated after implementation of this project. DIBC appears to rely on the Gateway EA conducted by FHWA and Michigan Department of Transportation (MDOT) to satisfy the NEPA requirements for the ABEP. The information presented in the CATEX document does not support that conclusion. If the Coast Guard intends to rely on the Gateway EA, in its NEPA decision making, then the analyses relied upon should be summarized and referenced appropriately.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP. An analysis of traffic is provided at Section 1.6 of this Final EA.

The Gateway Project, DRIC study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on previously approved sources, including the volumes developed during the preparation of the Environmental Assessment for the Gateway Project, which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the DRIC Study website sponsored by FHWA, MDOT,

Transport Canada, and Ministry of Transport Ontario. The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030. Since the unconstrained demand volumes were used without assuming diversion of any traffic to any new facility, this demand is reasonably considered the upper bound, or maximum expected traffic, for cross border traffic at the Ambassador Bridge.

A Level 2 Traffic Operations Study dated January 2007 has also been completed by the DRIC study. This Level 2 analysis projects a volume of traffic that would utilize a new six lane bridge if it were introduced into the region. In other words, that study investigates the volume of traffic that the construction of six additional lanes would attract to the area from existing crossings. The Final EA for the ABEP evaluates impacts resulting from the entire volume predicted by this Level 2 analysis even though the ABEP would only add two lanes to the system and even though those lanes are restricted to FAST traffic. The forecasted traffic volumes and further analysis have been reviewed by EPA and SEMCOG for consideration in our consultation since issuance of the Draft EA.

The Coast Guard received numerous comments stating that the traffic analysis should assume up to 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

The Coast Guard accepts the traffic analysis provided by the proponent, including projected traffic to 2030, as derived from the traffic data used in the most recent border traffic studies conducted by MDOT and approved by FHWA, MDOT, and SEMCOG. The ABEP is not expected, as an independent project, to cause an increase in overall traffic volumes, including commercial traffic volumes, at the Ambassador Bridge crossing, and thereby will not create a significant impact on air quality, noise, or surrounding neighborhoods.

All traffic volume reports, and additional discussion and clarification of the maximum operating scenario of the bridge(s), are contained in Sections 1.6 and 2.8, respectively, in the Final EA.

Comment 4: Uncertainty Regarding Status of Existing Bridge and Ultimate Bridge Capacity – Section 1.4 of the CATEX document characterizes the proposed enhancement as a new 6-lane cable-stayed bridge in the same corridor as the existing Ambassador Bridge, consistent with the approved and ongoing Gateway project. As stated in the CATEX document, the ABEP would

simply tie the existing plazas in both Canada and the U.S. together via a new 6-lane bridge. Submitted plans indicate that once the new structure is completed, the existing bridge will be taken out of service for repair. Once repairs are completed, the existing structure will be used to provide redundancy and backup support. The CATEX document does not explain what the process will be for evaluating the existing bridge. This is a topic of concern that should be addressed in the Coast Guard's NEPA documentation. More information is needed to describe the process by which the existing structure will be evaluated for needed repairs and the process used for determining when it will be brought back into service. Without this information, it is unclear if the project intent is to ultimately have 6 lanes of bridge capacity or 10 lanes at this location. The NEPA documentation should discuss any connected actions, including additional plaza or local roadway modifications, associated with 6 lanes or 10 lanes of bridge capacity.

Response: Please see the response to Comment 3 from this commenter above.

Comment 5: Lack of Analysis Determining Consistency with Local Units of Government – The CATEX document does not describe efforts used by DIBC to assess support for the project from local units of government. Therefore, it is not clear if the proposed project is consistent or inconsistent with desired social, economic and environmental conditions on either side of the border. The Canadian government is in the early stages of conducting an environmental assessment of the project. At this stage in that environmental assessment process, it is not clear what the outcome of the Canadian process will be or if there are issues that could make the current ABEP proposal inconsistent with locally desired social, economic or environmental conditions. We recommend that the Coast Guard coordinate with the Canadian Environmental Assessment Agency to determine how the NEPA process should consider the Canadian process. As you may know the Council on Environmental Quality issues a memorandum on July 1, 1997 dealing with the topic of transboundary effects. In that memorandum, federal agencies were instructed to analyze the effects of proposed actions regardless of where those impacts might occur, including indirect effects (those caused by the action later in time or farther removed in distance), as well as cumulative effects. Coordination with the CEAA should assist the Coast Guard in determining these transboundary effects.

Response: All applicable federal, state, and local governmental agencies have been included in Coast Guard Public Notices or been directly contacted or consulted with during the Environmental Assessment process that followed the initial Categorical Exclusion document. Copies of all correspondence and replies to comments are contained in the Final EA.

The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side.

Comment 6: Based on the CATEX document and the Coast Guard public notice, it appears that footprint impacts from constructing the bridge may be largely avoided, since there are no structures planned to be placed in the Detroit River, or in any wetlands or floodplains. However, operational impacts – those impacts associated with 6 to 10 lanes of traffic across the Detroit River – have not been completely assessed. Discussion of construction impacts and mitigation should also be included. A complete assessment of environmental impacts from the project should be done before a NEPA decision is made. The key environmental aspects that require additional analysis are listed below.

Air Quality – The CATEX document provides a discussion of trends within a Detroit and Windsor area along with some regional data for ozone precursors and carbon monoxide. There is no comparison of air emissions with and without the ABEP. There is no other assessment of air quality impacts due to the project. We would expect that the additional bridge capacity would contribute to an increase in vehicle miles traveled (VMT) and would therefore have an effect on air quality. The CATEX document only indicates that previous assessments of air quality in Canada along Huron Church Road showed a significant increase in fine particulate matter periods of high congestion, but not volatile organic compounds, an important ozone precursor. The CATEX document also states that the ABEP should not increase congestions and not cause a decrease in air quality because it does not include any construction with the plazas and adjacent statement. Air quality from operations on the bridge is related to the international crossing system as a whole. The Coast Guard’s assessment of air quality should address this issue.

FHWA has indicated to the Coast Guard that the ABEP would be a regionally significant transportation project that should be in the Metropolitan Detroit Long Range Transportation Plan and undergo an air quality conformity analysis.

The project area already has serious air pollution problems. EPA has recently designated Southeast Michigan as a non-attainment area for the fine particulate standard, referred to here as particulate matter 2.5 microns or less (PM2.5). We are concerned that local controls may be necessary in order for this area to attain the National Ambient Air Quality Standard (NAAQS) for PM2.5. This issue should be thoroughly evaluated. Cost-effective mitigation strategies should be implemented wherever possible to minimize impacts. We are specifically concerned with the lack of information presented regarding particulate matter. Idling and moving diesel trucks in the area at plaza operations, on the bridge and surrounding freeway system are a concern from a human health perspective. Hot spot analysis for fine particulate (PM2.5) and carbon monoxide (CO) should be done and included in the Coast Guard’s NEPA documentation.

Response: Please see the response to Comment 3 from this commenter regarding traffic and maximum number of lanes available. Air quality for the project has been analyzed, including dispersion, or hot-spot, analysis, including evaluation of particulate matter and compliance with National Ambient Air Quality Standard (NAAQS). EPA and SEMCOG were consulted regarding “regional significance”. Air dispersion, or hot-spot, analysis was performed and the project was submitted to SEMCOG for inclusion with the Regional Transportation Plan.

Comment 7: Stormwater – A description of options for dealing with stormwater is presented in the CATX document, but no detailed information is provided. The CATEX document is not clear on how the existing Ambassador Bridge collects and treats stormwater. The addition of 6 lanes of bridge capacity will increase impervious surfaces. Proper collection and treatment of stormwater from that impervious area is an important environmental issue. Additionally, the CATEX document is not clear on what provisions have been made to deal with hazardous materials incidents that may occur on the bridge. More analysis should be included in the Coast Guard's NEPA documentation.

Response: The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. The Coast Guard has not been advised of any concerns regarding hazardous materials at the border crossing. The ABEP is not expected to have any impact on the application of the laws governing hazardous materials transport, or the enforcement of current laws by the agencies that hold this responsibility.

The movement of hazardous cargoes over the Ambassador Bridge crossing has been, and will continue to be, an important issue with the proponent and the federal, state, and local authorities that maintain responsibilities for monitoring and enforcing hazardous cargo rules and regulations on roadways.

The project does not involve any discharges of dredged or fill material in the Detroit River. The proponent has received clearance from the USACE for the project in their letter dated February 28, 2007. During the operational phase, the stormwater will be collected and directed into the existing stormwater/drainage facilities. The stormwater from the new bridge will be collected and treated using the facilities constructed as part of the Ambassador Bridge Gateway Project. Just as the ramps in the interchange and plaza were designed to accommodate a new span, the stormwater treatment facilities were also sized to receive the additional stormwater from a new structure should one be constructed. A permit dated January 17, 2007, has already been obtained from the MDEQ for such purposes. USEPA has been notified by the Coast Guard that MDEQ has provided a permit for stormwater handling. This has been clarified in the Final EA.

MDEQ has issued two permits to DIBC in connection with the ABEP and operations of the Ambassador Bridge. The first permit was dated January 17, 2007, and provided overall permitting for the proposal, including Water Quality Certification. The second permit was dated March 1, 2007, and provided approval for storm water outfall and discharge at the bridge. These permits conclude coordination with MDEQ.

Comment 8: Noise – The CATEX document states that future traffic projections suggest that automobile traffic will increase by 40% and truck traffic will increase by 120% in the next 30 years, but concludes that the traffic volume increase is not due to the proposed ABEP and that

noise levels will not substantially increase over the existing levels. There is no data included in the CATEX document to support this statement.

Response: Potential noise impacts have been analyzed, including a separate USCG review of the analysis performed by the proponent, utilizing current federal and state models and standards. The analysis is included in the Final EA in Appendix N.

Comment 9: Endangered Species and Historic Resources – Although coordination with the U.S. Fish and Wildlife Service and Michigan State Historic Preservation Office has been initiated, there is no correspondence from those agencies regarding how they view the ABEP proposal. This information is critical and should be included in the Coast Guard's NEPA documentation.

Response: The U.S. Fish and Wildlife Service (USFWS) was provided Coast Guard Public Notices for the *Project Description and Type 2 Categorical Exclusion Environmental Documentation* in 2006, and for the Draft EA in April 2007. USFWS provided letters in response to both Public Notices. The letters are dated August 29, 2006, and May 31, 2007, respectively, and are included in Appendix I of the Final EA.

The August 29, 2006 letter identified one species, the northern riffleshell mussel (*Epioblasma torulosa rangiana*), a federally listed endangered species, may occur in the vicinity of the project. The letter advised coordination with MDEQ for state-listed species, and additional information on the status of the northern riffleshell mussel. MDEQ issued a permit for the project dated January 17, 2007, and did not specify any concerns regarding the status of the northern riffleshell mussel. The Coast Guard notified USFWS by letter dated February 20, 2007 that the MDEQ permit was received and did not identify any state-listed threatened or endangered species of concern in the permit, and based on the receipt of the MDEQ permit and the fact that no pier construction is expected in Detroit River, the Coast Guard believed that no federal-listed threatened or endangered species would be affected by the project. USFWS was required to respond to the letter only if they did not concur or required additional information. USFWS did not respond to the Coast Guard letter. A phone call to USFWS representatives in East Lansing, Michigan, on February 27, 2007 confirmed there were no concerns or further coordination necessary with USFWS.

Michigan Department of Natural Resources (MDNR) was contacted by the proponent on March 1, 2007, for confirmation of no impacts to any state-listed threatened or endangered species. MDNR representatives stated they did not realize the ABEP would not place piers in Detroit River and confirmed that the project would not affect state-listed threatened or endangered species.

Regarding historic properties, a Section 106 process was conducted in conjunction with the NEPA process for this project. Michigan SHPO made a determination of adverse effect on the existing Ambassador Bridge on March 26, 2007. The Ambassador Bridge is eligible for inclusion on the National Register of Historic Places. The adverse effect was primarily based on aesthetic visual impact to the existing bridge. The Advisory Council on Historic Preservation also participated in the Section 106 process for the project. A local

community group, Gateways Communities Development Collaborative requested to be a consulting party in this process and was invited to participate. The coordination and consultation ultimately resulted in a Memorandum of Agreement (MOA) between all parties to mitigate the aesthetic visual impact to the existing Ambassador Bridge. A more detailed discussion of the Section 106 process that was conducted is included in Section XV of the Final EA Preface. All Section 106 correspondence, as well as the MOA that concluded the Section 106 process, is included in Appendix J in the Final EA.

Comment 10: Cumulative Effects – There is no assessment of cumulative effects made in the CATEX document. It is clear that the Ambassador Bridge Gateway project, the ABEP project, and other projects in the area related to maintaining and enhancing border crossing capacity (i.e., bridge capacity, plaza facilities, and connections to highway facilities) are part of an ongoing pattern of actions that have contributed to adverse effects on the human environment. The communities on both sides of the river have been affected by the system. Cumulative effects to air quality, water quality, noise levels, and other resources could be potentially significant. The ongoing pattern of border crossing activities in the project area in the past is well known. An assessment of the future system impacts, including those from possible connected projects such as relocating local roads, state truck highways, plans for additional plazas and other activities, should be considered cumulative effects. Impacts from the whole system should be considered in the Coast Guard’s NEPA documentation.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP. An analysis of secondary and cumulative impacts is contained in Section 4.3 of this Final EA.

Comments from Gateway Communities Development Collaborative, Michigan Avenue Business Association, et al on CATEX Document, dated September 13, 2006

Comment 1: The United States Coast Guard has received an application for a bridge permit from the Detroit, International Bridge Company. The proposed bridge would be six-lane one-mile long bridge creating a new international crossing to Canada. Demand for river crossings south of Detroit are estimated to increase by 52% for autos and 132% for heavy trucks over the next 30 years. This travel demand will exceed the capacity of the Ambassador Bridge at some time between 2011 and 2020. Thereafter, travel growth will increase *only* if a new river crossing is constructed. The largest direct environmental impact of the new bridge will be the impacts flowing from the millions and millions of truck and auto trips that will occur in southwest Detroit *only* if a new bridge is built in southwest Detroit. The Bi-National Partnership's Detroit River International Crossing (“DRIC”) Study is considering the best location for a new river crossing to accommodate this travel demand and its social and environmental impacts.

We, the undersigned individuals, residents and organizations, are stakeholders in any new river crossing project. Our community, constituents and organizations will be affected by the short and *long* term impacts which will flow from a new international bridge crossing in southwest Detroit. We have been involved in the Detroit River International Crossing study for two years for that reason. NEPA requires the Coast Guard to recognize that the permit application before it is not for a mere bridge it is an application for a new international border crossing and, if you

accept DIBC's position that regional economic growth is tied to adequate river crossing capacity (which we do), then it is an application to construct one of the most important trade and redevelopment projects to be considered in the Detroit region for decades to come, rivaling the new terminals at Metro airport in significance for the region's trade and economic development. To limit an environmental assessment to just the mile-long bridge span would effectively segment the analysis of the impacts of this regional trade and development project in violation of NEPA.

Response: The importance of the Ambassador Bridge international crossing has been thoroughly documented and recognized by federal, state, and local authorities. The crossing is a vital link between the United States and Canada and between the cities of Detroit, Michigan and Windsor, Ontario, Canada, and is considered the busiest international crossing in North America. The volume of traffic and commerce that crosses the bridge is described in Section 1.6 of this Final EA. The continued operation and efficiency of this crossing has been identified in correspondence from governmental leaders, major corporations, and large and small businesses on both sides of the border as a necessary part of the economic vitality of the region.

The Ambassador international corridor has been in place for almost eighty years and was initially funded by private entities and approved by separate Acts of the United States and Canadian governments. The existing bridge and plazas are still owned by a private entity, DIBC, based in Warren, Michigan. The DIBC is one partner in the public/private operation of the international corridor and customs entry on the U.S. side. The U.S. plaza is generally referred to as the Gateway in this document.

The identification of regional transportation needs, and the projects that implement them, are performed by local entities, in cooperation with state transportation agencies and federal transportation agencies when federal funds are utilized. This was the case when improvements to the Gateway plaza, local roadways, and connections to the interstate system were explored, analyzed, and approved through the efforts of the Federal Highway Administration and Michigan Department of Transportation in the 1990's, ultimately resulting in the Ambassador Bridge/Gateway Project (ABGP) that was approved in 1997, and currently under construction. The Coast Guard was not a permitting, consulting, or cooperating party in the ABGP project since a new bridge structure was not proposed at that time, therefore not requiring a federal Bridge Permit action.

The Coast Guard has not participated in the identification of regional transportation needs in the Detroit area. It is not a role that the Coast Guard performs, but rather as a permitting agency must assume certain responsibilities in any proposal that includes the construction of a bridge across a navigable waterway of the United States.

The proponent in this project, DIBC, has not submitted the proposal to construct a companion bridge adjacent to the existing Ambassador Bridge to satisfy an identified regional transportation need. Instead, as outlined in both the Draft EA and this Final EA, the proposal has been submitted to upgrade the structure(s) that carry traffic through the international corridor. This includes modernizing the traffic lanes and adding two

additional lanes (one in each direction) dedicated to low-risk commercial traffic using approved U.S. and Canadian programs (FAST and NEXUS) designed to improve efficiency through the international crossing.

There is another study currently being performed that has been proposed to specifically address regional transportation needs and border traffic between the U.S. and Canada. The Detroit International Bridge Crossing (DRIC) study is sponsored by FHWA and MDOT on the U.S. side and includes officials from Transport Canada in a bi-national group created to explore other possible crossings of the Detroit River. The DRIC study, along with the previously approved Gateway Project, is discussed in greater detail in the Preface and within the Final EA.

Comment 2: Even though the permit application proposes that the bridge itself will be privately funded, the history of the both the Detroit & Windsor Tunnel and the Ambassador Bridge demonstrates that even privately owned and financed border crossings require hundreds of trillions in public funding for access roadways and appurtenant facilities.

Response: The proponent has outlined their finance plan in Section 1.9 of the Final EA. The proponent is seeking the issuance of tax-exempt Private Activity Bonds to finance the construction of the proposed second span. The use of Private Activity Bonds is not a consideration for the Coast Guard, and does not affect the Coast Guard's position as lead federal agency for NEPA in this proposal. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. It is important to note that it is not the Coast Guard's role to make business decisions for private entities. The applicant is responsible for funding the entire construction of the project and meeting the costs associated with the project. The proposal will not utilize congressionally authorized funding that is disbursed through any federal agency.

Comment 3: NEPA requires the Coast Guard to fully evaluate the environmental impacts, short and long term, local and, regional, which will flow immediately from a new crossing (wherever located) as well as its cumulative impact considering other major transportation projects in southwest Detroit and Wayne County. NEPA requires a full environmental impact statement be prepared before making a decision on the pending permit application. FHWA's NEPA guidance gives major transportation projects and freight terminals as examples of projects for which an EIS will be routinely required. A new bridge with attendant toll facilities and customs inspections will be both a major transportation project and, a freight terminal serving over 10,000 trucks per day. MDOT and FHWA have required the preparation of an EIS for the 2d span of the Blue Water Bridge and as part of the evaluation of alternative river crossings being evaluated by the DRIC Study. In contrast, the DIBC application has provided the USCG with no justification for USCG's finding that the project will qualify for a categorical exclusion for NEPA's requirement that an environmental analysis be performed, other than a one-page cursory checklist which is completely lacking in supporting materials and is completely at odds with actual circumstances.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

The Coast Guard does not foresee that the proposed Ambassador Bridge Enhancement Project is interdependent with any possible future expansion of the inspection facility. The ABEP does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the ABEP is an independent project - and is not dependent on any other project. The Gateway Project did not require the addition of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

The processing of the Blue Water Bridge project by MDOT and Federal Highway Administration (FHWA) is a separate project with significant differences. Each project is evaluated on a case-by-case basis.

The Coast Guard is a Federal permitting agency utilizing Council on Environmental Quality (CEQ) approved implementing instructions to apply NEPA. The ABEP will require the issuance of a Coast Guard Bridge Permit since the proposed companion bridge will cross a navigable waterway of the United States. By virtue of the permit requirement, the ABEP is a Federal undertaking. The applicant is a private entity committed to using private funds for the proposed project. There will be no federal money expended for this undertaking. The use of private funds, and the Coast Guard Bridge Permit requirement, requires the Coast Guard to assume the duties of lead federal agency for NEPA as well as a federal permitting agency.

The Coast Guard, by objectively evaluating the accumulation of studies performed for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the human environment are not significant, and do not warrant preparation of an Environmental Impact Statement.

Comment 4: Significant Effects On Public Health And Safety

- Immigration and border control considerations have not been addressed.
- Issues related to the prevention of terrorism need to be addressed,
- Redundancy of a crossing if there is catastrophic damage to one bridge or a plaza serving a bridge.
- Traffic safety arising out of an 90% increase of border traffic
- No recent microscale modeling of pollutants of concern has been performed to evaluate air quality impacts.
- Hazardous air pollutants from many thousands of diesel trucks each day have not been addressed.

- Air quality, noise and traffic safety impacts on numerous nearby schools, churches and other institutions have not been considered.
- Substantial traffic and truck congestion of access roads in Windsor.

Response: As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor. The General Services Administration (GSA), another federal agency operating at the border crossing, was also provided with the Draft EA for comment. Coordination occurs continually between the agencies listed and the bridge owner at the existing crossing. All current security-related federal requirements are being met by the current bridge owner, and are already enforced by the federal agencies with those responsibilities at the border crossing. There have been no new or additional federal requirements promulgated for the Coast Guard to apply regarding applications for international bridges since the terrorist attacks of September 11, 2001. The project proposes no changes to the operation of the facility other than the addition of the FAST lanes over the river. As a result, there are no anticipated impacts to customs operations or current security practices directly caused by the ABEP. None of the agencies listed above provided comments or concerns to the Coast Guard in response to the Draft EA.

Security will always remain a concern for the Ambassador Bridge crossing as well as all major infrastructure in the U.S. The security-related federal requirements that have been created since September 11, 2001 have already been implemented at the crossing. The Customs and Border Protection personnel permanently stationed at the border crossing on the U.S. side will continue to enforce security-related federal requirements.

The Gateway Project, DRIC study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing.

Air quality impacts are fully addressed in section 3.10 of the EA, and the air quality studies are included in Appendix M, including microscale analysis, along with the current and projected truck traffic.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 5: Potential for Controversial Effects

- The application conflicts with recommendations of DRIC Study which has dropped a 2nd Ambassador Bridge crossing for environmental and community impact reasons.
- Publicly stated Canadian opposition to new crossing at the Ambassador Bridge.
- Issues over public or private ownership of the river crossing.
- Issues related to private monopoly control of river crossings.
- FHWA guidance recognizes that toll facilities raise issues which must be addressed in an

EIS.

- Long standing community controversy and opposition to an expanded river crossing in vicinity of the existing Ambassador Bridge.
- No effort has been made to work with a broad base of the affected community or its citizens or businesses.
- Uncertain and Unknown Effects on the Human Environment
- Difficulty in evaluating mobile source air quality impacts from diesel trucks, where diesel emissions are believed to be the predominant contributor to adverse health effects from mobile source emissions.

Response: The decision whether to conduct an EIS is based on the significance of the environmental impacts of a project based on the findings in the EA. As set forth in this Final EA, the ABEP project will not result in substantial impacts to the environment. No residences or businesses will be relocated, and no changes in the existing land use will be required. The proposed bridge is being constructed in an already urban area where a bridge currently exists. Traffic crossing the bridge and on local roads will not significantly increase due to the project. No wetlands or floodplain impacts will occur. Piers will not be placed in the Detroit River. There are no known threatened or endangered species in the area. No significant air quality or noise impacts are expected. Therefore, the USCG has determined that an EIS is not required for this project.

The most significant impact discovered in this analysis is the adverse effect on the existing Ambassador, and the adverse effect was mitigated through the Section 106 process for the project. The Coast Guard has considered the accumulation of all analysis performed, including the independent analysis done by the proponent and Coast Guard, to determine the potential environmental impacts anticipated from this project and to fulfill its statutory obligation to process the application presented by DIBC. The federal, state, and local transportation agencies involved in the evaluation of border crossing projects in the project area have documented the importance of the crossing to the region. The proposed second bridge was planned for in the earlier Gateway Project. The only area required by the ABEP that was not already evaluated in the Gateway Project is the corridor from the eastern limit of the Gateway Plaza eastward over Fort Street to the Detroit River shoreline. The primary impacts to neighborhoods near the border crossing, businesses, parks, or local roadways will be temporary during construction activities. Impacts during operations are not expected to be greater than current or projected impacts, and the project, on its own, is not expected to significantly contribute to air quality issues in the region or affect a disproportionate number of minority or low-income populations. The existing 80 year-old bridge can not reasonably be expected to carry heavy commercial traffic indefinitely. The modernization and upgrade of the structure, along with the two additional lanes for dedicated commercial truck traffic requested by the U.S. and Canadian border agencies, along with the Gateway Project on the U.S. side, are expected to improve the efficiency of moving traffic through the system that comprises the Ambassador border crossing, thereby easing impacts to surrounding neighborhoods and roadways.

The USCG has completed a very thorough environmental study of the Ambassador Bridge project and has held several public meetings to solicit the views of the public.

Based on a very large volume of data collected (including the earlier publicly-funded environmental studies regarding the border crossing) and impacts studied, it has been determined that the replacement of one span of the Ambassador Bridge with a new span, using the same modified inspection facility that has already been studied in connection with the Gateway Project, will not result in significant environmental impacts. While there are groups and persons opposed to the project, that opposition has not demonstrated the potential for significant environmental impacts, therefore not requiring any further environmental studies beyond those already undertaken, or identifying any issues that have not been thoroughly considered.

Comment 6: Precedent For Future Actions With Significant Effects Or A, Decision In Principle, About A Future Consideration

- Action would preempt the ongoing DRIC Study,
- Need to consider results of General Services Administration's ongoing master plan study of future customs, immigration and DHS facility needs associated with future border crossings.
- The Gateway Project Environmental Assessment did not consider any other crossings as alternative locations to accommodate the 80% future growth in border crossings.

Response: As stated in responses to previous comments from this commenter, the ABEP has been proposed for a different purpose and need than the DRIC, and the Gateway Project EA/FONSI did not contain a specific proposal for a second bridge structure adjacent to the existing bridge, but did include accommodation for an eventual second span.

The Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled Cargo Inspection Facility Master Plan. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

Comment 7: Significant Cumulative Impacts When Considered With Other Foreseeable Future Actions

- Need to consider the interrelationship between a new river crossing and the proposed Detroit Intermodal Freight Terminal.
- Interrelationship between a new river crossing and redevelopment plans for southwest Detroit.

Response: Our evaluation of the Detroit Intermodal Freight Terminal (DIFT) project revealed that the project is still in the planning stages, with a Final EIS expected by the end of 2008. The study is looking at four intermodal terminals: NS/CSX-Livernois Junction Yard in Southwest Detroit, CP-Expressway in Corktown, CP-Oak in Grandmont and CN-Moterm in Ferndale. The area including and surrounding the existing Junction/Livernois Yard was determined to be the best location for the intermodal terminal complex in the Draft EIS issued in

2005. According to the draft EIS for the DIFT, the project is expected to reduce truck traffic in the area, “particularly on the major border access corridors of I-94 and I-75 and international border crossings...” The DIFT EIS does not include the ABEP in its evaluation of significant nearby transportation projects. The Coast Guard does not believe that the projects create cumulative impacts for each other, but if there were to be any cumulative impacts between the DIFT and ABEP, it is reasonable to expect there to be an overall reduction in diesel emissions in the area due to DIFT’s reduction in truck traffic and ABEP’s FAST lanes’ reduction in truck idling.

The Coast Guard has evaluated all reasonably foreseeable local projects in connection with the processing of the ABEP application, and does not believe the proposal is interdependent with any other foreseeable project.

Comment 8: Impacts on Historic Resources

- During the Blue Water Bridge EIS, the original structure of that bridge was considered an historical structure. The Ambassador Bridge which has dominated the downriver skyline for many years requires the same consideration because it is on the National Register of Historic Places.

Response: The existing Ambassador Bridge is considered eligible for listing on the U.S. National Register of Historic Places. The Coast Guard has coordinated and consulted with Michigan SHPO, Advisory Council on Historic Preservation, and GCDC in a Section 106 process for the ABEP. The coordination resulted in the development of a Memorandum of Understanding (MOA) and is included in the Final EA in Appendix J.

Comment 9: Other Significant Impacts

- Any bridge crossing in southwest Detroit will affect various low income and minority neighborhoods, requiring consideration of environmental justice and other considerations which may vary substantially depending on where a new crossing is located.
- DIBC has made proposals for plaza configuration and construction different from that which is part of the Gateway Project plans. No environmental impacts or considerations arising out of those plans have been considered.

Response: The Coast Guard evaluation of the ABEP indicates that the primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of Detroit. The proponent will need to obtain ownership, lease, or easement of this land prior to construction, as well as other local permits or authorizations. The ABEP will not require business or residential relocations. The second bridge will not cross, or split, any neighborhoods, and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic

on local neighborhoods and roadways. Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

The Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled Cargo Inspection Facility Master Plan. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

Comments on CATEX of the Council of the Corporation of the City of Windsor
Dated: October 12, 2006

Having Regard for the Facts and Concerns in Appendix A to this Resolution:

- I. **Requests that the United States Coast Guard carry out an appropriate independent investigation into the facts relative to the application filed by the Detroit International Bridge Company/Canadian Transit Company for a permit for a second Ambassador Bridge and in that regard to carefully consider all the facts, reports by City officials, expert reports; mapping and photography, and certified copies of government documents provided to the Coast Guard by Gowlings, the City's attorneys, in "their submission of September 14, 2006";**

Response: A full environmental assessment has been prepared for this project. All comments received on the project, including those from the City's attorneys, have been considered and responded to by USCG.

- II. **Urges the United States Coast Guard to conclude that, having regard for the historical approvals and facts and impacts related to this proposal, there is no basis for-maintaining the preliminary determination that the second bridge can be processed as a Categorical Exclusion; and that, when and if the application becomes ripe for processing, the Coast Guard is required to prepare a full environmental impact statement which considers alternatives to the proposed action as well as the transboundary and "foreign" environmental effects of the proposed action within the City of Windsor;**

Response: A full environmental assessment has been prepared for this project, so the comment regarding the categorical exclusion is no longer applicable.

The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side. Additionally, the Ninth Coast Guard District Bridge Program hosted representatives from the City of Windsor, Ontario, Canada, on November 21, 2006 for a presentation on specific concerns and potential impacts in Canada.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

III. Requests that the United States Coast Guard apply its procedures for processing bridge permit applications, which require the proponent to demonstrate it possesses the requisite permit under the *International Bridge Act* for a new bridge over an international boundary prior to the Coast Guard processing's bridge permit other federal legislation, and to inform the proponents that the Coast Guard will suspend processing of the current application until an *International Bridge Act* permit has been issued, and all other necessary permissions have been obtained from the Government of Canada, the City of Windsor, and the City of Detroit for the proposed second bridge and its required land and air rights, easements and plaza design and other required facilities.

Response: The Coast Guard is responsible for evaluating this project for compliance with U.S. federal statutes. The issuance of a federal Bridge Permit signifies that the project has met all applicable federal requirements. The proponent may still need to obtain other permits and authorizations from federal, state or local authorities before the project may proceed. The requirement to satisfy other federal, state, or local requirements is included in all federal bridge permits. The Department of State made the determination by letter dated August 3, 2005, Appendix I, that this action is not subject to the International Bridge Act and does not require a Presidential Permit.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Appendix A to Resolution No. 1

- 1) The Detroit international Bridge Company/Canadian Transit Company (the proponents) have made an application to the United States Coast Guard

seeking a permit for the construction of a second bridge generally parallel to and near the existing Ambassador Bridge;

- A. about 50% of the proposed second bridge (approximately 3,600 feet) will be within the geographic limits of the City of Windsor and 2,700 feet of the new bridge would cross over lands within the City not below the Detroit River;
- B. the proposed bridge is stated to have six but could accommodate eight lanes of traffic, compared to four carried by the existing bridge; with the proponents stating they may continue to operate the current bridge together with the new bridge, thereby providing 12 lanes of for international traffic that would cross through the City of Windsor;

Response to A-C: The Coast Guard received numerous comments stating that the traffic analysis should assume up to 10-lanes of traffic (4 lanes of the existing bridge plus 6 lanes for the second bridge). During the September 20, 2007 meeting at the SEMCOG office we discussed 6 lanes and it was demonstrated by the proponent that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6-lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

- C. the proposed second bridge would pass over five city streets and four blocks of houses on the west side of Huron Church Road, some of which the proponents will require to be demolished for that purpose;
- D. the proposed second bridge will be located near and affect the City neighbourhood of Olde Sandwich Towne, a diverse community of 7,049 residents and 9,995 households, which is rich in heritage but one which is separated from the rest of Windsor by the current bridge, and has a sensitive economic fabric which must be prevented from suffering any further negative impact as a result of the proposed bridge expansion;
- E. the proposed second bridge will also be located over and near hundreds of people residing within two-three hundred metres of its proposed location, and it will be very close to a university, schools as well as four city parks; the waterfront recreation way, and numerous buildings that have historic designations, as well as in and around areas of high archaeological significance to First Nations;
- F. City parks and Heritage officials as well as the City Chief planner have issued reports, copies of which are being provided to the Coast Guard, substantiating the negative impacts of the proposed second bridge on City planning, neighbourhoods, park schools, recreational, heritage and cultural features;

Response to D-G: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- G. The location of the proposed second bridge conflicts with the provisions of the City Zoning By-law as its proposed location is zoned residential and additionally conflicts with the City's Official Plan, which designates the area of the proposed second bridge as "Residential" and Waterfront Recreation;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- H. although the proponents deny that any extended plaza/inspection facility is required for their proposed second bridge and have undertaken no studies of further lands and impacts its construction and use would cause, the Canadian Border Services Agency will require the proponents to provide a much larger plaza facility than "currently exists to allow" for security and immigration inspections and other border-related services, which expanded plaza will cause significant further adverse impacts on the City;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- I. the current volume truck traffic using the Ambassador Bridge and therefore Huron Church Road is predicted to increase by 132% if a second bridge is opened; total volumes for all vehicles are predicted in 2035 to be 47,000 vehicles per day;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- J. noise levels from traffic using the new bridge will exceed Ontario Ministry of Environment noise criteria, as documented in the September 12 letter from Dr. A. Lightstone, P. Eng. of Valcoustics Canada Ltd., Acoustical Consultants submitted by the City to the Coast Guard;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- K. neither proponents nor any government have studied how Huron Church Road and other cities streets could be modified to service 8-12 lanes of traffic approaching and leaving the new bridge and the proponents state that no such studies are required;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- L. the Detroit River International Crossing Study (the Bi-national Partnership) has already determined that a second Ambassador bridge will cause significant adverse land use and community impacts on the City of Windsor, as well as determined that expanding the existing plaza and construction of a new freeway in the Huron Church Road corridor has high potential for disrupting international traffic in this important trade corridor and concluded that the alternative of a second Ambassador bridge should “not be carried forward due to the, high community impact, high potential for disruption to international traffic during construction and limited ability to provide continuous/ongoing river crossing capacity”;

Response: The DRIC group included a second span, or twin, of the Ambassador Bridge as one of their early alternatives during the scoping of possible crossings of Detroit River. The DRIC ultimately eliminated this option for consideration. The Coast Guard received numerous comments in response to the Draft EA stating that since the DRIC group eliminated the second span of the Ambassador Bridge as an alternative, that the Coast Guard should also reject the proposed second span. The decisions of the DRIC to eliminate this option are explained in their public documentation, but are not binding to the Coast Guard in its evaluation of the ABEP, which has a different purpose and need compared to the DRIC. It is important to note that the Canadian Environmental Assessment Agency has continued to review and process the application submitted to them by DIBC for approval of the ABEP and has not rejected the proposal based on irreconcilable environmental impacts. It is also important to note that though the DRIC study eliminated a new crossing designed to increase capacity at this location it did not advocate the elimination of the Ambassador Bridge, and in fact assumes that the Bridge will continue to operate in its evaluation of other crossings. The purpose of the ABEP is to retain the viability of the Ambassador Bridge Crossing, albeit with a more modern structure that will improve the safety of the crossing at this location by providing standard lane and shoulder widths and to provide FAST lanes to service the booths already present in the plaza.

- M. the City of Windsor has not been provided with a copy of the application to the USCG nor have the proponents in any way consulted with the City of Windsor with respect to their proposed plan;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- N. the proponents have not received permission from the City of Windsor to construct the second bridge pursuant to the Act of the Canadian Parliament of 1921, “an Act to Incorporate the Canadian Transit Company,” which provides that that company shall not construct or operate any “bridge or associated works along any highway, street or public” place without first obtaining the consent, expressed by bylaw of the municipality having jurisdiction over “such highway, street or other public place (i.e., the City of Windsor) and upon terms to be agreed upon with any such municipality”;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- O. the proponents have not sought nor received a necessary grant of rights to air easements over City streets and parks for the proposed second bridge

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- P. the proponents have not sought nor received a necessary grants of rights to erect a second bridge over the water of the Detroit River from either the Canadian Government, U.S. authorities or the City of Detroit;

Response: Since issuance of the initial tentative Categorical Exclusion document, the proponent has submitted applications and documentation to both the U.S. and Canadian authorities for necessary permits and authorizations.

- Q. the proponents have not applied for nor received authority from the Parliament of Canada or under U.S. legislation to construct a second bridge, their Parliamentary Charter and Congressional authorization limiting them to construct “a bridge” between Windsor and Detroit;

Response: The proponent requested a determination from DOS regarding Presidential Permit requirements for the ABEP. The Acting Director of the DOS Office of Canadian Affairs, Bureau of Western Hemisphere Affairs, provided a letter dated August 5, 2005, confirming that a Presidential Permit was not required for the proposed ABEP. The letter is included in the Final EA in Appendix I, and concludes coordination with DOS.

Determinations to either approve or deny permits or authorizations in Canada will be made by Canadian authorities and permitting agencies.

- R. the US Coast Guard is charged with assessing the impacts of a new bridge on the environment both in the US as well as transboundary and foreign effects;

Response: Response to potential transboundary impacts was addressed in Comment II for this commenter.

- S. the proponents have submitted to the US Coast Guard that it should process their application and Categorical Exclusion, which would exclude the preparation of an Environmental Impact Statement for the new an Environmental Assessment or a proposed new bridge, although the proponents have not conducted studies of air quality, noise impacts, traffic, community disruption, and impacts on cultural and heritage features, archaeological features, utilities and planning;

Response: A full environmental assessment has been prepared for this project, so the comment regarding the categorical exclusion is no longer applicable.

- T. The Council of the City of Windsor is of the opinion that the proposed second bridge will have significant detrimental impacts on the environment, on the City, and will be inconsistent with the City of Windsor's official plan and zoning by law;

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

- U. The Council of the City of Windsor asserts there is a need for a full environmental impact review of the proponents application; and

Response: A full environmental assessment has been prepared for this project.

- V. the Council of the City of Windsor has been advised by its attorneys that the information and material upon which the proponents have sought a Categorical Exemption from the US Coast Guard is misleading, erroneous and forms no appropriate or valid basis for the Coast Guard to maintain a Categorical Exemption from NEPA for the processing of the proponent's bridge application.

Response: A full environmental assessment has been prepared for this project, so the comment regarding the categorical exclusion is no longer applicable.

City of Detroit City Council Resolution Urging U.S. Coast Guard to Prepare an Environmental Assessment or EIS. Dated September 14, 2006.

WHEREAS

The Detroit International Bridge Company (DIBC) has made an application to the United States Coast Guard (USCG) seeking a permit for the construction of a new bridge immediately west of and generally parallel to the existing Ambassador Bridge span:

WHEREAS

The City of Detroit would be the host community on the United States end of this new span; and

WHEREAS

The City of Detroit has not been formally provided with a copy of this application or similar corresponding documents; and

WHEREAS

The new bridge plan and related components adjacent to the Ambassador Bridge has not received applicable approvals as required under the City's Master Plan of Policies, the Hubbard Richard Rehabilitation Project Area Urban Renewal Plan, the Official Zoning Ordinance and other related provisions of the City Code; and

WHEREAS

A Bi-National Partnership of the United States and Canadian Governments is currently involved in an on-going study, following the provisions of the National Environmental Policy Act (NEPA), in an effort to explore and identify a new border crossing within the Detroit/Windsor corridor; and

WHEREAS

The study undertaken by the Bi-National Partnership has already concluded that a proposed new bridge span at the site of the Ambassador Bridge is unacceptable, given the potential impacts to the City of Windsor, the host City on the Canadian side of the border; and

WHEREAS

The USCG is charged with assessing the impacts of a new bridge on both the navigability of the international waterway and the environment as a whole; and

WHEREAS

The DIBC as part of its submission to the USCG has requested a Categorical Exclusion, which would not require the preparation of an Environmental Assessment Impact Statement for the proposed new bridge; and

WHEREAS

The Detroit City Council asserts that there is a need for an environmental impact review; and

WHEREAS

The Detroit City Council asserts the proposed new bridge may have detrimental effects on the environment and is likely to be inconsistent with applicable local laws; and

WHEREAS

The impacts to air quality, geology, hydrology, existing noise levels, traffic, utilities, adjacent development and other aspects of the environment and the quality of life have not been assessed with regard to the specifics of this new bridge, NOW THEREFORE, BE IT

RESOLVED

That the Detroit City Council urges the United States Coast Guard to prepare an Environmental Assessment or Environmental Impact Statement in its review and consideration of the new bridge permit application of the Detroit International Bridge Company; and BE IT FINALLY

RESOLVED

That this resolution be forwarded to the United States Coast Guard.

Response: A full environmental assessment has been prepared for this project, so the comment regarding the categorical exclusion is no longer applicable.

The proponent gave presentations outlining the ABEP to City of Detroit officials on September 14, 2006, March 22, 2007, and June 4, 2007. The City of Detroit Historic Properties Commission and Planning and Development offices were included on all Coast Guard Public Notices. The City of Detroit has submitted comments in response to the Draft EA in the form of City Council resolutions and has outlined the necessary permits and approvals that the proponent would be required to obtain from the City prior to construction. The letters are included in the Final EA in Appendix I. While the Coast Guard has responsibility to evaluate the ABEP for NEPA and for a federal bridge permit,

the proponent is responsible to obtain all other federal, state, and local permits required for the project. The Final EA includes an expanded section on coordination with the City of Detroit.

Among the approvals that the proponent must obtain from the City of Detroit are authorizations for the temporary impacts to Riverside Park during construction. A portion of a baseball park will be temporarily impacted during construction, but will be restored at the end of construction. No permanent impact to Riverside Park is expected.

The proponent must also obtain ownership, lease, or easement of the property necessary for placement and construction of the bridge supports on the U.S. side. The Coast Guard can not issue a federal bridge permit until this property has been legally transferred to the proponent, but this requirement does not preclude the Coast Guard from completing the NEPA process and making a determination of potential impacts from the project.

City of Detroit City Council Resolution Urging U.S. Coast Guard to Obtain All Approvals. Dated September 14, 2006.

WHEREAS

In keeping with the authority granted under the Michigan Constitution, the Detroit Common Council approved on May 24, 1927, an ordinance to permit the American Transit Company to construct and maintain over and across certain streets and alleys in the City of Detroit the approaches to an international bridge for travel between Detroit and Canada; and to provide for supervision and regulation of same, which is incorporated into this resolution by reference; and

WHEREAS

The Detroit City Council continues to regulate certain new construction for compliance with all applicable local laws and regulations; and

WHEREAS

It has come to the City Council's attention on September 11, 2006, that the Detroit International Bridge Company has submitted a plan to build a new bridge across the Detroit River, Windsor/Detroit border, thereby requiring the Company to request a building permit and other requests for permission, such as, but not limited to, its usage of air space above city streets, altered water and sewer lines, curb changes and street and utility line alterations; and

WHEREAS

The alleged proposed new bridge and related components adjacent to the Ambassador Bridge will be required to comply with the applicable provisions of the City's Master Plan of Policies, the Hubbard Richard Rehabilitation Project Area Urban Renewal Plan, the Official Zoning Ordinance and other related provisions of the City Code; and

WHEREAS

The City of Detroit does not have an official copy of the Detroit International Bridge Company's plan as allegedly proposed to the U.S. Coast Guard;

NOW THEREFORE BE IT RESOLVED

That the Detroit City Council hereby requests that the U.S. Coast Guard adhere to the legal and historical precedence with respect to the development of a bridge across the Detroit River bordering Windsor, Canada and require all of the State of Michigan, County of Wayne and City of Detroit reviews and approvals within their respective jurisdictions prior to making a decision and/or issuing a permit to the Detroit International Bridge Company; and

BE IT FURTHER RESOLVED

That in the construction, maintenance and operation of said bridge and approaches, including the drainage thereof, insofar as the same is within the City of Detroit, all valid applicable regulations by the laws of the United States of America or the State of Michigan, or Charter or ordinance of the City of Detroit, or police regulations of the City of Detroit, including all reasonable traffic regulations, shall be complied with by the Detroit International Bridge Company, its successors and assigns, and the work thereof shall be subject to inspection and supervision by the officials of the City of Detroit having jurisdiction in the enforcement of such regulations, and any connection with any storm or sanitary sewer shall be made only under the direction of the Detroit Water and Sewerage Department; and BE IT FINALLY RESOLVED

That the Detroit City Council hereby puts the Detroit International Bridge Company on notice that any attempt to build a new bridge across the Detroit/Windsor border has not received authorization by the City of Detroit to date.

Response: Please see response above. While the Coast Guard has responsibility to evaluate the ABEP for NEPA and for a federal bridge permit, the proponent is responsible to obtain all other federal, state, and local permits required for the project. The Final EA includes an expanded section on coordination with the City of Detroit.

Comments from Ste. Anne de Detroit, Pastor and Parishioners on CATEX Dated September 9, 2006

As members of Ste. Anne de Detroit Catholic Church, which is immediately adjacent to the Ambassador Bridge, we are writing to request a public hearing concerning the permit application of the Ambassador Bridge Enhancement Project (ABEP).

Building a second span raises many questions concerning its environmental consequences. Southwest Detroit, especially the Hubbard-Richard neighborhood where the church is located, is an area that has seen residential and commercial revitalization. It is the only part of the City of Detroit experiencing significant population growth. This community has born the burden of the region's transportation and industrial infrastructure without any benefits for the community.

Over 10,000 trucks currently cross the Ambassador Bridge each day and that number will eventually grow once the bridge's capacity is expanded.

The ABEP permit application should be examined carefully and a full environmental review completed. This review should include:

- an analysis of whether a “replacement” span is presently necessary, since on any number of occasions members of the DIBC have stated that no relevant need for expansion will exist for the next twenty years,
- a traffic analysis and corresponding air quality impact analysis for both the replacement bridge and both bridges operating in tandem, and
- an analysis of all other environmental and community impacts.

It seems incredible that such a large task as this could be undertaken without “input” from the populace living in the affected area. Both accountability and protection for impacted communities should be an essential part of this project.

Response: A full environmental assessment of the proposed ABEP has been conducted, including air quality analysis and potential impacts to neighborhoods. Extensive opportunities for community input have been provided since issuance of the initial tentative Categorical Exclusion document, as outlined below:

The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.**
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.**
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- d) April 24, 2007 - Draft Environmental Assessment (Draft EA) issued.**
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.**
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- g) May 24, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 27 people from the general public, with 18 submissions for design preferences.**
- h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.**
- i) November 6, 2007 - Coast Guard Press Release to local media in Detroit area announcing**

Public Workshop at Earhart Middle School on December 6, 2007.

j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.

k) December 6, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 21 people from the general public, and 16 suggestions for design were collected.

l) April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, citizens represented by Gateway Communities Development Collaborative, a consulting party in the Section 106 process, were provided approximately 30 days to review and recommend final design features.

All Coast Guard Public Notices were mailed to addresses provided by the proponent for businesses and residents in the adjacent area, along with federal, state, and local public agencies. The notices are also mailed to local postmasters in the county where the project is proposed, and also to postmasters in adjacent counties. The proposal and Draft EA has been posted on the Ambassador Bridge Company web-site since May 2007. The proponent has also conducted public outreach in Windsor, Ontario, Canada as part of their environmental analysis and documentation with Canadian authorities.

The neighboring communities have been represented by an organization called Gateways Communities Development Collaborative (GCDC), comprised of nine local community groups located near the Ambassador Bridge corridor. GCDC has submitted comments in response to the Coast Guard Public Notices concerning the environmental documents provided by the proponent through their legal representative. GCDC also requested to be included in the Section 106 process as a consulting party. The Coast Guard subsequently invited a GCDC representative to be a consulting party in that process.

CATEX Comments by Homeowner Lillian McCoy, dated 08/02/2006

Comment 1: About second (twin) bridge. Yes, it would be very bad for us, who live just across the alley way from present bridge. The fumes from trucks is damaging to our health now, so a second would be double trouble.

Response: A full environmental assessment has been conducted for the ABEP, including analysis of potential traffic and air quality impacts. The project was found to be within compliance of U.S. federal air quality standards. Air impacts are addressed in Section 3.10 and Appendix M of the Final EA.

Comments on CATEX on behalf of the Michigan Environmental Council. Dated: September 14, 2006

Comment 1: First, we would like to thank the Coast Guard for fulfilling the, public's request extension on the comment period of this, particular permit. Michigan Environmental Council represents a coalition of 72 environmental and public health organizations from across the state

of Michigan with over 200,000 members. For over 26 years, we have provided a voice for the environment in the state's capitol. Our organization-develops public policy, educates elected officials and the public on statewide environmental issues. The Michigan Environmental Council is concerned that the proposed second span of the Ambassador Bridge will pose serious environmental and public threats that were not evaluated in the previous EA of the Gateway project. Therefore in order to adequately assess these impacts, a full EIS must be conducted and the project should not be eligible for a Categorical Exclusion under the National Environmental Protection Act.

Response: A full environmental assessment has been prepared for this project, so the comment regarding the categorical exclusion is no longer applicable.

The Ambassador Bridge Gateway Project (ABGP) anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, and at the eastern limit of the Gateway plaza, including designing the “hub” where the second bridge would connect. The design of the ABGP provided for a direct link at the eastern limit of the Gateway to accommodate a second bridge. The layout of the plaza and “hub” where the second bridge would be located immediately west of the existing bridge has been graphically illustrated in the Draft EA and again in the Final EA. The ABGP is referenced in the Draft EA and Final EA; specifically, the Environmental Assessment and subsequent Finding of No Significant Impact (Gateway Project EA/FONSI) issued by Federal Highway Administration for the ABGP. The Coast Guard considers the application of the Gateway Project EA/FONSI as pertinent documentation for the ABEP, and as such the Gateway EA/FONSI is incorporated by reference into the overall evaluation of the project by the Coast Guard in accordance with 40 CFR 1506. The analysis and documentation for the ABEP also incorporates the publicly-funded studies performed for the DRIC study; specifically, the traffic volumes, forecasts, economic factors, population factors, and other factors are based on the same data used for both the Gateway Project and the DRIC studies.

The decision whether to conduct an EIS is based on the significance of the environmental impacts of a project based on the findings in the EA. As set forth in this Final EA, the ABEP project will not result in substantial impacts to the environment. No residences or businesses will be relocated, and no changes in the existing land use will be required. The proposed bridge is being constructed in an already urban area where a bridge currently exists. Traffic crossing the bridge and on local roads will not significantly increase due to the project. No wetlands or floodplain impacts will occur. Piers will not be placed in the Detroit River. There are no known threatened or endangered species in the area. No significant air quality or noise impacts are expected. Therefore, the USCG has determined that an EIS is not required for this project.

Comment 2: There are many problems that the Michigan Environmental Council encounters upon review of the DIBC permit request for Categorical Exclusion. First, there seems to be a contradiction on the segmentation of this project from the old Gateway project. One part of document refers to it as separate from Gateway and other refers to it as part of Gateway. It seems as though DIBC acknowledges plans with Gateway project where convenient however letters

and documentation from organizations in the Gateway project contend this particular second span project was not discussed with them. Therefore the existing and ongoing enhancements were planned in relation to capacity issues of the existing bridge and are not being constructed with the intentions of the second span. Since these plans were not disclosed in the original Gateway project, the EA did not adequately address a scenario of a second span.

Response: Please see response to previous comment regarding application of the Gateway Project and the environmental documentation.

Comment 3: DIBC claims there will be no cumulative impacts. Michigan Environmental Council finds that since there are already ongoing plaza expansions and industries in addition to the construction of this second span that may have cumulative impacts overtime. For example, DIBC has no definite plans outlined on storm water management which is a foreseeable cumulative impact of simultaneous construction of plazas and the bridge. In addition the existing industries and increased truck traffic that are predicted in this document and others may also cause foreseeable cumulative impacts on air quality in this area.

Response: The project does not involve any discharges of dredged or fill material in the Detroit River. The proponent has received clearance from the USACE for the project in their letter dated February 28, 2007. During the operational phase, the stormwater will be collected and directed into the existing stormwater/drainage facilities. The stormwater from the new bridge will be collected and treated using the facilities constructed as part of the Ambassador Bridge Gateway Project. Just as the ramps in the interchange and plaza were designed to accommodate a new span, the stormwater treatment facilities were also sized to receive the additional stormwater from a new structure should one be constructed. A permit dated January 17, 2007, has already been obtained from the MDEQ for such purposes. USEPA has been notified by the Coast Guard that MDEQ has provided a permit for stormwater handling. This has been clarified in the Final EA.

MDEQ has issued two permits to DIBC in connection with the ABEP and operations of the Ambassador Bridge. The first permit was dated January 17, 2007, and provided overall permitting for the proposal, including Water Quality Certification. The second permit was dated March 1, 2007, and provided approval for storm water outfall and discharge at the bridge. These permits conclude coordination with MDEQ.

Regarding secondary and cumulative impacts, the ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations. The discussion of potential secondary and cumulative impacts has been expanded since issuance of the initial tentative categorical exclusion document and the Draft EA. This discussion is found in Section 4.3 of the Final EA.

Comment 4: The DIBC states that this proposed project would not “decrease air quality”. Michigan Environmental Council finds that there are air quality concerns with

this project. The project is proposed in non-attainment and although DIBC uses information for seven county regions it does not address the concern of the area already as a hot-spot PM2.5. In addition the information they use from the SEMCOG analysis does not include projections of their proposed second span. This conformity analysis is required for all major projects in the region. Air quality concerns of a proposed span could increase the non-attainment status of this region and in particular cause health problems for the local community from poor air quality: There is already air quality monitors placed on schools in the vicinity of the existing bridge showing increased levels of PM 2.5, a pollutant responsible for severe asthma attacks.

Response: Air quality for the project has been analyzed, including dispersion, or hot-spot, analysis, including evaluation of particulate matter and compliance with National Ambient Air Quality Standard (NAAQS). EPA and SEMCOG were consulted regarding “regional significance”. Air dispersion, or hot-spot, analysis was performed and the project was submitted to SEMCOG for inclusion with the Regional Transportation Plan.

Comment 5: Although DIBC contends air quality will not change because they are only proposing increased number of lanes, it is not clear whether the enhancement of the plazas is considering the proposed second span in its construction of the plazas. This can create a potential problem since DIBC states that this project is not part of the ongoing enhancement thus creating-truck backup with increased number of traffic at either end and therefore increased idling from un-coordinated efforts of these simultaneous projects.

Response: It is believed this comment refers to the previously approved Gateway Project and the environmental analysis and documentation performed for that project. The ABEP has been fully analyzed for air quality and current and projected traffic. The traffic data is derived from the same data in both the Gateway Project and Detroit River International Crossing (DRIC) study.

Comment 6: In addition, the Coast Guard is required federally to conduct an environmental justice review of this project under the Federal Environmental Justice Executive Order. The communities surrounding the Detroit side plaza are predominantly low-income African-American and Hispanic communities. These communities have already been disenfranchised by the existing DIBC projects and existing industries in the area. Therefore an Environmental Justice Analysis under NEPA must be conducted.

Response: The Coast Guard evaluation of the ABEP indicates that the primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of Detroit.

Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Comment 7: There have been a number of public outcries to the overall DIBC activities of the existing Ambassador Bridge. This new proposal of a second span has generated outrage in many of the local communities. Local newspapers including Metro Times, Detroit News and other local media have highlighted in general the public contention around the existing and all proposed border crossings; in particular articles featured the distrust of the local community for over 10-years with the DIBC. The conclusion of the Michigan Environmental Council based on documents provided is that this project is a separate project not evaluated under the original Gateway EA and therefore creates segmentation issues, there are significant air quality and environmental justice impacts that need to be evaluated in this proposed project and that this project is a public controversy that warrants additional public participation. The Michigan Environmental Council urges the US Coast Guard to not consider the DIBC proposal for Categorical Exclusion and conduct a full EIS.

Response: Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

Please see response to Comment 1 regarding an Environmental Impact Statement.

CATEX Comments from Neighborhood Centers, Inc. dated September 13, 2006

Comment 1: The application does not represent the full scale of the DIBC's proposed expansion plans (including a minimum of 34 additional primary inspection booths and the reconfiguration of Fort Street) and therefore is a segmentation of the project which is disallowable under the National Environmental Protection Act. A full environmental analysis is required.

Response: Regarding possible modifications to the U.S. plaza, the Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

Comment 2: The Federal Highway Administration has repeatedly stated that the Environmental Analysis completed for the Gateway Project did not evaluate the impacts of a second span of the Ambassador Bridge and, therefore, the Coast Guard's preliminary recommendation that the project be granted a categorical exclusion should be revised. Federal agencies have since weighed in and echoed the call for an environmental analysis.

Response: A full environmental assessment has been prepared for this project, so the comment regarding the categorical exclusion is no longer applicable.

Comment 3: Given the DRIC Study and a parallel permit application in Canada, the Coast Guard should further extend the comment period on the permit application and hold a public hearing.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

Comments on CATEX by Cheri A. Cini (dated September 4, 2006), Evelyn J. Hoey (dated September 12, 2006), Robert W. Hoey (dated September 4, 2006), Ed Gottlieb et al (20 signatories listed as "Residents and Workers in the Community", Fax Header from Bagley Housing Association, dated August 21, 2006)

Comment 1: As a resident in the neighborhood adjacent to the Ambassador Bridge, I am writing to express my concerns about the permit application of the Ambassador Bridge to build a second span. I respectfully request a public hearing on the permit application. I am extremely concerned about the environmental consequences of building a second span of the Ambassador Bridge. The southwestern portion of the City of Detroit is an area that has seen population growth. This community has born the burden of the region's transportation and industrial infrastructure without any community benefits. Over 10,000 trucks currently cross the Ambassador Bridge each day and that number will surely only grow once the bridge's capacity is expanded.

Response: The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Comment 2: I am extremely concerned that a second span of the Ambassador Bridge will be built without any environmental review. The Gateway Project; while designed to accommodate a second span, did not analyze the environmental consequences of a second span, simply the connections between the Ambassador Bridge and the interstate freeway system. In addition, the Ambassador Bridge has well-documented plans to significantly expand its plaza beyond what was anticipated in the Gateway study and beyond what has been revealed in its Coast Guard or Michigan Department of Environmental Quality permit applications. There has been no environmental analysis of those impacts. Therefore, the Coast Guard's preliminary recommendation that the project be granted a categorical exclusion should be revised.

Response: Regarding possible modifications to the U.S. plaza, the Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

A full environmental review has been conducted for the ABEP.

Comment 3: Before any new or enhanced border infrastructure is to be built, it must be determined in an open and participatory bi-national process. Given the Detroit River International Crossing Study and a parallel permit application in Canada, I encourage the Coast Guard to extend the comment period on the permit application and hold a public hearing. I strongly believe that no one community should systematically bear the burden of the state's transportation infrastructure while the region and nation reap the benefits of international trade. There must be public accountability for these kinds of major border infrastructure and significant protections for impacted communities.

Response: A bi-national process is employed in the DRIC study, but is not a requirement for this project. In both instances, all applicable U.S. and Canadian laws and requirements will be satisfied through the respective governments' processes.

Comments on CATEX by Victor Abla of Hubbard Farms Neighborhood dated September 5, 2006

Comment 1: As a resident in the Hubbard Farms neighborhood adjacent to the Ambassador Bridge, I am writing to express my deep concerns about the permit application of the Ambassador Bridge to build a second span. The Detroit International Bridge Company (DIBC) has an extensive history of misrepresentation and appears to be following this tact in its recent application. I respectfully request a public hearing on the permit application.

Response: There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its

owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Comment 2: I am extremely disturbed that construction of a second span of the Ambassador Bridge would even be considered without any environmental review. The DIBC has made no mention of the current bridge being in need for repairs before this application. How is it that suddenly it needs to build a second span in order to shut down the Ambassador Bridge for these studies? Even if true, the Gateway Project, while allegedly designed to accommodate a second span, did not analyze the environmental consequences of a second span, simply the connections between the Ambassador Bridge and the interstate freeway system. In addition, the DIBC has well documented plans to significantly expand its plaza far beyond what was anticipated in the Gateway study and even beyond what has been revealed in its Coast Guard or Michigan Department of Environmental Quality permit applications, including adding primary inspection booths and the reconfiguration of Fort Street. There has been no environmental analysis of those impacts. Therefore, the Coast Guard's preliminary recommendation that the project be granted a categorical exclusion must be revised.

Response: Regarding possible modifications to the U.S. plaza, the Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

A full environmental review has been conducted for the ABEP.

Comment 3: I am also concerned about the environmental consequences of building a second span of the Ambassador Bridge. The southwestern portion of the City of Detroit is an area that has seen significant residential and commercial revitalization and is the only part of the city experiencing population growth. This community has borne the burden of the region's transportation and industrial infrastructure without any community benefits. Over 10,000 trucks currently cross the Ambassador Bridge each day and that number will surely only grow if the bridge's capacity was to be expanded.

Response: The Coast Guard evaluation of the ABEP indicates that the primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of

Detroit. The proponent will need to obtain ownership, lease, or easement of this land prior to construction, as well as other local permits or authorizations. The ABEP will not require business or residential relocations. The second bridge will not cross, or split, any neighborhoods, and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways. Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Comment 4: Before any new or enhanced border infrastructure is considered, the need must clearly be determined in an open and participatory bi-national process. Given the Detroit River International Crossing Study and a parallel permit application in Canada, I encourage the Coast Guard to extend the comment period on the permit application and hold a public hearing. I strongly believe that no one community should systematically bear the burden of the state's transportation infrastructure while the region and nation reap the benefits of international trade. There must be public accountability for these kinds of major border infrastructure and significant protections for impacted communities.

Response: A bi-national process is employed in the DRIC study, but is not a requirement for this project. In both instances, all applicable U.S. and Canadian laws and requirements will be satisfied through the respective governments' processes.

Grand Lodge International Ship Masters' Association Comments on CATEX Dated August 6, 2006

The International Ship Masters' Association has no objection to the issuance of a Coast Guard permit approving the location and plans of the proposed bridge as depicted in the Public Notice.

We note that on Sheet 3 of 4 the vertical clearance is measured from MLW El, 572.3' which is Low Water Datum for Lake St. Clair. It is suggested that, if constructed, the owner provide the actual vertical clearance at the bridge site referring to the sloping surface of the river in accordance with the notes published on Detroit River Chart #14848 and in Coast Pilot No.6.

The opportunity review and comment on this project is appreciated .

Response: The Low Water Datum elevation for the portion of Detroit River where the project is located has been revised following consultation with the U.S. Army Corp of Engineers. The proposed bridge will provide the same vertical navigation clearance as the existing bridge and the datum reference will be revised in the completed documentation. The vertical navigation clearance of the existing and proposed second bridge will not negatively impact any vessel traffic passing on Detroit River.

Comments by Josephine D. Smith on CATEX, dated 09/14/06

Please consider this an urgent request. Please stand firm in your position that this project which is disallowable under the National Environmental Protection Act as presented. Continue to pursue the full environmental analysis as required. Hold fast to the impact study needs. And please hold a public hearing as early as possible.

The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

**Comments on CATEX from Sierra Club, Midwest Region Staff Director, Alison Horton
Dated: August 25, 2006**

I am writing on behalf of the Sierra Club to request an extension of the public comment period and a local public hearing for the permit application by the Detroit. International Bridge Company for a second (twin) bridge adjacent to the Ambassador Bridge in Detroit.

This permit request only just came to our attention and to the attention of a number of local residents and groups who will be directly affected by expanded bridge development in the vicinity of the existing Ambassador Bridge. So that we have adequate time to provide comments regarding such issues as the impact of the proposed bridge project on minority and low-income communities and the environmental impacts of the proposed bridge project and the resulting increase in vehicular traffic, we are requesting an extension of the comment period.

We are also requesting a local public hearing to provide opportunity for affected residents, including Sierra Club members, to provide their comments directly to the Coast Guard.

I realize that this request is coming to you late in the comment period, but I would request that you notify me of a decision regarding this request by Monday, August 28, 2006.

I would also ask you to identify for me the categories the USCG is citing as a basis for the tentative determination of categorical exclusion for the purposes of the National Environmental Protection Act (NEPA)

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an

Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Comments From From Steve Tobocman On CATEX Document, Dated September 14, 2006

Comment 1: I am writing with respect to the permit request from the Detroit International Bridge Company (DIBC) to build a second span adjacent to the Ambassador Bridge. I urge the US Coast Guard to (1) revise its preliminary determination of a categorical exclusion for this project under the National Environmental Policy Act (NEPA); (2) further extend the comment period; and (3) hold a public hearing with respect to this permit application, Construction of this facility represents a major increase in cross-border transportation capacity not only in Southwest Detroit, but for the region. A project of this size, scale, and complexity cannot be undertaken without a full environmental review and until all of the environmental and community concerns are reviewed and addressed.

There is no justification for a categorical exclusion of this project under NEPA. The DIBC is not proposing a mere enhancement of its existing bridge, but a new second bridge. Approval of this permit application will have far-reaching environmental and community consequences that must be reviewed and addressed. A private company should not be given an "environmental pass" when the Binational Partnership pursuing the Detroit River International Crossing Study (DRIC) must engage in a full environmental impact study. Given that the consequences of a new crossing are so significant, any new bridge must be held to the same standard.

No environmental assessment has ever been conducted regarding a new 6-lane bridge across the Detroit River at the location of the Ambassador Bridge. DIBC has misrepresented the Gateway Project as having provided an environmental clearance for a second span of the Ambassador Bridge. The Gateway project is being undertaken by DOT and DIBC to directly tie the Ambassador Bridge into the freeway system in order to improve transportation movements from the bridge to the freeway system and to take truck traffic off of local roads. The Gateway project was designed to accommodate a second span if one were built sometime in the future, not to enable a second span to be built. The Environmental Assessment for the Gateway project, conducted in 1996 and updated in 1999, did not study the environmental impacts of the six-lane bridge currently being proposed by the DIBC. It studied the impacts related to the ramps and other infrastructure needed to connect the plaza to the freeway system. Recent correspondence from the Federal Highway Administration to the US Environmental Protection Agency clarifies this point, and is attached (Attachment A).

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an

Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Comment 2: The DIBC permit application lacks critical information regarding public health and safety necessary to justify a categorical exclusion from NEPA requirements. From the information available publicly, it appears that no air quality, noise, vibration, traffic or other environmental studies have been undertaken by the DIBC to bolster their claim for categorical exclusion. If such studies have been undertaken, the methodology, data and analysis of those studies have not been presented. The application for categorical exclusion draws conclusions that the project will have little to impact without providing the data to support those conclusions.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

Comment 3: In addition, the application overlooks critical components of a new bridge that would protect public health and safety. For example, the permit does not address the treatment of hazardous materials on the new bridge. Given the existing bridge's lack of capacity to safely handle any hazardous material spills and the federal prohibition on allowing hazardous materials to cross the existing Ambassador Bridge, the new bridge must have protections and safeguards to protect the Detroit River and the surrounding community from hazardous spills that might occur on the bridge. Recent media reports have suggested that DIBC engages in "lane-flushing," the practice of allowing trucks through without inspection, as well as "mis-placarding," the practice of allowing trucks known to be carrying hazardous materials to cross the Ambassador Bridge by ignoring their placarding (Attachment B). There must be a thorough understanding of the protections that will be put in place to ensure that hazardous materials are not a threat to the environment or community.

Response: The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. The Coast Guard has not been advised of any concerns regarding hazardous materials at the border crossing. The ABEP is not expected to have any impact on the application of the laws governing hazardous materials transport, or the enforcement of current laws by the agencies that hold this responsibility.

Comment 4: As a project that may have national consequences for both our economy and homeland security, as well as serious local consequences, it is imperative that a complete description of the new facility and its design, construction, and operation, as well as a thorough assessment of its impacts are provided by the DIBC for consideration by the Coast Guard.

Response: Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor. The General Services Administration (GSA), another federal agency operating at the border crossing, was also provided with the Draft EA for comment. Coordination occurs continually between the agencies listed and the bridge owner at the existing crossing. All current security-related federal requirements are being met by the current bridge owner, and are already enforced by the federal agencies with those responsibilities at the border crossing. There have been no new or additional federal requirements promulgated for the Coast Guard to apply regarding applications for international bridges since the terrorist attacks of September 11, 2001. The project proposes no changes to the operation of the facility other than the addition of the FAST lanes over the river. As a result, there are no anticipated impacts to customs operations or current security practices directly caused by the ABEP. None of the agencies listed above provided comments or concerns to the Coast Guard in response to the Draft EA.

Security will always remain a concern for the Ambassador Bridge crossing as well as all major infrastructure in the U.S. The security-related federal requirements that have been created since September 11, 2001 have already been implemented at the crossing. The Customs and Border Protection personnel permanently stationed at the border crossing on the U.S. side will continue to enforce security-related federal requirements.

Comment 5: A second span of the Ambassador Bridge will have uncertain and unknown effects on the human environment which must be studied under NEPA. Construction of a new six-lane bridge represents a 150% increase the number of lanes at the location of the Ambassador Bridge, an unprecedented expansion of border capacity at the Detroit-Windsor border-and one that was rejected in the DRIC because of its community impacts. Such a dramatic increase in border capacity must merit full environmental review, given the potential impacts of track traffic, air pollution, sediment run-off into the Detroit River, and other consequences of such a serious future increase in traffic. Most significantly, the DIBC has not undertaken any air quality studies to support its claim that there would be no decline in air quality from the significant increase in traffic reasonably expected. With approximately 10,000 trucks crossing the Ambassador Bridge each day, Southwest Detroit has been documented to have high rates of asthma and other respiratory diseases. The health of humans is just as important as the health of wildlife and plant life. Increasing capacity via a second span will further threaten community health and air quality in Southwest Detroit and must be studied.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP, including expanded analysis and discussion of potential air quality, traffic, and community impacts.

Comment 6: The DIBC permit application fails to mention the significant plaza expansion and reconfiguration currently being pursued that would ostensibly serve a second span. DIBC has actively pursued a significant expansion of its plaza facility, called the International Center project. This plaza expansion is not mentioned in either the Coast Guard permit application or

the previous application to the Michigan Department of Environmental quality, which represents a segmentation of the project under NEPA and is not allowable. Given that no traffic information has been provided by the DIBC, it is unknown whether their current plaza or the one envisioned by the Gateway Project seven years ago can accommodate traffic from a second span.

The issue of an expanded plaza at this location is extremely serious. An expanded plaza would severely impact the growing residential community and commercial area that has already seen encroachment by the bridge compound. DIBC has publicly touted its proposal for a new plaza facility going south of the existing plaza toward the river. This proposal has been made to Detroit City Council, the City of Detroit Mayor's office, various meetings at the DIBC offices, and to MDOT. DIBC-purchased advertisements depicting the proposed international Center have appeared in the Detroit News, Detroit Free Press, and Crains Detroit Business over the last year. DIBC has also requested MDOT relocate Fort Street to accommodate the International Center proposal. (See Attachments C and D). It is disingenuous to say that no additional plaza capacity would be needed for a second span while DIBC pursues actions to build such an expanded plaza-without environmental review. This plaza expansion may have significant impacts on the local community and should be fully studied as part of the permit application.

Response: Regarding possible modifications to the U.S. plaza, the Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

A full environmental review has been conducted for the ABEP.

Comment 7: The DIBC permit application does not acknowledge the cumulative effects of the second span when considered with other transportation-related projects in Southwest Detroit. Not only do the traffic increases associated with a second span of the Ambassador Bridge need to be studied, but the cumulative effects of traffic growth when one considers the Detroit Intermodal Freight Terminal Project, plans for expansion of the Port of Detroit, and other redevelopment plans in Southwest Detroit. Investments in key transportation infrastructure, such as increased border capacity, have an undisputed impact on other commercial, freight, and industrial investments whose cumulative impacts could have a serious impact on Southwest Detroit and the region. At minimum an air quality conformity analysis is required.

Response: Please see the response to the previous comment regarding possible plaza expansion. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations.

Our evaluation of the Detroit Intermodal Freight Terminal (DIFT) project revealed that the project is still in the planning stages, with a Final EIS expected by the end of 2008. The study is looking at four intermodal terminals: NS/CSX-Livernois Junction Yard in

Southwest Detroit, CP-Expressway in Corktown, CP-Oak in Grandmont and CN-Moterm in Ferndale. The area including and surrounding the existing Junction/Livernois Yard was determined to be the best location for the intermodal terminal complex in the Draft EIS issued in 2005. According to the draft EIS for the DIFT, the project is expected to reduce truck traffic in the area, “particularly on the major border access corridors of I-94 and I-75 and international border crossings....” The DIFT EIS does not include the ABEP in its evaluation of significant nearby transportation projects. The Coast Guard does not believe that the projects create cumulative impacts for each other, but if there were to be any cumulative impacts between the DIFT and ABEP, it is reasonable to expect there to be an overall reduction in diesel emissions in the area due to DIFT’s reduction in truck traffic and ABEP’s FAST lanes’ reduction in truck idling.

Air quality for the project has been analyzed, including dispersion, or hot-spot, analysis, including evaluation of particulate matter and compliance with National Ambient Air Quality Standard (NAAQS). EPA and SEMCOG were consulted regarding “regional significance”. Air dispersion, or hot-spot, analysis was performed and the project was submitted to SEMCOG for inclusion with the Regional Transportation Plan.

Comment 8: A second span of the Ambassador Bridge, as proposed, may impact a historically significant structure. The current bridge is a classic suspension bridge completed in 1929. The DIBC permit application proposes a cable-stayed bridge adjacent to the historic structure with no assessment of appropriateness from the State Historic Preservation Office. No information on the aesthetic elements of the new bridge is provided in the permit application. Given that twin spans of other historic bridges have been designed to minimize impacts to their historic predecessors (i.e. the Blue Water Bridge, the Peace Bridge), no less should be considered for the Ambassador Bridge. This is even more significant, given that in its permit application, to the Michigan Department of Environmental Quality, the DIBC suggests that the existing bridge may be closed, temporarily or permanently, once the new bridge is built.

In addition, at least two historic districts are in proximity to the proposed new bridge—the Corktown Historic District and the Hubbard Farms Historic District. Impacts to these neighborhoods are given little consideration in the DIBC's application for categorical exclusion.

Response: A Section 106 process was conducted in conjunction with the NEPA process for this project. Michigan SHPO made a determination of adverse effect on the existing Ambassador Bridge on March 26, 2007. The Ambassador Bridge is eligible for inclusion on the National Register of Historic Places. The adverse effect was primarily based on aesthetic visual impact to the existing bridge. The Advisory Council on Historic Preservation also participated in the Section 106 process for the project. A local community group, Gateways Communities Development Collaborative requested to be a consulting party in this process and was invited to participate. The coordination and consultation ultimately resulted in a Memorandum of Agreement (MOA) between all parties to mitigate the aesthetic visual impact to the existing Ambassador Bridge. A more detailed discussion of the Section 106 process that was conducted is included in Section XV of this Preface. All correspondence between agencies, as well as the MOA that concluded the Section 106 process, is included in Appendix I in the Final EA.

Comment 9: The DIBC permit application has significant potential for controversial effects. A second span of the Ambassador Bridge has been an extremely controversial issue in both the United States and Canada. Canadian governmental agencies have outright rejected a second span as a viable alternative for additional border capacity between Detroit-Windsor, and continued efforts by the DIBC to pursue a second span only fuel controversy in Windsor.

Response: The Coast Guard received numerous comments advising that the ABEP is controversial. In the Coast Guard's view, the fact that both the DRIC and ABEP proposals have been conducted at virtually the same time has helped to create the impression that they are in direct competition with each other to satisfy the same purpose, and therefore has helped to create an impression of local controversy. This is not the case and has never been the case. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Comment 10: There has been significant debate about whether a new bridge should be publicly-owned and the consequences of a private monopoly controlling North America's busiest trade corridor, There has been a long history of community controversy related to projects related to the Ambassador Bridge plaza. In fact, the City of Detroit is currently engaged in a lawsuit before the Michigan Court of Appeals regarding the DIBC's claim that it is exempt from local zoning and building permits.

Response: There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

The Coast Guard is aware of the referenced litigation between the City of Detroit and DIBC, but it is not a determining factor in the processing of the ABEP bridge permit. The proponent has submitted all necessary materials to process the application under existing federal statutes.

Comment 11: Community members have had no forum to advocate for mitigation of environmental impacts of the existing bridge and will continue to lack such a forum due to the private nature of the second span. Unbridled expansion of private transportation infrastructure

represents an environmental justice issue. Without a more thorough environmental review process, many of the affected residents, community organizations, businesses and other institutions will continue to be unaware of the current proposal. In addition, a second span directly Detroit Riverfront Conservancy's plans to bring public access to the west riverfront from Southwest Detroit.

Response: This project exceeded regulatory requirements for public meetings and public comment period. Public workshops were held on March 1, May 24, and December 6 of 2007. All were advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project. The May 24 and December 6 public workshops were also advertised by Press Release to Detroit media and publication by the proponent and Coast Guard and by Coast Guard Public Notice. Fliers were also distributed among the public for the May 24 design charette during the Cinco de Mayo celebration near the project area. In addition, a public meeting was held by DIBC and MDEQ on November 14, 2006 that was also advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer for MDEQ permit processes. Further public meetings have been held in Windsor as part of the proponents' processes in Canada. The community was provided the opportunity to comment on the project at the three public meetings and during the written comment period. The original comment period for the Draft EA was requested to be extended and was lengthened by 45 days so that more people and organizations could comment. The DIBC also maintains a website so that the public can comment on the project at any time as well as download the latest material on the project: www.AmbassadorBridge.com. All comments received through all of these meetings and means have been analyzed, considered, and responded to Appendix A in the Final EA.

There have been numerous community outreach efforts by the Coast Guard and proponent for the ABEP. The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- d) April 24, 2007 - Draft Environmental Assessment (Draft EA) issued.
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- g) May 24, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended

by approximately 27 people from the general public, with 18 submissions for design preferences.

h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.

i) November 6, 2007 - Coast Guard Press Release to local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.

j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.

k) December 6, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 21 people from the general public, and 16 suggestions for design were collected.

l) April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, Gateway Communities Development Collaborative, a consulting party in the Section 106 process, was provided approximately 30 days to review and recommend mitigation measures to be incorporated into the final MOA.

Comment 12: Hasty approval of the DIBC permit application sets a precedent for the Detroit–Windsor border, without ensuring the best result. The DRIC is currently studying alternatives for additional border crossing infrastructure along the Detroit River DRIC is a comprehensive bi-national process to determine the best location for a new border crossing along the Detroit River. It considered the addition of a second span to the Ambassador Bridge crossing and rejected it because of the impacts on the Canadian side of the project. Sites located west of Ambassador Bridge were found to be more prudent and feasible and are currently being studied in a full Environmental Impact Study under NEPA. It does not make sense to circumvent the environmental review process by issuing permits for a location that was found to have significant issues, particularly when other sites are being studied that balance the needs of both the US and Canadian communities affected.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

The DRIC group included a second span, or twin, of the Ambassador Bridge as one of their early alternatives during the scoping of possible crossings of Detroit River. The DRIC ultimately eliminated this option for consideration. The Coast Guard received numerous comments in response to the Draft EA stating that since the DRIC group eliminated the second span of the Ambassador Bridge as an alternative, that the Coast Guard should also reject the proposed second span. The decisions of the DRIC to eliminate this option are explained in their public documentation, but are not binding to the Coast Guard in its evaluation of the ABEP, which has a different purpose and need compared to the DRIC. It is important to note that the Canadian Environmental Assessment Agency has continued to review and process the application submitted to them by DIBC for approval of the ABEP and has not rejected the proposal based on irreconcilable environmental impacts. It is also important to note that though the DRIC study eliminated a new crossing designed to

increase capacity at this location it did not advocate the elimination of the Ambassador Bridge, and in fact assumes that the Bridge will continue to operate in its evaluation of other crossings. The purpose of the ABEP is to retain the viability of the Ambassador Bridge Crossing, albeit with a more modern structure that will improve the safety of the crossing at this location by providing standard lane and shoulder widths and to provide FAST lanes to service the booths already present in the plaza.

The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Determinations to either approve or deny permits or authorizations in Canada will be made by Canadian authorities and permitting agencies.

Comment 13: In addition, the General Services Administration (GSA) is currently undertaking a master plan study of the Ambassador Bridge commercial truck plaza and customs facilities. GSA may recommend long-term plaza improvements for the commercial freight inspection facility which could impact the second span. The outcome of this planning process may change the location, size and operation of the plaza facility and, therefore, the impacts of the second span. Consideration of the DIBC permit should be delayed until the GSA master plan is complete.

Response: Regarding possible modifications to the U.S. plaza, the Coast Guard has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. GSA confirmed in a March 21, 2008 letter that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require additional environmental study. Additionally, there is no allocated funding for the study and is not a foreseeable project at this time.

Comment 14: In light of Southwest Detroit's unique position as Southeast Michigan's transportation hub, as well as Detroit-Windsor's position as arguably North America's most important trade corridor, the DIBC permit application should be given even greater scrutiny. This community bears the burden of supporting not only the region's economy, but the national economy. It deserves to be afforded the greatest protections when it comes to quality of life, residents' health, and the environment. Community members deserve a forum for addressing their concerns related to any expansion of this burden. The DIBC permit application should be reviewed to the same standards as any border crossing currently being studied as part of the DRIC.

Response: Please the response to Comment 11 from this commenter regarding public input during the processing of the ABEP. The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP.

Comment 15: I am extremely concerned that the DIBC permit might be approved without appropriate consideration of the issues raised in my letter and other concerns expressed by the

community. Construction of this second span raises serious questions about the community's ability to garner any benefits from the project to help mitigate the significant burden it will bear. Although the new crossing may be privately-owned, there should be as much public oversight as possible given the importance of this expanded infrastructure. Community members should be given the opportunity to negotiate some community benefits.

Response: The USCG has considered and responded to all comments received on the CATEX document and the Draft EA. The USCG has completed a very thorough environmental study of the Ambassador Bridge project and, as discussed above, has held several public meetings to solicit the views of the public.

Comment 16: Given the grave deficiencies in the DIBC permit application, I urge you to reconsider your preliminary recommendation of a categorical exclusion under NEPA and require a full environmental impact study. I also urge you to further extend the comment period and solicit comments through a series of public hearings.

Response: Since issuance of the initial tentative determination that the project qualifies for a Categorical Exclusion, an Environmental Assessment (EA) has been performed and provided that provides expanded discussion and analysis of the ABEP.

The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP and determined that the potential impacts do not warrant an Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Comments by Southwest Detroit Environmental Vision on CATEX dated August 22, 2006

On behalf of Southwest Detroit Environmental Vision (SDEV), a non profit environmental organization representing residents, business and industry in Southwest Detroit, I am writing to express community concerns about the permit application filed by the Detroit International Bridge Company (DIBC) to expand/enhance its operations here in Detroit.

I feel strongly that the proposal to add six lanes to the existing international crossing exceeds the scope of whatever environmental work was done for the Gateway transit study and clearly necessitates a full environmental review with attention directed to all aspects of DIBC's expansion plans. This size and complexity of the project and the many jurisdictions involved indicate the need to proceed under the NEPA process.

In view of the MDOT Detroit River International Crossing study and ongoing environmental issues at the Ambassador Bridge, I feel that a thorough and open public review of this permit request must be conducted. This particular permit cannot be evaluated outside the context of the numerous other initiatives taking place in the border area at this time. Public safety, national security, navigation, and air and water quality impacts are just some of the areas that require thoughtful review and discussion.

Transportation infrastructure improvements undertaken by units of government receive intense public scrutiny before they can proceed. A permit request for a new international border crossing coming from a private entity must be scrutinized at the same level. I request that the comment period for the permit be extended and that a public hearing for all affected stakeholders be scheduled.

Response: The Coast Guard has performed a thorough evaluation of all potential environmental impacts of the ABEP, including consideration of potential secondary and cumulative impacts, national security, air and water quality, noise, neighborhood impacts, environmental justice, and other border crossing studies in the area, and determined that the potential impacts do not warrant an Environmental Impact Statement, thus a public hearing is not necessary. There has been extensive opportunity for community input on the project.

Comments by David E. Wresinski, Michigan Department of Transportation, dated July 17, 2007

Comment 1: The EA makes the argument that many environmental topics were discussed in the Gateway Project environmental documentation. However, the Gateway Project primarily focused on the impacts of connecting I-75 directly to the Ambassador Bridge plaza. As part of the Gateway study, MDOT assumed that a second span would be built in the future so the proposed design for the freeway connection would not interfere with the installation of a second span. MDOT accommodated the second span; however, we did not analyze the environmental impacts of building a second span because this was proposed as an independent action by the Detroit International Bridge Company (DIBC).

Response: The comment is correct. The Gateway Project environmental documents acknowledged the future construction of a second span and recognized the need for improving connections from the bridge to the plaza and onto the interstate highway system. A primary purpose of the Gateway Project was to remove bridge traffic from local roadways and connect directly into the interstate system. The second bridge was not specifically evaluated in the Gateway environmental documents because a specific design for the second bridge had not been completed and included in the Gateway proposal. The ABEP environmental document specifically covers the proposed span.

Comment 2: The EA should more fully address the environmental areas of storm water runoff, contaminated site information, impacts to parks, noise analysis, utility relocations, right-of-way impacts, identification of environmental justice populations and impacts, information on rehabilitating the existing structure, and archaeological impacts. The impact of the second span on the existing historic bridge, including mitigation measures to avoid, minimize, or mitigate adverse effects should be addressed.

Response: The stormwater runoff will be treated by the proponent using its own stormwater treatment plant currently under construction to service the Gateway Project.

Permits have been granted for these purposes by the State of Michigan Department of Environmental Quality (MDEQ), and are included in the Final EA in Appendix D.

Since ABEP is a bridge project, the only concerns with contamination exist at the locations of the piers. Preliminary investigations indicate that no serious contamination exists at these locations. The soil that does contain some unsuitable materials will be removed and disposed of in accordance with all applicable laws and regulations.

The only anticipated impacts to parks would be the temporary impacts to a portion of a baseball diamond in Riverside Park. Upon completion of construction work, the park would be restored to its original character. The proponent must obtain necessary authorizations from the City of Detroit for the temporary impacts to Riverside Park.

Noise-sensitive receptors within 1500 feet of the ABEP were identified and studied for traffic noise pollution. The prediction of future traffic noise levels with the proposed roadway improvements was performed using the FHWA's Traffic Noise Model (TNM – Version 2.5). When compared to the No-Build Alternative, exterior traffic noise levels are predicted to be almost identical to those with the improvements associated with the Ambassador Bridge Enhancement Project. The average difference in noise levels at the 35 noise-sensitive sites between the No-Build and Build Alternative is 0.0 dBA, ranging from an increase of 2.5 dBA to a decrease of -0.4 dBA. This suggests that traffic noise is a result of the local roadway network and not the ABEP. However, noise barriers were still evaluated. Based on the barrier analysis, the construction of a noise barrier is not a reasonable and feasible method of reducing predicted traffic noise impacts for any affected noise-sensitive sites. None of the noise-sensitive sites received the minimum 5 dBA reduction in noise set by the MDOT. This analysis is included in the Final EA in Appendix N.

Since the ABEP is entirely elevated and supported on a total of four substructure elements between the river and the US Plaza, minimal utility impacts are anticipated. Further coordination with the utilities will be required during the design phase and DIBC has committed to pay for any necessary relocation of utilities.

No additional right-of-way is required for the ABEP and no relocations will be required for the ABEP. Based on the all the studies conducted (air, noise, visual, etc.), the only anticipated impact to nearby residences will be a visual impact as the bridge will be noticeable for quite a distance.

All elements that require repairs based on structural analysis and the conditions identified in the latest inspection of the existing bridge will be undertaken. This will include repairs to various trussed floor beam verticals, joists, stringers, girders, diaphragms and bracing. As much work as possible will take place after traffic is shifted to the new bridge to avoid impacts to traffic. Where work must be completed under traffic, single lane closures during off peak hours will be implemented as required.

By letter dated March 26, 2007, the Michigan State Historic Preservation Officer (SHPO) specifically identified possible archaeological remains related to the Potawatomie Tribe,

and advised that additional archaeological studies should be performed. An archaeological survey was conducted dated July 19, 2007. The survey confirmed that there are no tribal or cultural artifacts likely to occur in the project area. The results of the survey were accepted by SHPO and the State Archeological Officer in a January 23, 2008 SHPO letter. There are no anticipated impacts to tribal cultural resources on the U.S. side of the project. The applicant will be required to comply with standard SHPO procedures should artifacts or remains be discovered during construction.

Mitigation of impacts on the historic bridge have been negotiated with the Michigan State Historic Preservation Officer (SHPO) as part of the Section 106 process in coordination with the Advisory Council on Historic Preservation (ACHP). The results of the Section 106 process have been presented in the Final EA in Appendix J.

Comment 3: The secondary and cumulative impact analysis should identify and analyze other projects in the immediate area that also affect the riverfront and southwest Detroit neighborhoods, such as the proposed Detroit Intermodal Freight Terminal and the reconstruction of Fort Street.

Response: An expanded discussion of secondary and cumulative impacts is provided in Section 4.14 of the Final EA.

Our evaluation of the Detroit Intermodal Freight Terminal (DIFT) project revealed that the project is still in the planning stages, with a Final EIS expected by the end of 2008. The study is looking at four intermodal terminals: NS/CSX-Livernois Junction Yard in Southwest Detroit, CP-Expressway in Corktown, CP-Oak in Grandmont and CN-Moterm in Ferndale. The area including and surrounding the existing Junction/Livernois Yard was determined to be the best location for the intermodal terminal complex in the Draft EIS issued in 2005. According to the draft EIS for the DIFT, the project is expected to reduce truck traffic in the area, “particularly on the major border access corridors of I-94 and I-75 and international border crossings....” The DIFT EIS does not include the ABEP in its evaluation of significant nearby transportation projects. The Coast Guard does not believe that the projects create cumulative impacts for each other, but if there were to be any cumulative impacts between the DIFT and ABEP, it is reasonable to expect there to be an overall reduction in diesel emissions in the area due to DIFT’s reduction in truck traffic and ABEP’s FAST lanes’ reduction in truck idling. A more detailed discussion of the DIFT is included in the Final EA in Section 3.14.

Although there have been discussions regarding the possibility of the relocation of Fort Street, there is no formal proposal pending. It is our understanding that the relocation is contingent on many factors, and may or may not go forward. The ABEP will require use of property only where bridge piers are expected to be placed. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require study and approval from GSA, MDOT and other transportation agencies. At this time, the relocation of Fort Street is speculative, and it is not possible to reasonably foresee how or when that project might be undertaken, and what its impacts would be. The ABEP will have no direct permanent impact to Fort Street

and its relocation is not required by or for the ABEP. The USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts.

Comment 4: The EA should discuss connected or similar actions and their associated impacts. For example, there are proposed changes to the plaza in the draft General Services Administration Master Plan for the Ambassador Bridge, as well as plans by the DIBC to make long-term changes. The DIBC has proposed a relocation of Fort Street to accommodate the expansion of the plaza. Additionally, the DIBC has plans to build a pump station, and the West Riverfront initiative proposes to establish right-of-way for a multi-use trail below the Ambassador Bridge. How do all of these actions relate to each other?

Response: Any related or similar actions with the potential for cumulative impacts are addressed in the Final EA in Section 4.14. Please see response to the previous comment regarding potential plaza expansion and Fort Street relocation.

The Gateway Project EA is incorporated by reference into the ABEP.

The pump station is being constructed to handle the new stormwater facilities. Just as the Gateway Project was designed to accept traffic from a second span adjacent to and west of the existing bridge, the stormwater treatment facilities were design to accommodate flows from the ABEP. The pump station will not involve any cumulative impacts with ABEP.

Comment 5: From a transportation perspective, the study has no quantitative traffic information. Even though the EA contends there will be no increase in traffic, we would like to see a discussion of the modeling used to arrive at this conclusion. We would also like to see the traffic technical report supporting this conclusion. Traffic modeling is essential to the purpose and need for the proposed project and is the underpinning for the air quality and noise analyses.

Response: The Gateway Project, Detroit River International Crossing (DRIC) study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on two different sources, including the volumes developed and approved by FHWA during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). The forecasted traffic volumes were then compared to the volumes available from the DRIC study of which FHWA is a lead sponsor. Even though actual volumes experienced in 2005 thru 2007 indicate lower traffic volumes than projected in either of those studies, impacts were analyzed and evaluated using the more conservative DRIC study volumes. Further analysis has been developed, in cooperation with Southeast

Michigan Council of Governments (SEMCOG), the regional planning agency, and U.S. Environmental Protection Agency (EPA), and is included in this EA in Appendix I.

Comment 6: Finally, on another transportation-related topic, will the new span accommodate the transport of hazardous materials?

Response: Current regulations regarding transport of hazardous materials will continue to apply and be enforced by the various federal, state, and local agencies that maintain this responsibility.

The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. None of these agencies has raised a concern about hazardous materials traversing the Bridge. Further, the ABEP will have no impact on the application of the laws governing hazardous materials transport.

The movement of hazardous cargoes over the Ambassador Bridge crossing has been, and will continue to be, an important issue with the proponent and the federal, state, and local authorities that maintain responsibilities for monitoring and enforcing hazardous cargo rules and regulations on roadways.

Comments by State Senator Steve Tobocman

Comment 1: The U.S. Coast Guard Should Postpone the Draft EA and Await the Completion of the DRIC Study

I have repeatedly stated my strong objection to government action, at any level, that would promote an international border crossing outside of the binational Detroit River International Crossing (DRIC) Study. Governmental actions, including the USCG's processing of the DIBC's permit application for the Ambassador Bridge Enhancement Project, that would promote one of the eliminated alternatives of the DRIC Study represents exceptionally dysfunctional public policy-making. Approving a project lacking the support of the binational parties involved in the DRIC Study undermines the U.S. relationship with Canada, its largest trading partner. I continue to have a difficult time responding to questions from my constituents regarding why a public agency, particularly a DRIC Study partner, would consider promoting a border crossing alternative that was eliminated almost two years ago through the DRIC Study process.

Response: The ABEP is not a new crossing and serves an entirely different purpose as compared to the DRIC. The ABEP is designed to maintain the current and future vehicular needs at the crossing. The DRIC study eliminated a new crossing designed to increase capacity at this location; however, it did not advocate the elimination of the

Ambassador Bridge, and in fact assumes that the Bridge will continue to operate. The purpose of the ABEP is to retain the Ambassador Bridge, albeit with a more modern structure that will improve the safety of the crossing at this location by providing standard lane and shoulder widths and to provide FAST lanes to service the booths already present in the plazas.

The comment suggests that the proposed ABEP and the DRIC proposal are competing against each other. The comment also misrepresents the role of the Coast Guard in both the ABEP proposal and the DRIC study. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents authority to construct a bridge, not a mandate to construct a bridge.

The DRIC Study is in the process of completing an Environmental Impact Statement (EIS) for alternatives designed to expand border crossing capacity at the Detroit Windsor corridor. The USCG is a partner in the DRIC Study and should be thoroughly engaged and familiar with the ongoing process, relevant data, and the various alternatives studied. As previously stated, the Ambassador Bridge Enhancement Project represents an alternative already studied, evaluated, and eliminated through the DRIC Study. What is the public policy rationale for consideration of any border crossing alternative through a less rigorous analysis than an Environmental Impact Statement (EIS) when the binational process is engaged in a full EIS for the same project? The USCG should require a full EIS for the Ambassador Bridge Enhancement Project.

Response: The Coast Guard has participated in the DRIC study since the earliest scoping and consultation meetings. The Federal Highway Administration (FHWA) fulfills the role as lead federal agency for satisfying NEPA in the DRIC proposal since the study being performed has been generated by public funding. The Coast Guard is a cooperating agency in the process. The DRIC bridge, if constructed, will require a Coast Guard Bridge Permit prior to construction. The decision to eliminate the second Ambassador Bridge span as an alternative in the DRIC study was made by the bi-national group under their stated purpose and need, which differs from the ABEP. While the DRIC study is a bi-national undertaking that addresses both U.S. and Canadian impacts concurrently, the Coast Guard is primarily responsible for addressing impacts on the U.S. side for the ABEP while Canadian authorities address impacts in Windsor. Any potential environmental impacts directly caused by the ABEP proposal were found not to be significant and will therefore not necessitate an EIS. By contrast, the DRIC project contemplates a new international corridor, bridge, plaza, and highway connections, each of which could have significant impacts on some neighborhood not already impacted by an existing bridge.

DIBC claims that the proposed project will not increase capacity and, therefore, is distinct from the goals of the DRIC Study, are patently false. If this were accurate, why would the DIBC characterize the DRIC Study as a competitor? The Ambassador Bridge Enhancement Project includes the construction of six bridge lanes an increase of two additional lanes compared to the existing Ambassador Bridge. Describing the proposed project as a maintenance project is illogical given the construction of these additional lanes which, according to the Draft EA, will be used as dedicated throughways for low-risk trucks.

In fact, the support letters submitted as Attachment A include at least three letters that support the project based solely upon its ability to increase capacity. The July 26, 2006 letter from the U.S. Chamber of Commerce opens with "I am writing to express our strong support for investment in additional infrastructure capacity to meet the growing demand so trade across the U.S. Canadian border in the Detroit region." A September 9, 2006 letter from the Michigan Chamber of Commerce similarly states "the Michigan Chamber strongly supports efforts to increase needed capacity, including private sector initiatives such as proposed by the Detroit International Bridge Company for an additional span at the Ambassador Bridge." Finally, the Michigan Teamsters Joint Council 43 write in a June 19, 2006 letter: "Additional capacity will ensure that Detroit Windsor is the border crossing of choice." Expanding transportation infrastructure, such as building additional crossing lanes here, has empirically created increased traffic growth.

Response: As noted in the response to Comment 1, the Coast Guard is not engaged in choosing between different bridge proposals, and the stated purpose of the DRIC is not a consideration in the evaluation of the ABEP, as proposed. The ABEP does include two additional lanes (compared to the existing bridge) that will serve only low risk truck travelers. This feature of the ABEP was designed to comply with the requests of both the United States and Canadian governments to facilitate the FAST program. Failure to provide a specific lane for this use will result in the program continuing to work less efficiently than desirable.

The ABEP is proposed by DIBC to maintain the flow of traffic and commerce at the critical Detroit-Windsor crossing. Considering the age of the existing structure and the recent major investments in the connection to the interstate system, the proponent has determined that it is prudent to upgrade the crossing today to meet current standards. Even the short-term closure of one or more lanes for maintenance on the existing bridge could potentially impact the efficient movement of vehicles and commerce across the border. Also, traffic at this location has and will continue to be limited by the economies of each country and other social factors, as well as the inspections facilities, and not the number of lanes over the river.

The USCG responded to a letter from the EPA dated July 17, 2007 on October 29, 2007 regarding the maximum operating scenario for the proposed bridge. This response is located in Appendix I of the EA. Under all western operating scenarios and alternatives, the portion of the existing bridge located north of Fort Street will continue to be used in the operation of the facility since the existing bridge contains a horizontal "S" curve located west of the existing bridge and north of Fort Street. The new western three lane

alternatives will be constructed directly adjacent to the existing bridge north of Fort Street and the new western six lane alternatives will have the NB lanes tie directly into the side of the existing bridge. This means that under all alternatives considered, there will be a maximum of six lanes operational north of Fort Street. Just as they do today, the number of customs booths in operation and their processing times will continue to control the volume of traffic that the entire facility can process. Further, since a portion of the facility contains only 6 lanes, the maximum volume of traffic that can travel through the facility would be limited to the maximum volume that can be carried by this six lane Section even if no customs booths were present. This was discussed during a meeting held September 20, 2007 between the Coast Guard, SEMCOG and EPA.

Comment 2: The USCG Should Reject the Draft EA on Homeland Security Grounds
Security issues must play a predominant role in expanding international border crossing capacity. The U.S. Department of Homeland Security (DHS) and the U.S. Customs and Border Protection (USCBP) are among the federal agencies partnering with the DRIC Study. The Draft EA lacks any discussion of security clearances beyond an unsubstantiated allegation that the proposed project is in the national interest and security of the U.S. and Canada. Moreover, there is no commentary from the DHS or the USCBP. There also should be substantive commentary from the General Services Administration (GSA), the landlord for USCBP, given that they recently completed a Master Plan for the expansion of the Ambassador Bridge primary cargo inspection facility. Several expansion options contingent on expanded capacity at the Detroit Windsor border are considered viable by the GSA and are depicted in the Master Plan. The USCG must solicit comments from the GSA, DHS, USCBP, and other critical federal agencies before it can properly analyze the Draft Environmental Assessment.

Response: Each of the agencies named was provided with a copy of the Draft Environmental Assessment on April 23, 2007 and provided the opportunity to comment on the project. The ABEP proposes no changes to the operations in the plazas and no changes to the operation of the facility other than the addition of the FAST lanes over the river. As a result, there are no anticipated impacts to customs operations or current security practices directly caused by the ABEP. The primary project of concern for the referenced agencies was the Gateway Plaza reconfiguration, previously approved and under construction. Each of the agencies named are consulted with frequently and were consulted during the planning and designing of the plaza and the Gateway Project. Each agency was provided the opportunity to submit comments on the Draft EA for the ABEP. The Coast Guard did not receive comments from the agencies listed in response to the Draft EA. Additionally, on-going coordination occurs continually between the agencies listed and the bridge owner as they continue to work as partners at the existing crossing.

Creating redundancy is one of the primary homeland security objectives of expanding international border crossing capacity at the Detroit Windsor border. Any discussion of redundancy must focus on the entire system, specifically including all three components of border crossing infrastructure: bridge structure; bridge plaza; and roadway connections. *One* of the reasons that a twinning of the Ambassador Bridge was eliminated from further consideration by the DRIC Study is that it did not perform well on redundancy criteria in the U.S. or in Canada. DRIC analyzed 37 crossings and rated each system for its effectiveness on route, plaza,

and crossing. Redundancy was one variable amongst several used in the rating criteria. The Ambassador Bridge ranked second on the U.S. side, but the spread between the highest ranked crossing and the Ambassador Bridge was significant – 24.52 and 18.92 respectively. It is imperative that the USCG coordinate its review of the Draft EA with the DHS's analysis of the proposed project.

While the Draft EA correctly notes that redundancy in the regional transportation system is "much needed" (page 5), its claims of "structural" redundancy (pages 15 and 21) miss the mark. Redundancy within the regional transportation system can only occur when all three levels of the system are addressed and the DRIC Study correctly points out that a separate route for trucks to cross the central industrial corridor between Detroit and Windsor does that. The Ambassador Bridge Enhancement Project is only relevant to the Ambassador Bridge structure, not its plazas or freeway connections. Nor is it redundant in the system's overall context. That is why it was rejected by the DRIC Study. In the wake of the September 11, 2001 terrorist attacks, these homeland security concerns should not be ignored as they are in the Draft EA.

Response: Several comments received by the Coast Guard raised the question of redundancy in the event of an attack on the bridge(s) at the Ambassador Bridge crossing. The ABEP proposes an additional span within the already approved international corridor to maintain and improve the efficiency of the existing crossing. It was never the purpose of the ABEP to explore other crossings of the Detroit River, or to create a redundant structure in case the existing Ambassador Bridge is disabled due to attack. In fact, the Coast Guard recognizes that concerns for the viability of the Ambassador Bridge crossing are based on the acknowledgement of the importance of the crossing on the economic health of Detroit and Windsor and the entire region. Also, with two structures in place, even two structures side-by-side, and the possibility of one structure surviving an attack, border traffic could continue to use the crossing, thereby limiting the economic impact if an attack were to occur. But the purpose of the proposed project is to modernize and improve efficiency of the border traffic that uses the existing crossing, not to provide a redundant structure in case of terrorist attack.

The Final EA contains an expanded discussion of the potential effects of an attack on the Ambassador Bridge structure(s) over the Detroit River. The Ambassador Bridge was evaluated by the Coast Guard, along with all identified critical infrastructure, for an overall risk assessment following the September 11, 2001, attacks. The Coast Guard considered the environmental and navigational effects, as well as the economic impacts that could occur, if the bridge(s) were destroyed or severely damaged by an enemy attack as part of this evaluation.

A related homeland security concern is the routing and transport of hazardous materials across international boundaries. The USCG should include a thorough analysis of the existing regulations and laws governing hazardous materials transport and any changes required by the DHS. There have been various claims and allegations regarding the regulation and enforcement of hazardous material transport across the Ambassador Bridge including media exposes alleging that the DIBC has violated hazardous materials transport regulations. Additionally, law

enforcement and other relevant government agencies should be consulted including the Michigan State Police, Detroit Police Department, and the Detroit Fire Department.

Response: The movement of hazardous cargoes over the Ambassador Bridge crossing has been, and will continue to be, an important issue with the proponent and the federal, state, and local authorities that maintain responsibilities for monitoring and enforcing hazardous cargo rules and regulations on roadways.

The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. None of these agencies has raised a concern about hazardous materials traversing the Bridge. Further, the ABEP will have no impact on the application of the laws governing hazardous materials transport.

Comment 3: The Draft EA Raises Serious U.S. Environmental Law Issues, including Segmentation

The proposed Ambassador Bridge Enhancement Project is described within the initial USCG permit application, as well as the subsequent Draft EA, as involving the construction of a six-lane, cable-stayed bridge just west of the existing Ambassador Bridge. The description states that there are no additional plaza, roadway, or interstate freeway connections required. Throughout the Draft EA, however, the DIBC claims project benefits that come instead from actions being undertaken as part of the MDOT Gateway Project. In response to the USCG's July 2006 request for public comment on this project, I, along with multiple parties, identified that the Ambassador Bridge Enhancement Project misrepresents the full scope of the proposed changes and, as such, segments the project. Segmentation of a project is a violation of the National Environmental Policy Act.

Additional segmentation appears to be underway with regards to DIBC's plaza expansion plans. The DIBC has gone on record stating that they plan to expand the U.S. side of the Ambassador Bridge plaza south of Fort Street and have requested that the MDOT evaluate the impacts of relocating Fort Street. In fact, several of the support letters provided in Attachment A of the Draft EA, use language nearly identical to the April 28, 2006 letter from the Detroit Hispanic Development Corporation noting their support for "(DIBC) plans to move the truck inspection plaza south of Fort Street." The DIBC also has proposed an international plaza that would eventually accommodate joint U.S. and Canadian customs and inspection activities. This proposed expansion is detailed in DIBC documents ("A Model Border Crossing for the 21st Century," November 2001; "Ambassador Bridge Today and Future") and was depicted in advertisements in the Detroit daily newspapers and Crain's Detroit Business. Another letter, dated April 19, 2006, and signed by ten individuals, provides twice as much commentary on the proposed "International Center" (sic), as the Enhancement Project. This letter provides equal commentary on the Gateway Project.

Therefore, the project and its impacts, as described in the Draft EA, are significantly deficient. In a summary of air quality impacts, Weston Solutions even states that "it should be noted that the proposed project does not include any changes to the existing U.S. inspection plaza." Based on the information presented above, their estimates would be incomplete. The USCG should require that the DIBC fully disclose, describe, and record the impacts of the expansion plans for the bridge, plaza, and roadway system.

Response: Although there have been discussions regarding the possibility of the relocation of Fort Street, there is no formal proposal pending. It is our understanding that the relocation is contingent on many factors, and may or may not go forward. The ABEP will require use of property only where bridge piers are expected to be placed. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require study and approval from GSA, MDOT and other transportation agencies. At this time, the relocation of Fort Street is speculative, and it is not possible to reasonably foresee how or when that project might be undertaken, and what its impacts would be. The ABEP will have no direct permanent impact to Fort Street and its relocation is not required by or for the ABEP. The USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts.

The Ambassador Bridge Enhancement Project is not interdependent with any possible future expansion of the inspection facility. ABEP does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the Ambassador Bridge Enhancement Project is an independent project - and is not dependent on any other project. The Gateway Project did not require the analysis of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing, or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations. Further, any potential development in the vicinity of the Bridge is speculative at this time, particularly in view of the possible construction of a new bridge resulting from the DRIC Study.

The air quality study by Weston Solutions, as well as the noise study and other studies, considered the improvements to the plazas as the existing conditions and they were, therefore, included in the analyses.

Comment 4: USGC Should Reject Draft Environmental Assessment and Require a Full Environmental Impact Statement (EIS).

All of the environmental impacts of the Enhancement Project, including air, noise and vibrational impacts, should be evaluated under federal Environmental Justice standards. In addition to the fact that the Draft EA notes that 60 percent of the surrounding community is Hispanic and significant numbers are black, the area has significant poverty rates. Trying to deny these facts by stating that Detroit has higher minority and low-income numbers than the immediate neighborhood is no defense to not following the Environmental Justice regulations prescribed by Executive Order 12898 issued on February 11, 1994. If indeed this project inflicts significant environmental impacts on these protected populations, it should be rejected

Pollution Concerns – These should be evaluated as Environmental Justice concerns.

Response: The Draft EA evaluates Environmental Justice concerns within the project study area. The Draft EA analyzed all of the potential environmental impacts and found no significant impact regardless of Environmental Justice populations. No business or residential relocations are required as part of the ABEP.

The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an Environmental Assessment and Finding of No Significant Impact (FONSI) for NEPA. The only portion of the ABEP that is outside of the approved Gateway extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The second bridge will not cross, or split, any neighborhoods and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways. Section 3.1.5 of the Final EA states there will be no increased traffic in the area; therefore, air pollution should not increase. See Section 3.10 of the Final EA for air quality information. Although there is a higher concentration of Hispanics in the Study Area and a slightly higher rate of poverty, the project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Comment 5: Air Quality

The Draft EA should include an air quality analysis of transboundary impacts. Based on a conference call with the USCG (conference call with Robert Bloom, June 4, 2007), it is my understanding that transboundary impacts are typically included in the analysis of the Draft EA for an international border crossing. Page 76 of the Draft EA states that "the emissions from the Proposed Project represent an insignificant source of air emissions in the area." This is a meaningless and inappropriate standard for determining air quality impacts and subsequent mitigation initiatives. If every project that accounted for only a thousandth of Wayne County's air pollution were exempt from regulation, air quality controls and standards would be rendered entirely meaningless.

Despite a recognition that air quality impacts will occur during both the construction and operation of the proposed project, no mitigation activities are described beyond a statement that pollution controls will be employed during the construction of the proposed project. The Draft EA does not include an analysis of the air quality impacts of operationalizing a new six lane bridge, along with the existing four lane bridge, and U.S. and Canadian plaza operations. The

USCG should require such an analysis as there are repeated descriptions within the Draft EA of this potential scenario.

Any legitimate analysis of air quality impacts also must account for the increase in truck traffic the project will generate. While the Draft EA asserts that the project will not increase traffic volumes, such a contention does not pass a reasonableness standard. Why would the DIBC spend money for six lanes instead of four if it were not handling more traffic? At least the project's supporters believe it will attract more traffic. Nearly half of the letters of support in Appendix A say as much. Finally, the DRIC traffic projections used in the analysis support more traffic.

Response: The air quality impact analysis of the proposed ABEP during construction and operations has been expanded and clarified in the Final EA in Appendix M. Air impacts were investigated for the entire length of the bridge of emissions from vehicles while they were in the United States and vice versa. The project, on its own, will not significantly alter traffic volumes or patterns. There will be minimal short-term air quality impacts from construction and will be mitigated through dust suppression and other measures. These are standard accepted practices for short-term construction projects.

The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side.

Projected traffic volumes used were based on two different sources, including the volumes developed and approved by MDOT and FHWA during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by MDOT and FHWA on three separate occasions (1999, 2004 and 2007). The forecasted traffic volumes were then compared to the volumes available from the DRIC Level 1, 2 and 3 traffic studies posted on <http://www.partnershipborderstudy.com/>. Impacts were analyzed and evaluated using the more conservative DRIC study volumes.

The Coast Guard believes the ABEP is subject to General Conformity Rule requirements for the Clean Air Act, and the analysis performed by the applicant has demonstrated that the project will not exceed de minimus levels.

U.S. EPA determined the project to be regionally significant under 40 CFR Part 93.101, and therefore must be included in regional transportation plans, requiring air-dispersion modeling and compliance with Transportation Conformity Rule requirements for the Clean Air Act. The proponent performed the air-dispersion, or hot-spot analysis. The analysis was reviewed and accepted by EPA. The proponent must apply to SEMCOG, the

regional planning agency, to include the project in the regional plan. The proponent must complete this requirement, along with any other federal, state, or local requirements, before construction could begin.

All of the air quality studies performed, including the temporary impacts during construction, are included in the Final EA in Appendix M.

Comment 6: The Southeast Council of Governments (SEMCOG) comments on the Draft EA raise several important issues related to the methodology used to assess air quality impacts particularly the need to use local available data to ensure a higher level of accuracy in emissions projections.

Response: SEMCOG comments are addressed in Appendix I of the Final EA.

Comment 7: Noise

The Draft EA only includes an analysis of noise impacts on the areas east and immediately south of the proposed project. All areas surrounding the proposed project should be evaluated for noise impacts including the neighborhoods to the west. The Draft EA should be rejected for its negative noise impacts on this minority community. First, it is not clear how the analysis picked the area to study. It is true that there are a “few residences mixed with vacant land, and one church” immediately *adjacent* to the Ambassador Bridge plaza as described on Page ii of Appendix L. Yet, to state that there are no schools near the project area suggests that the project area is defined as two blocks at most, since Webster Elementary School is located two blocks west of the north end of the Ambassador Bridge Plaza. Noise impacts from tens of thousands of vehicles and trucks, particularly when elevated on a bridge, travel farther than the so-called “project area” and the Noise Analysis Study should be rejected out of hand.

In essence, the Draft EA suggests that, because traffic noise is already excessive and exceeds the NAC, nothing needs to be done to mitigate noise concerns. Similar to the air quality analysis that seeks project exemption from federal standards because Wayne County is out of attainment, the noise analysis seeks exemption because of the undesirable present conditions. In the present context, the exact project being contemplated *is carrying the vehicles that are producing the noise!* The USCG must demand that reasonable analysis and mitigation be undertaken to address noise concerns that will result from the proposed project.

The Draft EA needs to utilize a larger scope of noise sites. No sites were picked to the west, north, northwest or north east of the Ambassador Bridge Plaza or the new span. In fact, a reasonable person would conclude that the Draft EA selected only the least populous areas to study for noise, exactly the areas where USCG should be least, not most, concerned.

The noise data sets are from a small sample of time periods and conditions. Despite the reports analysis that measurements were taken “during morning and/or afternoon rush-hour,” Appendix A shows the complete opposite of this characterization with all measurement times falling between 12:02 p.m. and 2:54 p.m. Indeed a new analysis with morning and/or afternoon rush hour should be ordered, as well as a more robust data set that includes other days of the week and

other weather conditions, rather than just a day with 80 percent humidity. This analysis is particularly critical when the report notes conditions exceed the NAC at numerous sites.

Response: Noise sensitive sites that were within 1500 feet of the proposed project were evaluated for traffic noise. The Federal Highway Administration estimates that for line source noise pollution such as a roadway, that the sound level decreases 3dB with the doubling of the distance from the source. Based on the initial screening of the project area with the projected traffic volumes, it was determined that a 1500 foot study area was more than sufficient to capture any potential noise impacts. This was confirmed once the noise analysis was completed as shown in Figure 3-1 of the noise report. The proposed project includes only the bridge adjacent to the Ambassador Bridge and does not include the existing plaza. Impacts around the plaza were addressed by MDOT and FHWA in the environmental assessment for the Gateway project. A separate noise study was done for the Gateway plaza expansion in which noise walls were warranted for the neighborhoods to the east of the plaza and have been constructed. The noise study for the ABEP included these existing noise walls in the analysis. Webster Elementary School was not evaluated as it is considerably greater than 1500 feet from the proposed project and would not be adversely impacted.

The residences to the west of the proposed project are west of the interstate system and are greater than 1500 feet from the proposed project. Furthermore, traffic noise from the interstate system (I-75) that is directly adjacent to these neighborhoods would be considerably greater than traffic noise from the proposed project. Any wall built along the proposed bridge to abate traffic noise would not reduce traffic noise levels for those houses and neighborhoods, as they are being adversely affected by the existing interstate and plaza.

The suggestion that “Noise impacts from tens of thousands of vehicles and trucks, particularly when elevated on a bridge, travel farther than the so-called “project area” is incorrect. Noise walls were evaluated for the project to provide abatement to all the noise sensitive sites that were found to be impacted within 1500 feet of the proposed project and the maximum noise reduction provided by the noise wall was 2.6 dBA. This is less than criteria set by the Michigan Department of Transportation that a barrier must provide at least a 5 dBA reduction in noise to be considered reasonable and feasible. Most sites received less than 1 dBA of noise reduction from the noise wall. Also, as stated in the Noise Study Report, the average difference between the no-build and build conditions for the 5 affected noise-sensitive sites is 0.24 dBA, with differences ranging from a decrease of 0.8 dBA to an increase of 2.5 dBA. This suggests that the traffic noise is not a result of the ABEP but rather, the local roadway network, the interstate system and plaza.

Measurements taken in the field, as shown in Appendix N, were used to validate the model only to ensure its accuracy and were not used in the analysis for the need of noise walls. The traffic noise model used traffic data equivalent to a Level of Service (LOS) C which is recommended by the Federal Highway Administration. The use of LOS E and F conditions do not represent the worst case traffic criteria for a noise analysis. At these conditions, congestion occurs and speeds are lower, thus causing lower overall noise levels

compared to the free-flow conditions. The existing (2010) and forecast future year (2030) traffic data used in the TNM for the Ambassador Bridge Enhancement Project are presented in Appendix C of the Noise Study Report. Traffic data was obtained by applying appropriate growth factors to Year 2004 and Year 2025 bridge volumes obtained from the Detroit River International Crossing (DRIC) Study Travel Demand Forecast prepared by IBI Group for URS Canada, dated September 2005. The appropriate growth rates were obtained from the DRIC study in Exhibits 5-9 and 5-20. These values were used to obtain Year 2010 and Year 2030 Bridge volumes.

Future year design hour volumes were obtained by using a K30 factor of 9.7%. This K-factor is associated with an Urban Freeway and falls in the upper range the Federal Highway Administration's (FHWA) range of 7%-10%. Once the design hour bridge volumes were determined, movement percentages into and out of the U.S. Plaza and US Customs were applied in order to obtain traffic volumes throughout the U.S. Plaza and Customs facilities. The appropriate traffic movement percentages were obtained from the Ambassador Bridge/Gateway Project Reassessment dated June 2003 prepared by HNTB Michigan Inc. These traffic data represent the worst-case scenario of traffic noise on the bridge. Both of these reports were prepared for and accepted by the MDOT.

Additionally, the Coast Guard commissioned a separate study to verify the noise analysis submitted by the proponent and their consultants. The analysis provided by the proponent extends from the Gateway Plaza on the U.S. side to the international border approximately halfway across the bridge. The result of the study indicates that the noise analysis provided by the proponent applied current, acceptable standards and that the project will not create significant noise impacts in the area analyzed. The results can be found in Appendix N.

Comment 8: Historic and Visual Impacts

The ultimate use of the existing Ambassador Bridge, should the Enhancement Project go forward, is anything but clear. The Draft EA includes a scenario under which the existing structure is removed from service, repaired, and used for pedestrian and bicycling purposes. Another scenario is uses the existing Ambassador Bridge for backup traffic relief. It is imperative that a final conclusion on the ultimate use of the Ambassador Bridge is reached, then studied and reported on in an environmental assessment. There are dramatically different impacts depending on whether the Ambassador Bridge remains in service, is removed from service, or is demolished. The USCG should require a final determination on the future of the existing Ambassador Bridge within the context of the construction of the Enhancement Project. Such a determination must include appropriate budgets and timelines.

The Draft EA indicates that the State Historic Preservation Office (SHPO) has determined that there are adverse effects on the historical integrity and views of the Ambassador Bridge from the proposed Enhancement Project (March 2007 SHPO letter to DIBC). This would be especially significant if DIBC were to dismantle the existing span or leave it in disrepair. A surface reading of the Draft EA supports that DIBC would have every financial incentive to not repair the existing span, especially if the new span contains additional lanes of traffic and DIBC is to be believed that the project will not increase usage. One only needs to look at DIBC's unkept

nearby Michigan Central Depot to realize that the physical and aesthetic deterioration of the existing span are real possibilities. The impacts of the views of the existing span in Riverside identified below must be given due consideration by SHPO's letter.

Response: The existing bridge will be maintained and used for special purposes such as for maintenance and operational personnel, customs and immigration needs, and as a backup redundant resource if traffic is impeded for any reason on the new bridge. Current maintenance costs of the existing bridge will be reduced since the existing bridge will not carry significant numbers of cars, and no truck traffic other than when the new span is unavailable. The existing bridge is nearly 80 years old, with maintenance costs only expected to increase as the structure ages further. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. DIBC has assured the USCG that it intends to bear all maintenance costs necessary to ensure that the bridge does not become a hazard. The Coast Guard will enforce the applicable federal statutes pertaining to the preservation of marine navigation, and will expect the bridge owners to prevent possible hazards to navigation associated with the existing bridge. The Coast Guard is prepared to levy civil penalties if the existing bridge is ever determined to be a hazard to marine navigation.

The future use and mitigation of impacts on the existing Ambassador Bridge has been completed as part of the Section 106 process in coordination with the Michigan SHPO and the Advisory Council on Historic Preservation (ACHP), and a Memorandum of Agreement (MOA) was developed with the appropriate agencies. The MOA, and all correspondence related to the Section 106 consultation that was conducted is included in the Final EA in Appendix J.

Comment 9: Riverside Park

The Draft EA recognizes potential adverse impacts from the proposed project to Riverside Park including potential long-term visual impacts and shading of park land. The Draft EA understates the historic value of this impact. The view of the Ambassador Bridge from Riverside Park is breathtaking and a true cultural asset to the city of Detroit. The picture used is from the farthest corner of Riverside Park and grossly understates its appeal.

The West Riverfront revitalization plan will provide, for the first time in decades, direct public access to the riverfront as it transitions and limits industrial uses to residential, commercial, and recreational. Moreover, the West Riverfront plan connects the neighborhoods of Southwest Detroit to the east riverfront. The USCG should require evaluation of the Enhancement Project on the West Riverfront plan.

Response: The piers for the project will be located outside of Riverside Park and a short distance from the shoreline and between Jefferson St. and Fort St. The impacts to Riverside Park are temporary during construction, with some permanent visual impacts as a portion of the park may be shaded at times during the day. The cable-stay design is expected to minimize those impacts. This question has not been a major question during

the Section 106 process with SHPO.

Comment 10: Draft EA Is Flawed

The DIBC has repeatedly stated that there is no need for expanded international crossing capacity and has widely criticized the DRIC Study traffic growth estimates. Yet, the DIBC has not included any traffic forecasts, current or future, to rationalize the proposed project or to back up the claim that traffic is decreasing rather than increasing. If additional traffic is not expected at the Detroit Windsor border, USCG should question why the DIBC would build a larger bridge structure, and how future toll revenues will cover the construction costs of the new bridge, as well as the rehabilitation of the existing span. It is extremely puzzling that the DIBC used the DRIC Study traffic estimates to describe the air quality impacts of Ambassador Bridge Enhancement Project.

Response: The purpose of the ABEP is to upgrade the crossing to meet current criteria for lane and shoulder widths and to include FAST lanes on the new structure at the request of the U.S. and Canadian governments. The increase of capacity is not the stated purpose of the project. Traffic estimates from DRIC were used to assess impacts because they represent demand based volumes and are an upper bound to the volumes anticipated. The conservative or optimistic nature of these volumes is evidenced by the fact that the actual volumes in 2004, 2006, and 2007 are well below those projected. In fact, that the actual 2007 volumes experienced at the Ambassador Bridge were approximately 15% lower than that projected in the 2004 DRIC study. The table below shows a comparison of the DRIC projections from the 2004 study to the actual volumes.

Review of 2004 DRIC Projections		
Year	DRIC Projection	Actual
2004	9,540,000	9,528,132
2005	9,281,000	9,320,332
2006	10,112,000	9,336,092
2007	10,411,000	8,953,029

The higher numbers were used to evaluate the impacts to determine what they would be on a worst case scenario. Assessing toll revenue from the bridge is beyond the scope of the USCG's authority. Additionally, the consideration and application of other publicly-funded studies in the area that potentially pertain to the ABEP are consistent with NEPA regulations and Coast Guard policies.

Comment 11: The Draft EA contains substantial inaccuracies and/or confusing claims. First, the Draft EA claims that no public money will be used, that the construction costs are \$500 million, that no additional property will be required, and that no one will be relocated. All of these claims are contradicted in fact or elsewhere in the Draft EA.

The DIBC has repeatedly claimed that the Ambassador Bridge Enhancement Project costs would be completely privately financed. In fact, the DIBC has argued that this should elevate the

ranking of their proposal when compared to DRIC Study alternatives because federal and state transportation resources could be used for other critical projects. However, in February 2007, the DIBC submitted an application for the use of \$1 billion in Private Activity Bond financing for their portion of the MDOT Gateway Project and the Ambassador Bridge Enhancement Project.

The application stated that total project costs for constructing the Ambassador Bridge Enhancement Project are approximately \$800 million and that no additional land was required in the U.S. or Canada. The Draft Environmental Assessment states that the total project costs are \$500 million. Given that a federal action is required and that the use of federal funds and/or federal tax benefits may be requested for the proposed project, the USCG should require a specific line-time budget delineating total project costs.

Response: The applicant is responsible for funding the entire construction of the project and meeting the costs associated with the project. The proposal will not utilize congressionally authorized funding that is disbursed through any federal agency. The Coast Guard has no reason to anticipate that the proponent can not provide adequate funding to perform the work as proposed or fulfill the conditions of a federal bridge permit, which is the extent of the Coast Guard's statutory authority for applications of this nature.

Comment 12: Second, the document contradicts itself with regard to the project's land needs and ownership status. Page 9 of the Draft EA states "the DIBC/CTC owns *most of* the property required for the construction of the Ambassador Bridge Enhancement Project and are currently in the process of acquiring the necessary remaining property rights for the project." Inexplicably, however, on page 22 of the Draft EA the following appears: "the only relocations required in Canada are those renters occupying short term temporary housing near the University of Windsor." The Private Activity Bond application stated that all land required for the project had been acquired. The application was silent on the need for relocation. The USCG should identify the remaining land needed for the proposed project and whether relocation, other than residential, is required.

Response: There are no relocations required on the U.S. side. The proponent must obtain all required property on the U.S. side prior to the issuance of a federal Bridge Permit. Property questions on the Canadian side will be addressed by Canadian authorities in their processes.

Comment 13: Southwest Detroit hosts the most extensive array of transportation land uses in the state. Four Class one railroads, acres of intermodal and rail facilities (including the largest intermodal yard in the region), an international rail tunnel, three interstate freeways, and the Ambassador Bridge are located in Southwest Detroit. The community, and particularly the neighborhood adjacent to the Ambassador Bridge, has experienced significant residential and commercial regeneration, and increased population. There is little discussion of secondary and cumulative impacts of the proposed project. The Draft EA should include such an analysis and consider the cumulative impacts of other proposed projects such as the development plans of the

Detroit Wayne County Port Authority, the Detroit Intermodal Freight Terminal, Systematic Recycling, and the possible expansion of Marathon Petroleum Refinery.

Response: The discussion of secondary and cumulative impacts has been expanded in the Final EA in Section 4.14.

The Ambassador Bridge Enhancement Project does not require expansion of the inspection facility and has independent utility regardless of whether that expansion ever occurs. In this case, the Ambassador Bridge Enhancement Project is an independent project - and is not dependent on any other project, including any possible future expansion of the inspection facility. The Gateway Project did not require the addition of a second span to be evaluated, approved, and constructed. The ABEP will not require changes to already approved projects, and is not anticipated to directly affect other proposals that pertain to the facilities at the border crossing or modifications to public roadways. Future projects in the vicinity will be required to undergo separate environmental studies and will include analysis by the federal, state, and local agencies responsible for issuing permits and authorizations. Further, any potential development in the vicinity of the Bridge is speculative at this time, particularly in view of the possible construction of a new bridge resulting from the DRIC Study.

With regard to the potential expansion of the Marathon Refinery in Detroit, we understand that Marathon is considering whether to expand several plants, and has not made a final decision on the Detroit expansion. Therefore it is speculative as to whether the refinery will be expanded at this time. In addition, Marathon has not presented any formal plans, so it is not reasonably foreseeable at this time what the expansion will entail and what impacts may be involved. Therefore, a cumulative analysis is not required for this potential project.

Each of the projects listed will require additional analysis and determinations of potential impacts to Southwest Detroit businesses and residents by the appropriate federal, state, and local agencies that will hold responsibility.

Comment 14: A full EIS would provide the kind of analysis that is critically needed for this important project. Our nation's most valuable international border crossing deserves such consideration. Our homeland security deserves such consideration. Southwest Detroit's growing residential and business communities, environment, and historic character deserve such consideration.

Response: All transportation projects are evaluated on a case-by-case basis and require varying degrees of environmental analysis. The Coast Guard has considered all applicable factors and our own statutory requirements in its independent analysis. The environmental impacts of the project are not significant. No residences or businesses will be relocated in the United States, and no significant changes in the existing land use will be required. The second span is being proposed in an already approved international corridor that has experience border traffic for almost 80 years. The proposal, as an independent project, does not increase traffic through the border crossing and into local roadways or neighborhoods. No wetlands or floodplain impacts will occur. Piers will not be placed in the

Detroit River. There are no known threatened or endangered species in the area. A thorough air quality and noise analysis has been performed and approved.

The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the neighborhoods in Southwest Detroit and the natural or man-made environment are not significant, and do not warrant an Environmental Impact Statement.

Comments by Alison Horton, Midwest Region Staff Director, Sierra Club, dated May 31, 2007

Thank you for the opportunity to comment on the Draft Environmental Assessment (EA) prepared by the Detroit International Bridge Company (“DIBC”) for its application to build a second span of the Ambassador Bridge (“Bridge”). The Sierra Club is a nation-wide grassroots environmental organization dedicated to protecting our communities. The Sierra Club and its members in the Detroit metropolitan area are concerned about the environmental impacts of a second span of the Ambassador Bridge.

The proposed “Ambassador Bridge Enhancement Project” involves a second bridge span between Detroit, MI and Windsor, Ontario, additional six lanes to the existing four. We are focusing these comments on two sets of impacts which would result from this project which the Draft EA does not adequately consider. They are (1) Air Quality and (2) Environmental Justice Issues. We urge the Coast Guard to complete a full and thorough analysis of these impacts and to incorporate that analysis into its further consideration of the proposed bridge project.

Comment 1: Air Quality Impacts

The Draft EA does not adequately consider all of the standards and requirements set by the Environmental Protection Agency for PM_{2.5} non-attainment areas. When an area is designated in non-attainment, certain transportation projects must undergo a review for localized impact for PM_{2.5} also known as a “HotSpot” analysis. This standard was developed by the Environmental Protection Agency to ensure that areas that have failed to attain national standards are reviewing projects that may exacerbate the negative impact of the pollutant on air quality and human health. This standard should not be ignored in the Coast Guard’s Draft EA for the expansion of the Ambassador Bridge. Due to the 150% increase in the size of the existing Bridge and the correlation between traffic and PM_{2.5}, the Coast Guard must consider the potential impact of PM_{2.5} emission from the project on nearby communities, not solely Wayne County as a whole. The federal _{2.5} hotspot analysis is a relevant standard to apply.

The discussion of air quality impacts in the Draft EA is incomplete. The science regarding localized air quality impacts is replete with conclusions regarding the adverse effect of car and truck emissions on human health.

In light of this science, the Coast Guard Draft EA does not sufficiently evaluate the potential air quality impacts of six added lanes to the existing traffic corridor, a 150% increase in the roadway capacity of the existing Ambassador Bridge.

The connection between air pollution from Traffic and human health is undeniable. The environmental impact of highways has been a source of concern since the 1960s and was even cited as a major factor behind the enactment of NEPA. Air pollution from transportation sources includes a toxic mixture of particulate matter measuring 2.5 microns in diameter (PM_{2.5}), carbon monoxide, nitrogen oxides (NO_x), volatile organic compounds (VOCs), and mobile source air toxics including diesel particulate matter. PM_{2.5} is often linked to increased mortality, hospitalization for respirator problems, decreased lung function, and increased respiratory symptoms as well as cardiovascular and pulmonary causes of death. Exposure to this toxic mixture from exposure to vehicular traffic in urban areas may increase the risk of a heart attack in susceptible persons. Fine particulates are more likely to be mixtures of chemicals and metals that result from combustion sources (such as gasoline or diesel engines) and can penetrate deeper into lung tissue and even enter the blood stream. PM_{2.5} and mobile source air toxics are the subject of a growing body of scientific evidence linking these pollutants to substantial adverse human health impacts.

The impact of mobile source air pollution on children is particularly acute. Some studies have shown a correlation between asthma and attending school near major roadways. A study in California's East Bay was designed to determine the relationship of the proximity of middle schools to freeways and adverse health effects. The study found that the closer the schools were to the freeways, the higher the concentrations of PM_{2.5} and diesel exhaust. Also higher, was the prevalence of asthma and bronchitis among students at the schools most affected by motor vehicle emissions. Another study followed school children in 12 California communities, finding large deficits in lung function among those students living in communities with high pollutant concentrations. Reductions in lung function and other health complications connected to exposure to air pollution were expected to impact those children for the remainder of their lifetimes. Yet another important study found that preliminary data suggested that concentrations of pollutants primarily generated by motor vehicle fuel combustion were higher in areas of close proximity to roadways with higher vehicle density.

The U.S. Environmental Protection Agency ("EPA") recognizes that air pollution levels near major roadways are significantly higher than at locations farther away:

Urban-scale assessments done in Houston, TX and Portland, OR illustrated steep gradients of air toxic concentrations along major roadways, as well as better agreement with monitor data. Results of the Portland study show average concentrations of motor vehicle-related pollutants are ten times higher at 50 meters from a road than they are at greater than 400 meters a road. These findings are consistent with pollutant dispersion theory, which predicts that pollutants emitted along roadways will show highest concentrations nearest a road, and concentrations exponentially decrease with increasing distance downwind. These near-road pollutant gradients have been confirmed by measurements of both criteria pollutants and air toxics, and they are discussed in detail in Chapter 3 of the RIA.

Studies show that these elevated levels of ambient air pollution near major roadways result in a commensurate increase in indoor air pollution near roadways. Citing a leading study that assessed children's exposure to traffic-related air pollution while attending schools near roadways, the EPA notes:

Overall results indicate that indoor pollutant concentrations are significantly correlated with traffic density and composition, percentage of time downwind, and distance from major roadways.

The American Academy of Pediatrics has warned that children and infants are among the most susceptible to the harmful effect of air pollution. The AAP notes:

In addition to associations between air pollution and respiratory symptoms, asthma exacerbations, and asthma hospitalizations, recent studies have found links between air pollution and preterm birth, infant mortality, deficits in lung growth, and possibly, development of asthma.

The AAP reports that these harmful health effects result in large part, from motor vehicle pollution:

Motor vehicles represent the principal source of air pollution in many communities, and concentrations of traffic pollutants are greater near major roads.

Air quality impacts on children's respiratory health are often compounded when these pollutants are present in high concentrations on playgrounds and athletic fields, where children are at even higher risk during physical activity.

The connection between adverse health impacts in children and mobile source air pollution is especially relevant to the Ambassador Bridge Enhancement Project. The Border Transportation Partnership, a group proposing another bridge across the Detroit River, has published a map locating all of the schools in southwest Detroit. This map shows half a dozen schools located at the foot of the existing Ambassador Bridge. These schools range from elementary through high schools, with the presence of children from ages of roughly 5 through 18 who will be exposed to ambient concentrations of these harmful pollutants from increased traffic resulting from the new span of the Ambassador Bridge. This is in addition to the many children who may be living nearby who would be subject to these impacts in their neighborhood.

In addition to the risks to children and developing respiratory function, serious cancer risk is attributed to mobile source air pollution. A 2000 study done in the Los Angeles air basin measured exposures to 30 toxic air pollutants at 22 locations in the basin. This study, known as MATES II, found that 90% of cancer risk attributed to air pollutants came from mobile sources. Logically, this risk was more pronounced near freeways and other locations dominated by mobile sources.

Detroit already has its fair share of air quality problems. The Detroit area is currently a non-attainment area for the National 8-hour ozone standards, as well as for National standards for PM_{2.5}, two criteria pollutants that carry serious human health concerns. In addition to air quality

problems, the city has identified capacity problems associated with the projected increases in vehicle and truck traffic over the next 30 years. Health related air quality impacts must be considered within this context. An additional six lane bridge, coupled with the necessary infrastructure to manage the increased vehicle capacity will lead to increased mobile source air pollution in southwest Detroit.

The Draft EA asserts that an increase in traffic is not anticipated as a result of the construction of additional lanes across the river. However, there is evidence to the contrary, suggesting that increased lane miles actually does result in an overall increase in traffic, and therefore, an increase in mobile source pollution. NEPA analysis is required to ascertain how the proposed project would effect traffic levels. Rather than summarily concluding that a 150% increase in capacity will not result in an increase in traffic, the agency must perform appropriate modeling to quantify anticipated traffic levels. This modeling must account for the phenomenon of induced travel.

The air quality and resulting health impacts of this bridge cannot be ignored. Increased lane miles lead to increased traffic. Increased traffic will lead to increases in mobile source air pollution including PM_{2.5} and other air toxics which have been repeatedly linked to reduced lung function in developing children, heart attacks in susceptible populations, certain cancers as well as lasting health impacts from this exposure. The consensus among the environmental health professionals about the seriousness of this problem suggests that a six lane increase to a Bridge that has several schools positioned near its base is a project that has potentially significant, potentially life threatening impacts on human health and should be analyzed for those impacts.

Response: The Gateway Project, Detroit River International Crossing (DRIC) study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on two different sources including the volumes developed by MDOT and approved by FHWA during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA in 1999, 2004, and a third time in 2007. These volumes were then compared to the volumes available from the DRIC study of which MDOT and FHWA are lead sponsors. Even though actual volumes experienced in 2005 thru 2007 indicate lower traffic volumes than projected in either of those studies, to avoid any dispute regarding mitigation, impacts were analyzed and evaluated using the traffic volumes from the DRIC study.

The proposed project is designed to replace the existing 4-lane Ambassador Bridge with a new 6-lane cable-stay bridge. The existing bridge will be used for purposes as may be allowed by inspection officials in both the U.S. and Canada, for DIBC vehicles, and to serve as a backup for the new structure in the event of an impediment to traffic on the new span and for emergencies.

All alternatives considered for this project included four lanes for general traffic and two lanes for commercial vehicles meeting the requirements of both governments for the FAST

program with booths already present in the plazas. Thus, all alternatives have no more than six lanes between the U.S. Plaza and Fort Street.

Your letter states that the EA should assume 10 lanes of traffic. During the September 20, 2007 meeting at the SEMCOG office between the proponent, Coast Guard, EPA, and SEMCOG, the question of the maximum number of lanes that could be utilized at one time was extensively discussed and it was demonstrated that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6 lanes of traffic using both the old and new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

The Coast Guard has determined that the ABEP, as a project that is privately funded and will not utilize federal funds from Federal Highway Administration or the Federal Transit Administration, is subject to General Conformity Rule requirements, per 40 CFR Part 93, and the analysis performed by the applicant has demonstrated that the project will not exceed de minimus levels for the NAAQS. EPA provided confirmation by email correspondence on March 26, 2008 that the project is subject to General Conformity Rule requirements, that the Coast Guard can conclude the NEPA process, and the analysis provided by the proponent demonstrates that the project will not exceed de minimus levels.

The “regional significance” determination made by EPA under 40 CFR Part 93.101 requires the project to be evaluated under Transportation Conformity Rule requirements and be included in the regional transportation plan implemented through SEMCOG, and therefore requires air dispersion modeling, or hot-spot analysis. The criteria used for entering data into the air quality model was developed in cooperation with Southeast Michigan Council of Governments (SEMCOG) and U.S. Environmental Protection Agency (EPA).

The proponent performed air dispersion analysis based on traffic counts previously discussed in Section XVI of the Final EA Preface. The analysis includes the length of the bridge into Windsor, Ontario, Canada. All criteria pollutants were analyzed in the air quality study, which was conducted using the latest EPA approved Mobile6 model. The Draft EA cited the original release date of September 24, 2003 of the most recent version of the Mobile6 software, as opposed to the Federal Register release date of May 19, 2004. The term “Mobile 6” is a generic reference term that incorporates the most recent software versions. (See EPA User’s Guide to MOBILE6.1 and MOBILE6.2, August 2003.) The analysis in the EA is also based on the March 17, 2006 upgrade in the PM emission factor file. There were numerous comments received in response to the Draft EA that discussed the latest version of the Mobile6 model.

EPA has reviewed the General Conformity and air dispersion modeling performed by DIBC and confirmed the applicability of General Conformity Rule requirements for the project in the Coast Guard’s NEPA review. The air dispersion modeling was also reviewed

and determined to be adequate for submission to SEMCOG for their consideration of the project in the regional transportation plan and Transportation Conformity Rule requirements. The proponent will need to complete SEMCOG processes to include the project in the regional transportation plan as one of their requirements to obtain overall approval for the project.

All of the air quality analysis discussed above is included in the Final EA in Appendix M.

Comment 2: Environmental Justice Issues

In addition to investigating the locally desired social, economic, or other environmental conditions, it is important for the Coast Guard to take into consideration their legal mandate to give consideration to the issues of environmental justice. The Coast Guard, as a federal agency, shall make achieving environmental justice part of its mission by identifying and addressing “disproportionately high and adverse human health or environmental effects” on low-income or minority populations resulting from its programs and activities.

The area of southwest Detroit is already burdened by the adverse environmental impacts of the existing Ambassador Bridge and the infrastructure that surrounds it, and the Draft EA does not provide conclusive evidence that this project will not exacerbate an existing problem. In addition to the air pollution attributable to the traffic corridor, Wayne County is one of the dirtiest counties in the Country. The list of existing sources of pollution is long and includes oil, automobile, steel, wastewater and power industries to name a few. Southwest Detroit is made up of African American, Hispanic and low-income neighborhoods. The Draft EA asserts that the project will have no impact on environmental justice considerations. It fails, however, to include any assessment of the very important health considerations associated with the cumulative effects of a new source of air pollution on surrounding neighborhoods as a result of a significant increase in highway use. This issue is deserving of special attention as the Coast Guard assesses the burdensome environmental impacts a new bridge will produce on top of a long legacy of environmental devastation.

Response: Both Comments 1 and 2 use the basis that the proposed second bridge will be an added capacity to the existing bridge, providing a total of 10-lanes available for traffic. Only six-lanes of traffic can be utilized at any time, no matter how many lanes will cross the river. The factors that are used to evaluate and project vehicle traffic at the crossing are varied, and are considerations in the determinations made by the federal, state, and local agencies that monitor transportation, economic, and social conditions in Southwest Detroit. The factors used in the modeling for the ABEP have been reviewed and accepted by the Coast Guard and these agencies. The assertion that the proposed ABEP would create 150% increase in available roadway capacity, and thus an increase in overall traffic and vehicular pollutants, is unsubstantiated. The ABEP, along with the already approved Gateway Project, have been designed to improve the efficiency of traffic from the bridge, through the plaza, and directly onto the interstate system, thereby containing border traffic and removing traffic from local roads and neighborhoods. The project, including the dedicated FAST lanes for commercial traffic in each direction, is expected to reduce processing and idling times through the system.

The Gateway Project was the culmination of many years of analysis and coordination between federal, state, and local transportation agencies, DIBC, and the Southwest Detroit communities in the vicinity of the Ambassador Bridge Corridor. The Gateway Project required modifications to the nearby interstate system, residential and business relocations, noise abatement, and impacts to historic properties and districts. The Gateway Project also anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, including designing the “hub” where the second bridge would connect. The area covered in the Gateway Project proposal and environmental documentation, including the surrounding neighborhoods of Southwest Detroit, was thoroughly analyzed by Michigan Department of Transportation (MDOT) and Federal Highway Administration (FHWA). The FHWA ultimately approved an Environmental Assessment and Finding of No Significant Impact (FONSI) for the Gateway Project in 1997. The EA/FONSI has since been re-authorized in 1999, 2004, and 2007. The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second span enters directly into the approved Gateway Plaza. The ABEP is not expected to require residential or commercial relocations, alter approved traffic projections, route traffic onto local roadways or neighborhoods, or cause any significant impacts in the ABEP project area or the areas analyzed and approved for the Gateway Project.

Considering the absence of residential or business relocations and minimal disruption to neighborhoods during both construction and operations, along with the accumulation of analysis performed directly for the proposed project and the other projects related to border traffic, the Coast Guard found no significant impact regardless of Environmental Justice populations. The project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Short-term noise impacts have been modeled and are included in the Final EA in Appendix N, along with all the air quality modeling, in Appendix M.

Comment 3: In conclusion, the Sierra Club and its members in the Detroit metropolitan area urge the Coast Guard to revise its environmental analysis based on the above information and to provide the public further opportunity to comment on the revised analysis.

Response: The Final EA includes all the additional environmental analysis performed since issuance of the Draft EA. Also, since issuance of the Draft EA and the date of this letter, the following additional opportunities for public comment were provided:

November 6, 2007 - Coast Guard Press Release to local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.

November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this

project.

December 6, 2007 - Public Workshop held at Earhart Middle School. Meeting was attended by approximately 21 people from the general public, and 16 suggestions for design were collected.

April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, citizens represented by Gateway Communities Development Collaborative, a consulting party in the Section 106 process, were provided approximately 30 days to review and recommend final design features.

Comments by Alycia Meriweather, dated July 15, 2007

Comment 1: As a life long Detroiter and a decade long resident of Hubbard Farms, I feel that it is necessary to express my concerns and am hoping that you will listen to reason, when it comes to burdening Southwest Detroit with another headache. I do not want another bridge in my backyard.

I am concerned about the environmental consequences of building a second span of the Ambassador Bridge. The Southwestern portion of the city of Detroit is an area that has seen considerable residential and commercial revitalization and is the only part of the city experiencing population growth. There has been significant private and public investment in new housing and commercial developments, renovations of vacant buildings, and individuals rehabbing their homes. Much of this investment would be jeopardized by the construction and operation of a 2nd span of the Ambassador Bridge.

I am extremely disturbed that the only environmental concerns identified in regards to the construction of a second span of the Ambassador Bridge would be the aesthetic impact on the current bridge identified by the Michigan State Historic Preservation Office. There would also be serious noise and safety concerns brought about by this proposal. As a runner and frequent user of our local park, I am already disturbed by the noise and pollution in our neighborhood and do not see how doubling the “cause” reduces the “effect”; in other words, by adding another bridge, certainly, the noise and pollution must be increased also. I have invested a great deal of time and money in my property here and plan to live here for a long time. I hope that as decisions are made, the authorities making them would consider people like myself.

Response: As stated in other responses in this Section, only up to 6-lanes of traffic may be used at any time, and the new and the old span will not be used to carry general traffic simultaneously. The ABEP is not expected to create an increase in total vehicular traffic. With the completion of the Gateway Project and the dedicated FAST lanes for commercial traffic proposed in the ABEP, traffic is expected to move more efficiently through the crossing and connect directly to the interstate system, relieving traffic on local roadways and neighborhoods. Significant coordination with federal, state, and local agencies and additional environmental analysis has been performed since issuance of the Draft EA, including air quality studies, archaeological surveys, historic property assessments, and noise impacts. The additional analysis is included in the Final EA.

The Coast Guard believes that the ABEP will not result in significant environmental impacts to the human environment.

Comments by Janice M. Winfrey, Detroit City Clerk, dated July 16, 2007

Comment 1: RE: Detroit International Bridge Company Application for Permit Ambassador Bridge Enhancement Environmental Assessment

The Detroit City Council passed the attached resolution on this date with regard to the above-captioned matter. This resolution strongly urges the Coast Guard to coordinate its process with the corresponding Canadian processes, and urges the Coast Guard to withhold issuance of its final report or recommending issuance of a permit until such time that Canadian processes are complete.

Please include these materials with all other documents submitted for your consideration during the public comment period.

Thank you for your attention.

A Resolution by Council Member KK

Regarding the Detroit International Bridge Company's Permit Application to United States Coast Guard

WHEREAS, In September of 2006 the Detroit City Council approved and forwarded a resolution to the United States Coast Guard (USCG) expressing the Council's desire that the USCG require the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) by the Detroit International Bridge Corporation (DIBC) in response to the permit application filed by the DIBC for the construction of a new bridge immediately west of and generally parallel to the existing span of the Ambassador Bridge (enhancement project); and

WHEREAS, The USCG did, in fact, require the DIBC to prepare an Environmental Assessment for the enhancement project and the DIBC did prepare an EA; and

WHEREAS, Various federal, state, regional, and local agencies have reviewed the EA including the Federal Highway Administration (FHWA), the Southeast Michigan Council of Governments (SEMCOG), the City of the Detroit Department of Environmental Affairs (DEA), the City Planning Commission Planning Commission (CPC); and

WHEREAS, The Federal Highway Administration found the EA to be narrow of scope, inaccurate, inconsistent and deficient in certain areas, and in need of additional or more thorough analysis; and

WHEREAS, The City of Detroit Department of Environmental Affairs also found the document lacking in various areas, that it improperly relied upon the findings of the Ambassador Bridge Gateway Project, that the issue of Cumulative Impact and Effects as defined in the Code of Federal Regulations (40 CFR 1508.7 and 1508.8) was not properly addressed; and the Detroit Department of Environmental Affairs concluded that an EIS should be conducted; and

WHEREAS, This City Council received copies of several documents from various representatives of federal and local Canadian governments indicating the status of and/or need for various for reviews and approvals; and

WHEREAS, The United States President's Council on Environmental Quality (CEQ) issued guidelines in 1997 requiring the analysis and disclosure of transboundary (across borders) impacts; and

WHEREAS, The DIBC as part of its submission to the USCG had requested a Categorical Exclusion, which would not have required the preparation of an Environmental Assessment or an Environmental Impact Statement for the proposed second span; and

WHEREAS, It does not appear that this EA thoroughly addresses the analysis of the impacts to air quality, geology, hydrology, noise levels, and other aspects of the environment and the quality of life as called for in the September 2006 resolution of this Council and does not address the cumulative impact to the environment; and

WHEREAS, The Ambassador Bridge Gateway Project should not be ascribed to the current proposal for a second bridge span since its design and engineering were not known at the time,
NOW, THEREFORE, BE IT

RESOLVED, That the Detroit City Council strongly urges the United States Coast Guard to require the preparation of an Environmental Impact Statement providing the additional and more thorough analysis of the various impacts of this project upon the environment as addressed in the attached reports of the Federal Highway Administration and the City of Detroit Department of Environmental Affairs including but not limited to cumulative and transboundary concerns;
AND BE IT FURTHER

RESOLVED, That this Council urges the US Coast Guard to coordinate its process with the corresponding Canadian processes and to withhold issuance of its final report or recommending issuance of a permit until such time that these and other review and approval processes are complete; **AND BE IT FINALLY**

RESOLVED, That this resolution be forwarded to the US Coast Guard and other governmental units that have made similar requests of the US Coast Guard.

Response: The USCG has thoroughly reviewed all of the comments referred to in the above resolution and has responded to each comment as part of this Final EA. In some cases, further environmental analysis has been undertaken, such as additional air quality and noise impact studies both during and after construction. Transboundary impacts have

also been considered as required by CEQ Guidelines and relevant Executive Orders. The Final Environmental Assessment indicates that impacts to the environment are not significant.

Environmental analysis has been undertaken in Canada in accordance with all pertinent Canadian environmental and bridge permitting laws. The best available data provided to the Coast Guard of the proponents environmental analysis in Canada is included in the Final EA as appropriate.

Comments by Colleen Robar, dated April 16, 2007

Comment 1: I think the new Bridge is great!

Response: Comment noted.

Comments by Curtis M. Truitt, dated May 24, 2007

Comment 1: I am a resident of Hubbard Farms Community in Detroit and strongly oppose the construction of a twin span of the Ambassador Bridge. This neighborhood has to contend with enough noise, congestion, and pollution from the bridge truck traffic the way it is. Also, I see a second span as a security risk.

I am in favor of the alternate, government-planned/studied proposed plan for a new bridge in the Delray area, however. That community wants it there due to the possible spin-off business that could result. This is the plan that the DIBC wishes to kill, and it is widely felt that the sole reasons is that they wish to maintain their monopoly. I can't believe that the US Department of Homeland Security would have a hand in this—and especially with the security concerns of having two bridges side-by-side.

Well, you asked for my input, and now you have it.

Response: The DRIC proposal for another international border crossing is not related to the ABEP. The DRIC would potentially create another bridge, plaza, and connections to the highway system. The ABEP has been proposed to improve the facilities that exist and to improve the efficiency of traffic movements through the corridor. The Coast Guard is neither an advocate nor opponent to either proposal. If both proposals meet the requirements for issuing a federal Bridge Permit, then permits may be issued for both. The Coast Guard does not determine which proposal is the best. The transportation needs in the Detroit area are determined by other entities. The Coast Guard has been presented with a viable proposal by the owner of the Ambassador Bridge and is required to process their application for a Bridge Permit. The project is not expected to cause significant impacts to the human environment.

Regarding Homeland Security issues, the question of redundancy in the event of an attack

on significant infrastructure has been raised. The ABEP has only proposed an additional span within the already approved international corridor to improve the efficiency of the existing crossing. It was never the purpose of the ABEP to explore other crossings of the Detroit River, or to create a redundant structure in case the existing Ambassador Bridge is disabled due to attack. In fact, the Coast Guard recognizes that concerns for the viability of the Ambassador Bridge crossing is based on the acknowledgement of the importance of the crossing on the economic health of Detroit and Windsor and the entire region.

The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

Comments by David Monk, dated May 14, 2007

Comment 1: I'm claustrophobic in tunnels and the new bridge gets my approval, Fast card local driver Dave Monk.

Response: Comment noted.

Comments by Diane Westenberg, dated April 16, 2007

Comment 1: Have you considered what will happen to the increased truck congestion on Huron Line? POOR plan!

Response: The purpose of the ABEP is to upgrade the safety and operation of the facility by replacing the aging lanes of the existing Ambassador Bridge and to provide lanes to service the FAST booths present in the plazas. This project will not significantly increase traffic or change travel patterns; rather it will ensure this important border crossing remains viable.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities. The USCG has consulted and coordinated with Canadian authorities regarding the ABEP in Canada. The proponent must satisfy all laws and statutes in Canada prior to approval for the overall project in Canada.

Comments by Chris Compean, Corporate Officer, Donovan's Pub, dated June 13, 2007

Comment 1: I find a myriad of roadblocks continually put in front of the Ambassador Bridge to be a serious infringement on the rights of residents, private business owners, employees and customers not necessarily represented by "community groups".

We have been in business for approximately twenty years and in all of that time, I have heard nothing but in-fighting and petty jealousies espoused by these community groups. The planned walkway across I-75 for example, has been discussed ad nauseam for twenty plus years that I know of. Please do not make the Ambassador Bridge Enhancement Project another example of Southwest Detroit's lack of cohesiveness.

The "Bridge" has been a fantastic neighbor of ours. I personally am totally in favor of their planned improvements. I am neither jealous nor envious of the accomplishments of "Matty" Moroun. I applaud his determination and steadfastness in the face of opposition from the self-anointed "few".

If only the gloves would come off, then just maybe, the twenty years already consumed by in-fighting could be replaced by advancement beneficial to the citizens of Southwest Detroit.

I truly believe the proponents of this project far outnumber those in opposition.

Talk to the people on the street, in the bars, restaurants, bakeries, and stores. It will be an enlightening experience, I assure you.

Response: Comment noted.

Comments by Doug Bart, dated April 19, 2007

Comment 1: I disagree with this proposal because it does not solve the problem of getting trucks to the bridge.

Response: The purpose of the ABEP is to upgrade the safety and operation of the facility by replacing the aging lanes of the existing Ambassador Bridge, adding safety shoulders and to provide lanes to service the FAST booths present in the plazas.

Comments by Timothy McKay of Greater Corktown Development Corporation, dated July 16, 2007

Comment 1: The Ambassador Bridge has long been an icon for Corktown. "The Bridge" is visible from every part of Corktown. For over seven decades Corktown has lived with the view, the noise, the diesel fumes/pollution and the traffic, day and night, and every day of every year.

The DBIC has not engaged the community in its effort regarding the proposed new twin bridge, certainly not Corktown. The Bridge Co. has not communicated to our community in a meaningful way. Their communication has been outside of the community groups. This process for approval even consideration has been removed from our community. A lack of public meetings and a short comment period has put our community in a disadvantaged position. We have not been allowed to fully comment on the problems that we have about this project.

Response: There have been numerous community outreach efforts by the Coast Guard and proponent for the ABEP. The following public notifications were conducted for the

project:

- a) **July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.**
- b) **November 14, 2006 – Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.**
- c) **March 1, 2007 – Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- d) **April 24, 2007 – Proponent issued Draft Environmental Assessment (Draft EA).**
- e) **May 1, 2007 – Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.**
- f) **May 10, 2007 – Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- g) **May 24, 2007 – Public Workshop held at Earhart Middle School.**
- h) **May 30, 2007 – Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.**
- i) **November 6, 2007 – Coast Guard Press Release to all local media in Detroit area announcing Public Workshop/Design Charette at Earhart Middle School on December 6, 2007.**
- j) **November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop/Design Charette at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- k) **December 6, 2007 - Public Workshop/Design Charette held at Earhart Middle School**
- l) **April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, citizens represented by Gateway Communities Development Collaborative, a consulting party in the Section 106 process, were provided approximately 30 days to review and recommend final design features.**

All Coast Guard Public Notices were mailed to addresses provided by the proponent for businesses and residents in the adjacent area, along with federal, state, and local public agencies. The notices are also mailed to local postmasters in the adjacent area. The proposal and Draft EA has been posted on the Ambassador Bridge Company web-site since May 2007. The proponent has also conducted numerous public outreach in Windsor, Ontario, Canada as part of their environmental analysis and documentation with Canadian authorities.

Comment 2: The DIBC and the Trucking industry located in the area, share the same ownership and some personnel. The tactics and methods used by these companies in conducting business display an alarming lack of concern for the impact of their business on the citizens in this area.

I have serious concern that the lack of real information from the DIBC to the public has not fostered any participation by the very people who will have to live with the affects of the twin expansion. Many residents have said they feel hopeless that the Bridge Co. is somehow allowed to do what they wish! The DIBC is also ignoring the wishes of the City of Windsor and the Government of Ontario, Canada. Windsor and the Government of Ontario have stated that they do not want a new bridge built next to the existing Ambassador Bridge. Canada shares our concerns. This arrogance feeds the fear of our citizens. Yet the DIBC continues to pursue their plans as if nothing else matters. How can a company/business, engaged in international port of entry, expand without due process?

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

The proponent, DIBC, and the ABEP are subject to the provisions of the National Environmental Policy Act since the project will require a federal Bridge Permit. The Environmental Assessment prepared by the proponent and their consultants has been prepared with oversight of the Coast Guard and is in accordance with NEPA and Coast Guard regulatory requirements. An environmental review and permitting process is also underway in Canada between the DIBC and Transport Canada and the Canadian Environmental Assessment Agency.

Comment 3: We agree that the Coast Guard should have more information in order to make a decision. Studies and reviews for this project have been minimal at best. The DIBC has not been up front with how this project will be funded and the DIBC recently failed at an attempt to access funds from the Michigan Strategic Fund. The Bridge is not a new business and it certainly is not going to move away.

Response: With regard to the comment regarding evaluation and studies of the project by the Coast Guard, CEQ regulations allow an applicant to prepare an environmental assessment, as long as the agency makes "its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment." [40 CFR §1506.5(b)]. In this case, the environmental assessment was prepared by a consultant paid for by the applicant, but the USCG has overseen the scope, development, and content of the EA, and independently evaluated the environmental issues involved with the project. The Coast Guard believes the Draft EA, as a scoping document, succeeded in its purpose of describing the project, as proposed, and for soliciting comments from the public and from agencies with NEPA considerations. The Draft EA was the second scoping document released by the applicant and their consultants for the public to evaluate and provide comments. All comments received to both documents have been reviewed and are included in this Section of the Final EA. The Coast Guard also commissioned an independent review of the noise analysis provided by the proponent. The Coast Guard realizes its

responsibilities under NEPA, and has, and will continue to assume responsibility for the processes and documentation for this project.

Studies were completed in the Draft EA for all aspects of socio-economics, land use, parklands, water use, visual quality and aesthetics, cultural and archaeological resources, Indian affairs, geology and soils, natural landmarks, hydrology, floodplains, water quality, stormwater, wetlands, aquatic ecology, vegetation, wildlife including avian species and threatened and endangered species, air quality, traffic noise, and hazardous waste. These studies were then expanded where appropriate and included in the Final EA.

Regarding funding, the proponent has outlined their finance plan in Section 1.8 of the Final EA. The proponent is seeking the issuance of tax-exempt Private Activity Bonds to finance the construction of the proposed second span. The use of Private Activity Bonds is not a consideration for the Coast Guard, and does not affect the Coast Guard's position as lead federal agency for NEPA in this proposal. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. It is important to note that it is not the Coast Guard's role to make business decisions for private entities. The applicant is responsible for funding the entire construction of the project and meeting the costs associated with the project. The proposal will not utilize congressionally authorized funding that is disbursed through any federal agency. There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing.

Comment 4: The twin bridge will definitely impact Corktown in a negative way. Corktown has been struggling with the expansion of the truck traffic on the existing bridge. The trucking industry that is located around our area has expanded due to recent trade agreements. Also, a truck driving school has been located in our area, adding even more trucks onto our streets. The increase truck traffic on our streets is a very real threat to our quality of life.

Response: The proponent does not control local land use decisions that allow commercial truck uses in residential areas. The on-going Gateway Project will remove trucks from local roads by creating a direct connection from the local highway system to the Ambassador Bridge Plaza. Other issues raised by this comment are outside of the scope of the ABEP and its EA. The ABEP is not expected to directly impact the Corktown neighborhood as the project consists only of the bridge that will connect into the plazas in both countries. No local roadways or the plazas will require modification.

Comment 5: The vacant Michigan Central Railroad Station, located in the Corktown and Mexicantown communities is also owned by the DIBC. The crumbling ruin of the Michigan Central can be seen from the Ambassador Bridge and for many miles around the City of Detroit. The DIBC has not made any attempt to clean up the area around the Station. Yet our communities are building new houses and cleaning up our streets all around the station. Some of our Residents received fines for weeds in the alleys behind their houses, yet the mess at the Michigan Central continues to be an eyesore. The DIBC seems to be above the law. How?

Why? The Michigan Central Station has become a symbol of destruction of our City. Yet our communities surrounding the Station are rebuilding.

Response: The status and condition of the Michigan Central Railroad Station, or any properties held by the DIBC that are not part of this proposal, are not part of this ABEP review and therefore are outside the purview of the USCG permit and required environmental studies. The ABEP will have no impact on the Station building, which is not in the project area or located in the immediate vicinity of the bridge.

Comment 6: The DIBC has consistently displayed a high disregard for the citizens in Corktown, Mexicantown, the City of Detroit and Michigan. I realize the DIBC and related trucking industry creates jobs and taxes, but at what expense? There is a real lack of trust operating here. I fear that there may be national security issues with an international port of entry in the hands of a company such as the DIBC. What kind of business decisions are being made that could affect our national security? We will never know because it is a private company.

It is very difficult for me to support anything that the DIBC proposes. The residents of Corktown live in a delicate balance; between quality of life issues for thousands of residents and a major trucking/bridge industry owned by one man; a man who has shown only contempt for our community.

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, is not a part of the Coast Guard's duties in this undertaking.

As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor and are included in proposals for expansion and modification to the existing facilities. The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

Comments by Greg Lumley, dated April 18, 2007

Comment 1: I asked the question regarding the over and under – eliminating the trucks from auto lanes, etc.

Response: Trucks will not be eliminated from the auto lanes. However, the addition of FAST lanes and booths will move a portion of the truck traffic to these dedicated lanes, with the expectation that all vehicular traffic will move through the system more efficiently.

Comments by Ken Higgins, dated May 7, 2007

Comment 1: I think this new bridge over the Detroit River is a very important project that should go ahead asap.

Response: Comment noted.

Comments by Lorraine Perlman, dated June 7, 2007

Comment 1: The crush of traffic caused by the location of the Ambassador Bridge is unhealthy for truck drivers, residents of Windsor and residents of this part of Detroit. Shipping the enormous tonnage of freight through urban areas -- where none of it remains -- is outrageous and irrational. I recognize that a sensible solution is not obvious, but a second span next to the existing bridge is the worst alternative I can imagine.

I attended the Public Workshop on May 24, 2007 where cheerleaders for the additional bridge, asked for our opinions about esthetic matters. Substantive issues were never addressed.

For 33 years I have lived in homes on tree-lined streets two or three blocks from the bridge. The environmental impact of the bridge has caused some deterioration of the neighborhood; another span of bridge would sound the death knell for our pleasant part of the city. I urge that the proposal for a second span be denied.

Your decision on this issue will affect our lives crucially.

Response: The on-going Gateway Project will remove trucks from local roads by creating a direct connection from the local highway system to the Ambassador Bridge Plaza. The ABEP is not expected to directly impact any neighborhoods as the project consists only of the bridge that will connect into the plazas in both countries. No local roadways or the plazas will require modification.

The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The Gateway Project EA/FONSI included extensive documentation of the potential cultural, historic, and other environmental impacts in the area around the Ambassador Bridge and Gateway. In addition to the studies already performed for the Gateway Project, the proponent for the ABEP has conducted additional analysis to examine the specific effects of the second bridge that has been proposed.

Comments by Mark Dancey, dated July 27, 2007

Comment 1: I am writing to register my opposition to the proposed new bridge over the Detroit River. I am a home owner in Hubbard Farms and have invested a lot in the revitalization of the neighborhood. I am dismayed to see that Detroit International Bridge Company has been less

that forthright with public about the real impact of this proposed project on the area. It appears that those of us who would be most affected by this project have been given short shrift by those who are planning it. We have been given no reason to think that this project would be good for our community.

Therefore, I have come to the conclusion that I must oppose it.

Response: The Coast Guard believes that the ABEP, as proposed, will not impose any significant impacts to the human environment in the project area, and that the documentation submitted by the proponent and their consultants adequately addresses potential environmental impacts. The only portion of the ABEP that is outside of the approved Gateway extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The second bridge will not cross any neighborhoods and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways.

Comments by Matthew Blake, dated July 13, 2007

Comment 1: I am a resident of Hubbard Farms community, a designated historic district within the borders of West Grand Boulevard, West Lafayette, Clark St and West Vernor. I have made great investments in the community by renovating two homes of unique architectural style. We were drawn to this area because of the stable and growing urban community and the proximity to the Detroit River and the Ambassador Bridge. I am opposed to the construction of a twin span for the following reasons.

First, I agree with the State Office of Historic Preservation that a modern, larger twin span will have adverse visual impact to the Ambassador Bridge. I am also concerned with The Detroit International Bridge Company's future plans for the Ambassador Bridge based on current conditions of other property owned by Mr. Maroun of DIBC (i.e. the neglect of The Michigan Central Rail Station).

Response: The USCG, SHPO, Advisory Council on Historic Preservation (ACHP), and representative from Gateway Community Development Collaborative have consulted on the visual impact of the proposed bridge. A Memorandum of Agreement has been developed and is incorporated in the Final EA in Appendix J.

The status and condition of the Michigan Central Railroad Station, or any properties held by the DIBC that are not part of this proposal, are not part of this ABEP review and therefore are outside the purview of the USCG permit and required environmental studies. The ABEP will have no impact on the Station building, which is not located in the immediate vicinity of the Bridge.

Comment 2: The neighborhood currently struggles with truck traffic, pollution and noise. Increasing the trucking capacity with a new large span will only add to this existing problem. I have great concerns regarding the feasibility of the new bridge using the existing custom plazas

efficiently and am worried about the DIBC's future plans for the area and the possibility of increasing the footprint of the trucking plazas. This will only have great negative impact on the community. The lack of transparency in DIBC's plans is worrisome.

This community is a shining example of both rehabilitation and growth with a dense and diverse population, many active non-profit and development associations, and strong commercial districts—all of which will be adversely affected by increases in trucking.

Response: The Coast Guard accepts the traffic analysis provided by the proponent, including projected traffic to 2030, as derived from the traffic data used in the most recent border traffic studies conducted by MDOT and approved by FHWA, MDOT, and SEMCOG. The ABEP is not expected, as an independent project, to cause an increase in overall traffic volumes, including commercial traffic volumes, at the Ambassador Bridge crossing, and thereby will not create a significant impact on air quality, noise, or surrounding neighborhoods.

All traffic volume reports, and additional discussion and clarification of the maximum operating scenario of the bridge(s), are contained in Sections 1.6 and Appendix M, respectively, in the Final EA.

The on-going Gateway Project will remove trucks from local roads by creating a direct connection from local freeways to the Ambassador Bridge Plaza, which should relieve congestion on local streets and improve efficiency within the plaza. As part of that project, the plaza and interchange was designed to accept the new bridge. The proposed project will not result in a significant increase in truck volumes. Impacts were assessed based on approved traffic forecasts and were found to meet all applicable standards.

Comments by Mitchel Alexander, dated July 17, 2007

Comment 1: I am writing to strongly oppose the application of the Detroit International Bridge Company ("DIBC") to the Coast Guard for the construction of a second span of the Ambassador Bridge. I write this letter as a resident of Hubbard Farms in Southwest Detroit. Our neighborhood is located in the shadow of the existing Ambassador Bridge.

The construction of a second Ambassador Bridge would have adverse effects on a part of Detroit that is recognized as a neighborhood undergoing revitalization. Southwest Detroit is one of the few areas of the city that is experiencing a rise in population. Nonprofit organizations and private entrepreneurs have invested hundreds of millions of dollars to build or substantially renovate hundreds of homes and apartments, create and expand businesses. There are many examples but one of the strongest is to walk in the Hubbard Richard neighborhood new St. Ann's Church. There Bagley Housing Association, a nonprofit organization, has been working over the last ten years to rebuild the neighborhood. Over 140 new single-family homes and townhomes have been built because of their efforts. Bagley Housing has also contributed to the development of a new senior housing complex, the renovation of a historic church building into a charter school, and the opening of an art gallery.

Commercial development has followed the boom in housing. Mexicantown and its restaurants have expanded, with the business owners citing the housing construction as an impetus for their new businesses or expansions. Two new commercial buildings with a total of 45,000 square feet were just completed by the Mexicantown Community Development Corporation. One building will house a State of Michigan Welcome Center and the other will lease space to a mix of local retail businesses. Other gems in Hubbard Richard include the Matrix Theater and Honeybee Market, a long-standing family owned business that expanded its small grocery store into an important 15,000 square foot supermarket. A new tortilla factory was recently built and several banks have opened branches nearby. Clearly Southwest Detroit is a thriving community for its residents to live, work and play, and a community that has wonderful resources for the city and Metro Detroit region.

It should be noted that the revitalization of Southwest Detroit has been recognized by the City, County, State, foundations and Federal Government in a number of important efforts. The City of Detroit has consistently awarded grants through federal programs to support the development activity. The Mayor's Office and Commercial Revitalization has approved two commercial areas for inclusion in its RESTORE Detroit initiative. The State of Michigan has approved two Cool Cities sites in the Southwest Detroit area. The State has also designated a considerable amount of resources through the Michigan State Housing Development Authority (MSHDA) to support neighborhood improvement strategies. For example, MSHDS's program to administer federal low income housing tax credits have provided funding for the substantial renovation of over ten buildings into more than 200 apartments and 17,500 square feet of commercial space through the work of Southwest Solutions Nonprofit Housing Corporation. Two foundations (Skillman and the Local Initiatives Support Corporation) have designated Southwest Detroit as one of the small number of communities in Detroit through which they will target their efforts at supporting neighborhood revitalization.

The federal Government should be a partner that supports the economic revitalization of the City of Detroit with strong support for the redevelopment of the city's neighborhoods. A second Ambassador Bridge would be the antithesis of neighborhood development and would be the wrong choice to solve what are clearly important issues affecting trade at the border.

Response: The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an Environmental Assessment and Finding of No Significant Impact (FONSI) for NEPA. The Gateway Project was the culmination of many years of analysis and coordination between federal, state, and local transportation agencies, DIBC, and the Southwest Detroit communities in the vicinity of the Ambassador Bridge Corridor. The Gateway Project required modifications to the nearby interstate system, residential and business relocations, noise abatement, and impacts to historic properties and districts. The Gateway Project also anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, including designing the "hub" where the second bridge would connect. The area covered in the Gateway Project proposal and environmental documentation, including the surrounding neighborhoods of Southwest Detroit, was thoroughly analyzed by Michigan Department of Transportation (MDOT) and Federal Highway Administration (FHWA). The FHWA ultimately approved an

Environmental Assessment and Finding of No Significant Impact (FONSI) for the Gateway Project in 1997. The EA/FONSI has since been re-authorized in 1999, 2004, and 2007. The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second span enters directly into the approved Gateway Plaza. The ABEP is not expected to require residential or commercial relocations, alter approved traffic projections, route traffic onto local roadways or neighborhoods, or cause any significant impacts in the ABEP project area or the areas analyzed and approved for the Gateway Project.

The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Comment 2: Unfortunately, the Ambassador Bridge is privately owned and as a result the DIBC has not had a level of accountability that almost all other international border crossings have in the U.S. (I say almost because I believe there is only one other international crossing that is not publicly controlled). The DIBC has many times not supported the revitalization of the community as I described earlier; in fact their actions ran contrary to these efforts. They have purchased property and razed homes and businesses, leaving vacant land sitting for many years. They have proposed constructing large trucking facilities right in the middle of residential neighborhoods.

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC or whether the bridge is privately or publicly owned is not a part of the Coast Guard's duties in this undertaking. There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing.

The status and condition of any properties held by the DIBC that are not part of this proposal are not part of this ABEP review and therefore are outside the purview of the USCG permit and required environmental studies. The ABEP is not expected to impose any significant impacts to the human environment in the project area. The only portion of the ABEP that is outside of the approved Gateway Plaza extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The second bridge will not cross any neighborhoods and will then enter directly into the Gateway Plaza. Traffic is expected to

move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways.

Comment 3: In addition to those concerns, the DIBC has often supplied misinformation to the media and the public. It has simultaneously argued for the need of a 2nd span while presenting the opposite argument to other audiences. It has presented grandiose plans for redevelopment of properties it owns in order to gain trust and public support, and not completed much if any of the proposals. Another example is the DIBC claiming that the state will save money in its tight budget because no public funding would go towards the construction of a 2nd span, and then the DIBC submitting an application to the Michigan Strategic Fund for \$1 billion of Private Activity Bonds. In addition, DIBC's owner, Matthew Maroun, has continued to own the Michigan Central Depot while willfully allowing it to become derelict and possibly beyond repair. In short, the DIBC has shown absolutely no concern for the surrounding community and has been a terrible corporate citizen.

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, is not a part of the Coast Guard's duties in this undertaking. The status and condition of the Michigan Central Railroad Station, or any properties held by the DIBC that are not part of this proposal, are not part of this ABEP review and therefore are outside the purview of the USCG permit and required environmental studies.

Comment 4: Support for a second Ambassador Bridge is logically inconsistent with the work of the bi-national Detroit River International Crossing ("DRIC") Study which has invested significant public dollars and resources in determining, through an open and transparent process, the optimal location for increased international crossing capacity. Increasing capacity at the Ambassador Bridge was analyzed by the DRIC Study and determined not optimal based upon several variables including community impact and inability to meet redundancy objectives. An affirmative action by the MSF Board on the PAB application will harm Michigan's credibility in the DRIC process and relations with Canada.

Response: The ABEP proposal has a different purpose than the DRIC study and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor, while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC.

Comment 5: I am extremely disturbed that the only environmental concerns identified in regards to the construction of a second span of the Ambassador Bridge would be the aesthetic impact on the current bridge identified by the Michigan State Historic Preservation Office. The operations of the DIBC have resulted in an inordinate amount of truck traffic along the local streets of

Southwest Detroit. How can an increase in the number of trucks in this neighborhood not negatively contribute to the already poor air quality in the area? Was the impact considered in light of the myriad other current and proposed other industrial and transportation-related uses in Southwest Detroit, such as the many freeways, steel plants, cement silos, the Detroit Intermodal Freight Terminal, and others? The level of air quality is one of the worst in the State and the location of the Ambassador Bridge plays a role in that. There would also be serious noise and safety concerns brought about by this proposal. The results of the Environmental Assessment are dubious at best.

Response: The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the same projections used in the Gateway Project and DRIC studies. The project was determined to be in compliance with the Clean Air Act. The studies are included in the Final EA in Appendix M. Short-term air quality impacts will occur during construction, but these are not expected to be significant and will be mitigated through dust suppression and other standard and approved measures. The short-term impacts are also included in Appendix M.

The ABEP, along with the on-going Gateway Project, were designed to improve efficiency of traffic through the Ambassador Bridge Corridor and relieve traffic from local roadways.

The Gateway Project was the culmination of many years of analysis and coordination between federal, state, and local transportation agencies, DIBC, and the Southwest Detroit communities in the vicinity of the Ambassador Bridge Corridor. The Gateway Project required modifications to the nearby interstate system, residential and business relocations, noise abatement, and impacts to historic properties and districts. The Gateway Project also anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, including designing the “hub” where the second bridge would connect. The area covered in the Gateway Project proposal and environmental documentation, including the surrounding neighborhoods of Southwest Detroit, was thoroughly analyzed by Michigan Department of Transportation (MDOT) and Federal Highway Administration (FHWA). The FHWA ultimately approved an Environmental Assessment and Finding of No Significant Impact (FONSI) for the Gateway Project in 1997. The EA/FONSI has since been re-authorized in 1999, 2004, and 2007. The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second span enters directly into the approved Gateway Plaza. The ABEP is not expected to require residential or commercial relocations, alter approved traffic projections, route traffic onto local roadways or neighborhoods, or cause any significant impacts in the ABEP project area or the areas analyzed and approved for the Gateway Project.

Noise impacts have also been analyzed. The noise study found no substantial increase in traffic noise over the no-build scenario. The noise analysis is included in the Final EA in Appendix N.

Comment 6: Additionally, the Coast Guard's handling of public meetings to solicit input on the project has been abysmal. The "Public Workshop" on March 1, 2007 was not advertised to the community. I live within half a mile of the Bridge and had no knowledge of the meeting until a neighborhood resident noticed the posting on the DIBC's website a few days before the meeting. This meeting should not count as part of the public input process since the public wasn't even aware of it until the last minute. The Coast Guard's lack of outreach should be an embarrassment to the organization. A "Public Workshop" held in April was slightly better advertised, and I attended a portion of the meeting. However, at the very beginning of the meeting, a representative of the Coast Guard spoke and completely stifled public comment on the project except for design-related issues of a new bridge. Therefore, the community has had absolutely no opportunity to comment on other issues and, therefore, this process has essentially been a charade leading to approval for the DIBC to build 2nd span of the Ambassador Bridge. Until a true community meeting is held, the seriousness of the impacts of this process dictate that the process to-date should not even be considered valid.

Response: There have been numerous community outreach efforts by the Coast Guard and proponent for the ABEP. The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.**
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.**
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- d) April 24, 2007 - Proponent issued Draft Environmental Assessment (Draft EA).**
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.**
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- g) May 24, 2007 - Public Workshop held at Earhart Middle School.**
- h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.**
- i) November 6, 2007 - Coast Guard Press Release to all local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.**
- j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The**

Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.

k) December 6, 2007 - Public Workshop held at Earhart Middle School.

l) April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, Gateway Communities Development Collaborative, a consulting party in the Section 106 process, was provided approximately 30 days to review and recommend mitigation measures to be incorporated into the final MOA.

All Coast Guard Public Notices were mailed to addresses provided by the proponent for businesses and residents in the adjacent area, along with federal, state, and local public agencies. The notices are also mailed to local postmasters in the adjacent area. The proposal and Draft EA has been posted on the Ambassador Bridge Company web-site since May 2007. The proponent has also conducted numerous public outreach in Windsor, Ontario, Canada as part of their environmental analysis and documentation with Canadian authorities.

The neighboring communities have been represented by an organization called Gateway Communities Development Collaborative (GCDC), comprised of nine local community groups located near the Ambassador Bridge corridor. GCDC has submitted comments in response to the Coast Guard Public Notices concerning the environmental documents provided by the proponent through their legal representative. GCDC also requested to be included in the Section 106 process as a consulting party. The Coast Guard subsequently invited a GCDC representative to be a consulting party in that process.

Despite the ample opportunities provided to comment on this proposed project, the Coast Guard did not receive an overwhelming response from the general public on this proposal. The comments received from GCDC are included in the Final EA in Appendix A, but many comments and claims of significant environmental impacts were based on incorrect assumptions regarding the volume of traffic moving through the corridor, the number of lanes of traffic to be utilized for traffic, local negative feelings towards DIBC, its owner, or unrelated projects and properties connected to DIBC.

Comment 7: Lastly, there are a number of other outstanding concerns related to the overall project. The DIBC has made no mention of the current bridge being in need for repairs before this application. How is it that suddenly it needs to build a second span in order to shut down the Ambassador Bridge for these studies? Even if true, the Gateway Project, while allegedly designed to accommodate a second span, did not analyze the environmental consequences of a second span, simply the connections between the Ambassador Bridge and the interstate freeway system. In addition, the DIBC has well-documented plans to significantly expand its plaza far beyond what was anticipated in the Gateway study and even beyond what has been revealed in its Coast Guard or Michigan Department of Environmental Quality permit applications, including adding primary inspection booths and the reconfiguration of Fort Street. And is there really a need for a new span at all? The July 14, 2007 edition of The Detroit News discussed the drop in passenger trips to Canada due to a number of factors and the decline in truck traffic is well-documented, even by the DIBC itself.

Response: The proponent has expressed several reasons for constructing the second span and moving traffic from the existing bridge to the new span in Section 1.0 of the Final EA. The existing bridge is 80 years old, and cannot indefinitely continue to carry heavy commercial traffic without significant and costly upgrades; it would be imprudent not to plan for a new span given the level of use and its age. The existing bridge lacks dedicated FAST lanes, an addition which DIBC has been requested to add to its crossing by the governments of the U.S and Canada. The current travel lanes do not meet modern standards for highway and shoulders. The existing bridge cannot feasibly be widened due to engineering restrictions since it is constrained by the existing towers and catenary cables. For these reasons, DIBC has proposed replacing the existing bridge with a new structure that has standard 12' lanes, standard safety shoulders, and provides for the operation of the FAST booths already in place in the existing plazas.

DIBC has proposed the ABEP to replace an obsolete, aging bridge with a new bridge that meets modern standards and provide a long-term plan to maintain traffic through the corridor with minimal interruption. The existing bridge carries heavy commercial traffic. As a private owner, DIBC has made a decision to invest private money to improve their property. The maintenance costs under the current and projected usage on the existing Ambassador Bridge will continue to be significant. DIBC has stated that it is becoming increasingly expensive to maintain the existing bridge as it nears the end of its life span. Regular traffic will be removed from the existing bridge and carried on the new six-lane span. Further, the existing bridge has substandard 11' wide travel lanes rather than current standard 12' lanes. The existing bridge has minimal safety shoulders, resulting in backups and congestion whenever work is required on the bridge or a vehicle breaks down. The existing bridge does not provide for effective operation of the FAST booths present in the existing plazas since low risk trucks must wait in the queue with other trucks to reach these booths. The ABEP has been proposed to help resolve this problem by providing for a third lane in each direction that will be dedicated to the low-risk FAST traffic, allowing for faster clearance of that traffic and leaving two lanes for general and non-FAST commercial traffic. The existing bridge will be maintained and rehabilitated, and will provide a redundant structure for traffic. The existing bridge could also be used for DIBC and government vehicles, special events, and other recreational uses, subject to the approval of respective government agencies at the border crossing.

The Gateway Project environmental documents acknowledged the future construction of a second span and recognized the need for improving connections from the bridge to the plaza and onto the interstate highway system. A primary purpose of the Gateway Project was to relieve bridge traffic from local roadways and connect directly into the interstate system. The second bridge was not specifically evaluated in the Gateway environmental documents because a specific design for the second bridge had not been completed and included in the Gateway proposal. The ABEP environmental document specifically covers the proposed span.

In the U.S., the Ambassador Bridge Gateway Project, sponsored by the Federal Highway Administration and Michigan Department of Transportation, was expressly designed to accommodate a second bridge. The Gateway Project environmental documents included a

connection to a future second bridge and is discussed in the ABEP Draft EA. Any other work at the plazas is not dependent upon or triggered by the new bridge. There has been no request to change the U.S. plaza as part of this project. This would require that DIBC submit a proposal to the General Services Administration and Customs and Border Protection for approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT are proposed for the ABEP. Likewise, any Fort Street Relocation is unrelated to the ABEP and neither is dependent on the other.

The purpose of the ABEP is to ensure that current operation of the facility can continue to operate. The benefits of building a modern updated structure across the river to ensure the steady flow of commerce and transportation, as detailed in the proposal, is the purpose of the project, not any modification to the existing plaza. The potential expansion of the inspection facility is still in the investigative stage and it is unclear whether the project will go forward. Thus, the inspection facility expansion is not a reasonably foreseeable future action that must be considered in this NEPA process. Moreover, if the inspection facility is expanded, this could reasonably be expected to further reduce traffic congestion and engine idling, and therefore would be expected to have positive environmental impacts.

The studies conducted for the Gateway and the ABEP are related to the international traffic that is contained to the bridge, Gateway, and the connecting highway system. Vehicle traffic will remain within the Gateway and will connect directly with the interstate system, relieving traffic from local roadways. The ABEP will require use of property only where bridge piers are expected to be placed. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require study and approval from GSA and other transportation agencies. We are aware that there have been discussions regarding the possible relocation of Fort Street, however we are not aware of any pending formal proposal. The ABEP, as proposed, does not have any direct permanent impacts to Fort Street. The ABEP connects directly into the approved Gateway plaza and will not require modifications to any publicly-owned roadways.

Comment 8: It is not just our neighborhood that opposes a second Ambassador Bridge. Government at all levels in Canada is opposed to a second span. The opposition of Canada, the undoing of strong neighborhood redevelopment progress, respecting the DRIC process, the lack of a comprehensive review of environmental impacts, weak community notification by the Coast Guard and poorly operated community meetings are all solid reasons that justify a rejection of any approvals required by the Coast Guard for the construction of a second Ambassador Bridge by the Detroit International Bridge Company.

Response: Environmental analysis is being undertaken in Canada in accordance with the Canadian Environmental Assessment Act and applicable Canadian bridge permitting laws. The results of the studies being undertaken in Canada will be submitted by the proponent to Transport Canada and other Canadian officials as required by Canadian law. Results of the analyses of the assessments in Canada will be considered as appropriate by USCG. The Coast Guard can not comment on the determinations Canadian authorities might make to

meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project.

The USCG believes that the comment regarding notification to the public and the opportunities for public input is invalid. As stated in the response to Comment 6, there has been extensive community outreach and opportunity to provide comments on the ABEP.

Comments by Ralph Jones, April 30, 2007

Comment 1: Need limited access road from Huron Church to EC row & 401 to fix truck traffic issue.

Response: This comment is outside of the scope of this project, but the comment will be forwarded to Canadian authorities for their consideration in the Canadian environmental process.

Comments by Simone Hobson, May 20, 2007

Comment 1: As a west Windsor resident, I would like to voice my concern for construction of a second bridge.

Response: Comment noted.

Comments by Slingsby, April 16, 2007

Comment 1: For highway dwellers on route to the new or old bridge, how are we to deal with more traffic?

Response: The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the same projections used in the Gateway Project and DRIC studies. The proposal, on its own, is not expected to significantly increase vehicular traffic.

Comments from Kathleen H. Wendler, President, Southwest Detroit Business Association, Inc., July 16, 2007

Comment 1: We are writing to comment on the Detroit International Bridge Company's proposal to build a bridge across the Detroit River. The Southwest Detroit Business Association is a nonprofit community development corporation, 50 years old in 2007, in the business of building community – combating community deterioration and removing blight with a comprehensive approach to community based economic development.

First and foremost, we believe that any international border crossing impacts vehicular traffic and truck traffic, and the safety and well being of communities on both sides of the border. Because of the public purposes involved in the ownership and operation of an international border crossing, we believe that any new crossing must be publicly controlled.

Response: Environmental analysis is being undertaken in Canada in accordance with the Canadian Environmental Assessment Act and applicable Canadian bridge permitting laws. The results of the studies being undertaken in Canada will be submitted by the proponent to Transport Canada and other Canadian officials as required by Canadian law. Results of the analyses of the assessments in Canada will be considered as appropriate by USCG. The Coast Guard can not comment on the determinations Canadian authorities might make to meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project.

The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of whether the bridge is privately or publicly owned is not a part of the Coast Guard's duties in this undertaking. There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing.

Comment 2: Secondly, the span as proposed by the DIBC is immediately west of the current Ambassador Bridge. Our understanding from our counterparts in Windsor, Ontario, Canada, is that there is no place for the proposed bridge to land on the Canadian side of the border. They have examined other possible alternatives, and what is acceptable is 2-3 miles west of the proposed DIBC site. Half a bridge is no solution.

Response: The ABEP will connect directly into the existing Canadian Plaza as shown in the conceptual plans in the EA. The determination whether to approve the project on the Canadian side rests with the Canadian authorities. The Coast Guard will determine whether the ABEP meets U.S. requirements on the U.S. side of the crossing.

Comment 3: The Mexicantown Mercado and state of Michigan Welcome Center are designed and intended to welcome visitors and travelers to the U.S., the state of Michigan, the metro Detroit area, and the Hubbard Richard neighborhood. Expanded truck queuing, customs inspection, and 24/7 operations cause increased noise, traffic congestion, diminished air quality, and odors, and do not enhance the new and renovated housing, the new and renovated retail and the Mexicantown restaurant district's plans for the future. Transportation development must be balanced with residential and commercial development. No study has been done to measure the impact of increased use of the customs plaza.

Response: The ABEP project involves the construction of the new bridge only and does not involve the already underway plaza expansion or modification to customs and toll facilities. Air and noise studies were completed during the EA process for the expansion of

the U.S. plaza called the Gateway project. Noise walls were warranted as a result of these studies and have subsequently been constructed on the north side of the plaza.

Noise impacts have also been analyzed for the ABEP. The noise study found no substantial increase in traffic noise over the no-build scenario. The noise analysis is included in the Final EA in Appendix N.

The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the same projections used in the Gateway Project and DRIC studies. The project was determined to be in compliance with the Clean Air Act. The studies are included in the Final EA in Appendix M. Short-term air quality impacts will occur during construction, but these are not expected to be significant and will be mitigated through dust suppression and other standard and approved measures. The short-term impacts are also included in the Final EA in Appendix M.

Comment 4: Government is accountable to the public. The private sector is not. The private sector is obligated to maximize profit for its investors. Minimal review has been done (there is an appalling lack of information to date, and the information that is available now is not the same as the information available initially, i.e., a twinned span vs. a replacement span; how will the new span be financed) and minimal review will be the rule because there is simply not the same obligation to the public in the private sector.

Response: The comment that the EA is lacking information and is undergoing minimal review is not correct. The review and approval of the project in the U.S. is being led by the Coast Guard under federal NEPA regulations. The Draft EA was distributed to the U.S. Coast Guard, City of Detroit, Federal Highway Administration, International Joint Commission, Michigan Department of Environmental Quality, Michigan Department of Natural Resources (MDNR), Michigan Department of Transportation (MDOT), Michigan State Historical Preservation Office (SHPO), National Park Service (NPS), Southeast Michigan Council of Governments (SEMCOG), United States Army Corps of Engineers (USACE), United States Customs and Border Protection (CBP), United States Environmental Protection Agency (USEPA), United States Fish and Wildlife Services (FWS), United States National Marine Fisheries Service, General Services Administration, U.S. Department of Homeland Security, City of Windsor, Canadian Environmental Assessment Agency, and Transport Canada for review and comment. Furthermore, the Coast Guard extended the comment period for the Draft EA by 45 days to allow more time for comments. Canadian Environmental review is also underway in Canada under the leadership of Transport Canada and the Canadian Environmental Assessment Agency.

The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on the Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

Comment 5: We are curious as to the fate of the existing bridge. No concrete information is available. It is a national historic landmark, and little has been said regarding its future.

Response: The existing bridge is not a registered national historical landmark. However, it is eligible for listing in the National Register of Historic Places.

The existing bridge will be maintained and used for special purposes such as for maintenance and operational personnel, customs and immigration needs, and as a backup redundant resource if traffic is impeded for any reason on the new bridge. Current maintenance costs of the existing bridge will be reduced since the existing bridge will not carry significant numbers of cars, and no truck traffic other than when the new span is unavailable. The existing bridge is nearly 80 years old, with maintenance costs only expected to increase as the structure ages further. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. DIBC has assured the USCG that it intends to bear all maintenance costs necessary to ensure that the bridge does not become a hazard. The Coast Guard will enforce the applicable federal statutes pertaining to the preservation of marine navigation, and will expect the bridge owners to prevent possible hazards to navigation associated with the existing bridge. The Coast Guard is prepared to levy civil penalties if the existing bridge is ever determined to be a hazard to marine navigation.

Comment 6: We would suggest that the Detroit River International Crossing, engaging governments on both sides of the border, engaging the Department of Homeland Security, engaging the communities that are most impacted by a bridge development, is a far better process to determine how and where a new border crossing should be built. It is by far a better alternative to a private business initiative, given the impact to the people who live, work, play, shop and invest in southwest Detroit.

Response: This is not a new border crossing, rather it will ensure that the existing border crossing can maintain the current level of operation with minimal interruption. As noted in the response to Comment 4, numerous federal, state, and local agencies were provided opportunity to comment on the Draft EA, as well as the general public through public meetings conducted and through the Ambassador Bridge web-site.

The DRIC study is focused on addressing region-wide transportation needs with an entirely new crossing that could potentially include a new plaza and connections to the highway system in Detroit. The DRIC group released a Draft Environmental Impact Statement in February 2008 and a Final Environmental Impact Statement in November 2008. The creation of an entirely new crossing has the potential for significant environmental impacts in areas that have not already been developed to carry border traffic, and thus necessitates a greater degree of documentation to assess those potential impacts. In the case of the ABEP, border traffic has existed in the corridor for almost 80 years, with the major transportation or modification projects that affect the existing

corridor having already been analyzed and documented, primarily through the Gateway Project.

The ABEP proposal, by contrast, has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor and to maintain the current and future vehicular needs at the existing crossing while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in traffic capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Comments by Teresa Rodriquez, April 21, 2007

Comment 1: Instead of pedestrian bridge, relocate businesses in Mexicantown to east side of I-75 in one area.

Response: This comment is outside of the scope of this project.

Comments by Victor Alba, July 15, 2007

Comment 1: I am concerned about the environmental consequences of building a second span of the Ambassador Bridge. The southwestern portion of the City of Detroit is an area that has seen considerable residential and commercial revitalization and is the only part of the city experiencing population growth. There has been significant private and public investment in new housing and commercial developments, renovations of vacant buildings, and individuals rehabbing their homes. Examples of this development include the nearly 100 Homes at Ste. Anne's built by Bagley Housing, the nearly 200 renovated apartment units by Southwest Housing Solutions, and the 43,000 square foot Mexicantown International Welcome Center & Mercado recently completed by Mexicantown CDC, among many other current and proposed development projects. Yet this community has continued to bear the burden of the region's transportation and industrial infrastructure without any community benefits. Over 10,000 trucks currently cross the Ambassador Bridge each day and that number will surely only grow if the bridge's capacity was to be expanded. Much of this investment would be jeopardized by the construction and operation of a 2nd span of the Ambassador Bridge.

Many of these projects have been constructed in spite of the DIBC's active opposition to them. This has been demonstrated many times as the DIBC has purchased lots in the development

areas of these nonprofits and as it has acquired private residences that have disappeared soon thereafter, sometimes in the middle of the night. And it has persistently failed to build three (three!) new homes for senior citizens it promised the community at least five years ago.

In addition to those concerns, the DIBC has often supplied misinformation to the media and the public. It has simultaneously argued for the need of a 2nd span while presenting the opposite argument to other audiences. It has presented grandiose plans for redevelopment of properties it owns in order to gain trust and public support, and not completed much if any of the proposals. Another example is the DIBC claiming that the state will save money in its tight budget because no public funding would go towards the construction of a 2nd span, and then the DIBC submitting an application to the Michigan Strategic Fund for \$1 billion of Private Activity Bonds. In addition, DIBC's owner, Matty Maroun, has continued to own the Michigan Central Depot while willfully allowing it to become derelict and possibly beyond repair. In short, the DIBC has shown absolutely no concern for the surrounding community and has been a terrible corporate citizen.

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on the Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, is not a part of the Coast Guard's duties in this undertaking. The status and condition of the Michigan Central Railroad Station, or any properties held by the DIBC that are not part of this proposal, are not part of this ABEP review and therefore are outside the purview of the USCG permit and required environmental studies.

The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the same projections used in the Gateway Project and DRIC studies. The proposal, on its own, is not expected to significantly increase vehicular traffic.

Regarding funding, the proponent has outlined their finance plan in Section 1.8 of the Final EA. The proponent is seeking the issuance of tax-exempt Private Activity Bonds to finance the construction of the proposed second span. The use of Private Activity Bonds is not a consideration for the Coast Guard, and does not affect the Coast Guard's position as lead federal agency for NEPA in this proposal. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. It is important to note that it is not the Coast Guard's role to make business decisions for private entities. The applicant is responsible for funding the entire construction of the project and meeting the costs associated with the project. The proposal will not utilize congressionally authorized funding that is disbursed through any federal agency.

The Coast Guard has no reason to anticipate that the proponent can not provide adequate funding to perform the work as proposed or fulfill the conditions of a federal bridge

permit, which is the extent of the Coast Guard's statutory authority for applications of this nature.

Comment 2: I am extremely disturbed that the only environmental concerns identified in regards to the construction of a second span of the Ambassador Bridge would be the aesthetic impact on the current bridge identified by the Michigan State Historic Preservation Office. How can an increase in the number of trucks in this neighborhood not negatively contribute to the already poor air quality in the area? Was the impact considered in light of the myriad other current and proposed other industrial and transportation-related uses in Southwest Detroit, such as the many freeways, steel plants, cement silos, the Detroit Intermodal Freight Terminal, and others? There would also be serious noise and safety concerns brought about by this proposal. The results of the Environmental Assessment are dubious at best.

Response: The Ambassador Bridge Enhancement Project is simply the construction of a link between these two plazas and does not directly connect to any element of the existing interstate system or local roadway network. No changes to the plazas or the local roadways will be made as a result of the Proposed Project. In addition, the existing Ambassador Bridge will be taken out of service for repairs. The existing bridge would then serve as a redundant structure for emergency traffic and approved public events.

The proposed new bridge will provide additional service to low-risk transporters who have been approved by the federal governments by providing dedicated FAST truck lanes that will channelize commercial traffic to the booths already designated for such purposes. This will result in more efficient processing and movement through the entire facility. These FAST lanes will be on the outside lane in both directions. The middle lanes on the bridge will be available for either trucks or passenger vehicles while the inside lanes will be designated for passenger vehicles only. The addition of the FAST lanes will tie directly to the customs booths dedicated for such purposes and the use of overhead signing to indicate the designated lanes will help improve traffic flow by reducing the need to change lanes. In addition, the volume of traffic that crosses the border is controlled by the economic and trade conditions between the U.S. and Canada, the capacity of the plazas and the connections and not the bridge serving as the link between the plazas.

The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the same projections used in the Gateway Project and DRIC studies. The project was determined by EPA and SEMCOG to be in compliance with the Clean Air Act. The studies are included in the Final EA in Appendix M. Short-term air quality impacts will occur during construction, but these are not expected to be significant and will be mitigated through dust suppression and other standard and approved measures. The short-term impacts are also included in the Final EA in Appendix M.

Noise impacts have also been analyzed. The noise study found no substantial increase in traffic noise over the no-build scenario. The noise analysis is included in the Final EA in Appendix N.

Comment 3: Additionally, the Coast Guard's handling of public meetings to solicit input on the project has been abysmal. The "Public Workshop" on March 1, 2007 was not advertised to the community. I live within ¼ mile of the Bridge and had no knowledge of the meeting until a neighborhood resident noticed the posting on the DIBC's website a few days before the meeting. This meeting should not count as part of the public input process since the public wasn't even aware of it until the last minute. The Coast Guard's lack of outreach should be an embarrassment to the organization. A "Public Workshop" held in April was better advertised, and I attended a portion of the meeting. However, at the very beginning of the meeting, a representative of the Coast Guard spoke and completely stifled public comment on the project except for design-related issues of a new bridge. Therefore, the community has had absolutely no opportunity to comment on other issues and, therefore, this process has essentially been a charade leading to approval for the DIBC to build 2nd span of the Ambassador Bridge. Until a true community meeting is held, the seriousness of the impacts of this process dictate that the process to-date should not even be considered valid.

Response: There have been numerous community outreach efforts by the Coast Guard and proponent for the ABEP. The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- d) April 24, 2007 - Proponent issued Draft Environmental Assessment (Draft EA).
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- g) May 24, 2007 - Public Workshop held at Earhart Middle School.
- h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.
- i) November 6, 2007 - Coast Guard Press Release to all local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.
- j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- k) December 6, 2007 - Public Workshop held at Earhart Middle School.

1) April 2008 - Following Section 106 meeting on March 26, 2008 in Detroit, MI, Gateway Communities Development Collaborative, a consulting party in the Section 106 process, was provided approximately 30 days to review and recommend mitigation measures to be incorporated into the final MOA.

All Coast Guard Public Notices were mailed to addresses provided by the proponent for businesses and residents in the adjacent area, along with federal, state, and local public agencies. The notices are also mailed to local postmasters in the adjacent area. The proposal and Draft EA has been posted on the Ambassador Bridge Company web-site since May 2007. The proponent has also conducted numerous public outreach in Windsor, Ontario, Canada as part of their environmental analysis and documentation with Canadian authorities.

The neighboring communities have been represented by an organization called Gateway Communities Development Collaborative (GCDC), comprised of nine local community groups located near the Ambassador Bridge corridor. GCDC has submitted comments in response to the Coast Guard Public Notices concerning the environmental documents provided by the proponent through their legal representative. GCDC also requested to be included in the Section 106 process as a consulting party. The Coast Guard subsequently invited a GCDC representative to be a consulting party in that process.

Despite the ample opportunities provided to comment on this proposed project, the Coast Guard did not receive an overwhelming response from the general public on this proposal. The comments received from GCDC are included in the Final EA in Appendix A, but many comments and claims of significant environmental impacts were based on incorrect assumptions regarding the volume of traffic moving through the corridor, the number of lanes of traffic to be utilized for traffic, local negative feelings towards DIBC, its owner, or unrelated projects and properties connected to DIBC.

Comment 4: Lastly, there are a number of other outstanding concerns related to the overall project.

The DIBC has made no mention of the current bridge being in need for repairs before this application. How is it that suddenly it needs to build a second span in order to shut down the Ambassador Bridge for these studies? Even if true, the Gateway Project, while allegedly designed to accommodate a second span, did not analyze the environmental consequences of a second span, simply the connections between the Ambassador Bridge and the interstate freeway system. In addition, the DIBC has well-documented plans to significantly expand its plaza far beyond what was anticipated in the Gateway study and even beyond what has been revealed in its Coast Guard or Michigan Department of Environmental Quality permit applications, including adding primary inspection booths and the reconfiguration of Fort Street. And is there really a need for a new span at all? The July 14, 2007 edition of The Detroit News discussed the drop in passenger trips to Canada due to a number of factors and the decline in truck traffic is well-documented, even by the DIBC itself. It seems to me that the Coast Guard is fronting the efforts of the DIBC to continue its monopolistic hold on border traffic between the US and Canada.

Response: The proponent has expressed several reasons for constructing the second span and moving traffic from the existing bridge to the new span in Section 1.0 of the Final EA. The existing bridge is 80 years old, and cannot indefinitely continue to carry heavy commercial traffic without significant and costly upgrades; it would be imprudent not to plan for a new span given the level of use and its age. The existing bridge lacks dedicated FAST lanes, an addition which DIBC has been requested to add to its crossing by the governments of the U.S and Canada. The current travel lanes do not meet modern standards for highway and shoulders. The existing bridge cannot feasibly be widened due to engineering restrictions since it is constrained by the existing towers and catenary cables. For these reasons, DIBC has proposed replacing the existing bridge with a new structure that has standard 12' lanes, standard safety shoulders, and provides for the operation of the FAST booths already in place in the existing plazas.

DIBC has proposed the ABEP to replace an obsolete, aging bridge with a new bridge that meets modern standards and provide a long-term plan to maintain traffic through the corridor with minimal interruption. The existing bridge is nearly 80 years old and carries heavy commercial traffic. As a private owner, DIBC has made a decision to invest private money to improve their property. The maintenance costs under the current and projected usage on the existing Ambassador Bridge will continue to be significant. DIBC has stated that it is becoming increasingly expensive to maintain the existing bridge as it nears the end of its life span. Regular traffic will be removed from the existing bridge and carried on the new six-lane span. Further, the existing bridge has substandard 11' wide travel lanes rather than current standard 12' lanes. The existing bridge has minimal safety shoulders, resulting in backups and congestion whenever work is required on the bridge or a vehicle breaks down. The existing bridge does not provide for effective operation of the FAST booths present in the existing plazas since low risk trucks must wait in the queue with other trucks to reach these booths. The ABEP has been proposed to help resolve this problem by providing for a third lane in each direction that will be dedicated to the low-risk FAST traffic, allowing for faster clearance of that traffic and leaving two lanes for general and non-FAST commercial traffic. The existing bridge will be maintained and rehabilitated, and will provide a redundant structure for traffic. The existing bridge could also be used for DIBC and government vehicles, special events, and other recreational uses, subject to the approval of respective government agencies at the border crossing.

The Gateway Project environmental documents acknowledged the future construction of a second span and recognized the need for improving connections from the bridge to the plaza and onto the interstate highway system. A primary purpose of the Gateway Project was to relieve bridge traffic from local roadways and connect directly into the interstate system. The second bridge was not specifically evaluated in the Gateway environmental documents because a specific design for the second bridge had not been completed and included in the Gateway proposal. The ABEP environmental document specifically covers the proposed span.

The comment discusses how the ABEP project relates to other proposals that DIBC has submitted or may submit in the future. In the U.S., the Ambassador Bridge Gateway

Project, sponsored by the Federal Highway Administration and Michigan Department of Transportation, was expressly designed to accommodate a second bridge. The Gateway Project environmental documents included a connection to a future second bridge and is discussed in the ABEP Draft EA. Any other work at the plazas is not dependent upon or triggered by the new bridge. There has been no request to change the U.S. plaza as part of this project. This would require that DIBC submit a proposal to the General Services Administration and Customs and Border Protection for approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT are proposed for the ABEP. Likewise, any Fort Street Relocation is unrelated to the ABEP and neither is dependent on the other.

The purpose of the ABEP is to ensure that current operation of the facility can continue to operate. The benefits of building a modern updated structure across the river to ensure the steady flow of commerce and transportation, as detailed in the proposal, is the purpose of the project, not any modification to the existing plaza. The potential expansion of the inspection facility is still in the investigative stage and it is unclear whether the project will go forward. Thus, the inspection facility expansion is not a reasonably foreseeable future action that must be considered in this NEPA process. Moreover, if the inspection facility is expanded, this could reasonably be expected to further reduce traffic congestion and engine idling, and therefore would be expected to have positive environmental impacts. Any proposed alteration to Fort Street will require separate analysis and approvals from General Services Administration and responsible transportation agencies. We are aware that there have been discussions regarding the possible relocation of Fort Street, however we are not aware of any pending formal proposal. The ABEP, as proposed, does not have any direct permanent impacts to Fort Street.

The studies conducted for the Gateway and the ABEP are related to the international traffic that is contained to the bridge, Gateway, and the connecting highway system. Vehicle traffic will remain within the Gateway and will connect directly with the interstate system, relieving traffic from local roadways. The ABEP will require use of property only where bridge piers are expected to be placed. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require study and approval from GSA and other transportation agencies. The ABEP connects directly into the approved Gateway plaza and will not require modifications to any publicly-owned roadways. Additionally, any changes within the Gateway plaza will require additional studies and approvals from various agencies and are not included in this proposal.

Please refer to the responses to Comments 1, 2, and 3 concerning other projects in Southwest Detroit, traffic, and need for the project.

Comments by William A. Grabowski, dated May 19, 2007

Comment 1: I would like to express my opposition to the proposed building a second span parallel to the current Ambassador bridge by a private company. I have concerns about the national security of such a proposal as well as a private company continuing to operate one of the

most important border crossings in North America if not the world. At a minimum, a competitive bidding process should be enacted with public input on the proposed designs. As it stands, the current owners monopolize the crossings in Detroit and Windsor. An independent, bi-national commissioned study concluded with recommendations that should be respected and followed, but differ greatly from the proposed private plan.

Starting in 2002, the joint governments of Ontario, Michigan, Canada, and the United States commissioned this bi-national study to determine the best way to handle the increased traffic flow. Significant tax dollars have been spent (\$4.5M) to protect the best interests of all of the citizens of the US and Canada. The administration's suggestion was to construct a separate bridge crossing south and west of the current structure, outside the downtown districts of both Windsor and Detroit.

They have made this recommendation based on environmental, economic, security, congestion, and other quality of life factors that would impact the region as a whole. The Detroit International Bridge Company have not used the same factors in their proposal, instead theirs is primarily a revenue protection and growth plan.

Respond: Regarding Homeland Security issues, the question of redundancy in the event of an attack on significant infrastructure has been raised. The ABEP has only proposed an additional span within the already approved international corridor to improve the efficiency of the existing crossing. It was never the purpose of the ABEP to explore other crossings of the Detroit River, or to create a redundant structure in case the existing Ambassador Bridge is disabled due to attack. In fact, the Coast Guard recognizes that concerns for the viability of the Ambassador Bridge crossing are based on the acknowledgement of the importance of the crossing on the economic health of Detroit and Windsor and the entire region.

As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor and are included in proposals for expansion and modification to the existing facilities.

This is not a new border crossing, rather it will ensure that the existing border crossing can maintain the current level of operation with minimal interruption. Numerous federal, state, and local agencies were provided opportunity to comment on the Draft EA, as well as the general public through public meetings conducted and the Ambassador Bridge website.

The DRIC study is an unrelated project and is not an alternative to this proposal. In fact, all alternatives under investigation in the DRC Study require that the existing Ambassador Bridge remain in service, which is the stated purpose of the ABEP.

The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration whether the bridge is privately or publicly owned is not a

part of the Coast Guard's duties in this undertaking.

Comment 2: A few other points:

The security of the bridge crossing should be the highest concern. Placing two spans next to each other would be illogical and unsafe. Where is the Department of Homeland Security on this issue? (As an aside, currently there are no vehicle security checks until after the border crossing is made – this is beyond comprehension!)

Response: Please see response to Comment 1 above. The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

Comment 3: The bridge Company's proposed use as a pedestrian and bicycle path for the old span is specious at best. Given the security, maintenance, costs to operate the construction project, and the low volume of expected users, the owners would be hard pressed to make a business case to keep this arch open. Although it will create good politics, it will never actually happen. Instead, this span would be better suited to handle passenger vehicle traffic only to promote commerce between Detroit and Windsor, while truck and transport traffic would be routed to the downriver facility and onto I-75 at that point to ease congestion in the downtown areas.

Response: The existing bridge will be maintained and used for special purposes such as for maintenance and operational personnel, customs and immigration needs, and as a backup redundant resource if traffic is impeded for any reason on the new bridge. Current maintenance costs of the existing bridge will be reduced since the existing bridge will not carry significant numbers of cars, and no truck traffic other than when the new span is unavailable. The existing bridge is nearly 80 years old, with maintenance costs only expected to increase as the structure ages further. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. DIBC has assured the USCG that it intends to bear all maintenance costs necessary to ensure that the bridge does not become a hazard. The Coast Guard will enforce the applicable federal statutes pertaining to the preservation of marine navigation, and will expect the bridge owners to prevent possible hazards to navigation associated with the existing bridge. The Coast Guard is prepared to levy civil penalties if the existing bridge is ever determined to be a hazard to marine navigation.

Comment 4: I do see where the Detroit International Bridge Company's revenues and survival would be greatly at risk if they were to lose truck traffic to the downriver bridge. I suspect they would spend any amount they have to in order to block competition.

According to the study, ultimately two bridges will be required to handle the increased traffic volume sometime after 2010. The short term conclusion by the Detroit International Bridge

Company, that a second bridge may not even be required, is self serving and misleading. The demand may be delayed somewhat due to the recent economic performance in the region, but population and national economic growth trends overall will continue and a second bridge will be required. If anything, the current conditions allow for more thoughtful consideration of where and what to build. This should not be a “race”; it’s a strategy for growth in this region.

Response: Whether or not another crossing will be required at some point in the future is beyond the scope of this EA. Should traffic volumes warrant a new crossing in the future, an environmental assessment would be required by the relevant agencies to assess the environmental impacts of the new span.

Comment 5: The congestion on the Windsor side of the bridge is magnitudes worse than in Detroit. I have witnessed the gradual increase of traffic (we have a cottage in Leamington, Canada), and the hundreds of trucks that wait to clear Customs, sometimes three or four miles back on Huron Church. The traffic, thick with diesel fumes and noise, disrupts the everyday life of the residents of the surrounding region. The residents of Windsor have a right to be concerned with this private plan which will have significant impact on their already interrupted quality of life. As their international neighbors, we should be in support of a solution that benefits us all.

Response: Environmental analysis is being undertaken in Canada in accordance with the Canadian Environmental Assessment Act. The results of the studies being undertaken in Canada will be submitted by the proponent to Transport Canada and other Canadian officials as required by Canadian law. Results of the analyses of the assessments in Canada will be considered as appropriate by USCG. The Coast Guard can not comment on the determinations Canadian authorities might make to meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project.

Comment 6: I strongly believe that government should be left out of most aspects of our free market economy, as private industry has always proven to be more efficient in profit making and benefiting society in most areas. But in areas of security, defense, infrastructure and road building, the government should be held responsible and accountable to serve our needs. The verdict on where and when to build the additional border crossing should be made by the governments of the United States and Canada with ownership being retained by both. A decision on the location for a second span, that will affect this region for many future generations, should not be abdicated by our political leadership, made for expediency and convenience, and certainly shouldn’t be left to a private concern as an exercise in growth and profiteering. Our lawmakers need to be visible on this issue and held accountable to act in the best interests of their constituents.

Response: The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC. The Coast Guard’s role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal

Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents authority to construct a bridge, not a mandate to construct a bridge.

There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies NEPA before recommending whether a federal Bridge Permit will be issued. The consideration whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

Comments by Gregg M. Ward, Vice President, Detroit – Windsor Truck Ferry, Inc., dated May 29, 2007

Comment 1: The lack of clear federal authority over safety and security issues at privately owned international bridges increases the risk potential for security and environmental incidents to occur and impact the Marine Transportation System. On this basis I oppose the issuance of the Coast Guard bridge permit for the twining of the Ambassador Bridge.

The national Hazardous Material Routing Registry (NHMRR) restricts certain hazard classes of material from crossing the privately owned Ambassador Bridge. The Michigan State Police confirm the routing restrictions are valid. In a direct challenge to government authority, the owners of the privately owned Ambassador Bridge give out permission letters to certain companies to transport restricted goods across their facility in/out of Canada.

Please review the attached Congressional testimony from February 15, 2007 before the Subcommittee on Coast Guard and Maritime Transportation where this issue is detailed on pages 5-7 under the header HAZARDOUS MATERIALS and in attachments A-G.

Response: As an international corridor and customs port of entry, security-related federal agencies are involved in the daily operations of the corridor. The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

The U.S. Department of Transportation, through the Pipeline and Hazardous Materials Safety Administration and the Federal Motor Carrier Safety Administration, regulates the transportation by motor vehicle of hazardous materials. The trucks that travel to and from the Ambassador Bridge in the United States must comply with the requirements of these agencies, and with the similar requirements in Canada by Transport Canada. None of these agencies has raised a concern about hazardous materials traversing the Bridge. Further, the ABEP will have no impact on the application of the laws governing hazardous materials transport.

Comments by Christopher M. Bzdok, Olson, Bzdok & Howard, dated August 30, 2007

Our firm represents the Gateway Communities Development Collaborative (GCDC), and these comments on the Draft Environmental Assessment (DEA) for the Ambassador Bridge Enhancement Project are submitted on behalf of GCDC and its members. We respectfully request that the United States Coast Guard (USCG) complete a full Environmental Impact Statement (EIS) for the project, for the reasons that follow.

I. GCDC's Interests

The Gateway Communities Development Collaborative was established in 1999 as an association of community based nonprofit organizations involved in the planning and development of housing and economic development projects in Southwest Detroit. Our members include:

- Bagley Housing Association
- Bridging Communities
- Greater Corktown Development Corporation
- Mexicantown Community Development Corporation
- Michigan Avenue Business Association
- Neighborhood Centers, Inc.
- Southwest Detroit Business Association
- Southwest Detroit Environmental Vision
- Southwest Solutions/Southwest Housing Corporation

Attached (**Exhibit 1**) is a list of each member's address. Also attached (**Exhibit 2**) are letters and comments by GCDC's member-organizations. Those letters confirm that the project is likely to impact local tourism, local economic endeavors (such as redevelopment and affordable housing projects), and the quality of life in the neighborhoods from noise, trucks, odors, and air pollution.

GCDC and its member organizations serve the people who live in the shadow of the Ambassador Bridge, and the residents and community representatives serve on the boards of and guide all the GCDC member organizations. GCDC's mission is to promote the interests of these residents and organizations in Southwest Detroit in various ways, including undertaking residential redevelopment projects, advancing economic development projects, and creating livable communities in these historic regions. We are uniquely qualified to comment upon DIBC's proposal to create a twin bridge next to the Ambassador Bridge because of our physical proximity to the bridges, the disproportionate local impacts the new bridge would have on the people that live and work around it, and the distinct historic role of the Ambassador Bridge in our communities. As local community-based and controlled organizations that work daily with the people most directly and personally impacted by the twin bridge proposal, we trust USCG will give our comments due weight.

We note that many other agencies and entities have already commented on the DEA, and most of those comments raise significant deficiencies with the DEA. Rather than reiterating all of those comments, we simply incorporate by reference into these comments all of the comments, arguments, data, and exhibits raised or submitted to the USCG on the draft Categorical Exclusion

and the DEA. This also includes, without limitation, all of the documents and materials related to the Section 106 consulting process under the National Historic Preservation Act (NHPA).

II. The National Environmental Policy Act (NEPA) Process

The issuance of a bridge navigation permit under 33 U.S.C. § 401 is a major federal action that triggers the procedures mandated by the National Environmental Policy Act (NEPA) process. NEPA requires agencies to consider whether a project may significantly affect the human environment, and, if it may, then to thoroughly analyze its relative merits before deciding how to act. An agency may do an Environmental Assessment (EA) to determine whether a Finding of No Significant Impact (FONSI) or a full EIS is appropriate. The EA must demonstrate, through sufficient evidence and analysis, that the agency studied the issues and properly considered the possible environmental impacts of the project.

In deciding whether a project may significantly impact the quality of the human environment, the USCG must evaluate a range of factors, including ecological, aesthetic, historic, cultural, economic, social, and health impacts, whether direct or indirect, and their cumulative impacts. The “significance” inquiry requires consideration of: effects upon public health and safety; unique characteristics of the geographic area such as proximity to historic or cultural resources; environmental effects that are likely to be highly controversial; effects that are highly uncertain or involve unique or unknown risks; whether the decision may establish a precedent for future actions with significant effects; whether the action is related to other actions with individually insignificant but cumulatively significant impacts; adverse effects upon highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places; and whether the action threatens a violation of environmental protection law. In sum, an EA may be a permissible first step to evaluate the impacts of a project, but it must be comprehensive enough to understand whether the impacts may be “significant,” as that term is defined under the NEPA regulations. If the impacts *may* be significant, the agency *must* do a full EIS.

In addition, to fully consider the significance of a project’s impacts, agencies must integrate required analyses under other statutes into their EA and/or EIS. Pertinent to this project are Section 4(f) of the Department of Transportation Act, 49 U.S.C. § 303, Sections 106 and 402 of the National Historic Preservation Act, 16 U.S.C. § 460f, and the Michigan Environmental Protection Act, M.C.L. § 324.1701 *et seq*; we discuss these below. These other statutory obligations may inform the agency decision whether the project impacts may be significant.

NEPA is intended as a comprehensive process mandated by federal law to ensure the conduct of federal agencies is protective of human health and the environment. When an agency properly follows the NEPA process, the agency has an opportunity to take the required “hard look” at the environmental consequences of – and alternatives to – its actions. The “hard look” is informed by the comments and concerns of the public: NEPA mandates that the people affected by a proposal must have a meaningful opportunity to understand and comment both on the project itself and on the agency’s proposed course of action.

If at the end of the EA process it is apparent the project may have significant impacts on the quality of the human environment, then the agency must undertake a full EIS, with all the

attendant evaluation, notice, and comment procedures that entails. In other words, an EA (even a long and comprehensive EA) cannot substitute for an EIS where the impacts of a project may be significant. The EA may be a short-cut around the EIS process for insignificant projects (in terms of impacts to the human environment); it may simply procrastinate the EIS process for a project with significant impacts. The proposal to twin the Ambassador Bridge will have significant impacts on the quality of the human environment, so a full EIS is required.

[All general comments are repeated and responded to in later sections from this commenter.]

III. Purpose of the Ambassador Bridge Enhancement Project

Under all applicable regulations, the USCG analysis of this project should begin by properly defining the purpose and need for the project. We therefore address this up front, too.

The USCG identifies the proposed project as building a new crossing between the United States (in Detroit) and Canada (in Windsor). The DEA would benefit from a more clear statement of the intended purpose and need for this project, but from what we gather, the stated need appears to be to increase trade efficiency between Detroit and Windsor (or the U.S. and Canada). The DEA states the purpose is “to ensure the free flow of trade and people can continue to occur unimpeded at the busiest border crossing in North America.” Another clue into the identified need and purpose can be found in the conclusion that twinning the Ambassador Bridge is the best option to “reduce congestion, promote economic growth and development, and likely improve air quality.”

It is noteworthy that the USCG does *not* claim the purpose of the twin bridge project is to be able to retire the existing Ambassador Bridge for physical or structural reasons. If the need for the twin project were that the integrity of the existing bridge is in jeopardy, the DIBC and USCG should have made this clear in the DEA, as the stated need for the project significantly impacts the alternatives available to meet that need. To the contrary, it appears the existing bridge is in fine shape and that DIBC intends to use the existing bridge in some fashion indefinitely.

Nor does the USCG identify real security threats associated with the existing bridge, through it implies the twin bridge will improve security. Again, if the purpose of the project really is to improve the security of the Ambassador Bridge crossing, then the DEA must explain the point (*i.e.*, explain the threats and how this will resolve them), and also include this factor among the criteria for comparing it to alternatives. The DEA does neither.

Additionally, although the project would add two to eight traffic lanes between Detroit and Windsor (depending on how the current bridge is used), the DEA specifically states that the purpose of the project is *not* to increase traffic capacity over the Detroit River. For multiple reasons, this statement is highly suspect and not credible and is discussed in more depth in the impacts analysis section below. For now, we note that the true purpose may be to increase capacity, and if so, then this must be acknowledged by the USCG in the EA and the project and alternatives must be evaluated and compared from this perspective.

While the stated purpose of the proposed project appears to be to promote more efficient crossings between Detroit and Windsor as a means to promote the economic interests of both countries, it is not at all clear that this is the true purpose of the project. For an EA to be sufficient under NEPA, the USCG would need to consider what the needs really are at this border crossing, evaluate whether or not the proposed project will meet those needs, and evaluate all alternatives in the same manner. Further, if the purpose changes substantively, the integrity of the NEPA process – particularly the opportunity for meaningful public comment – would require the USCG to reissue the DEA for comment.

Response: The applicant has proposed the ABEP to replace an obsolete, aging bridge with a new bridge that meets modern standards and provide a long-term plan to maintain traffic through the corridor with minimal interruption. The existing bridge is nearly 80 years old and carries heavy commercial traffic. As a private owner, DIBC has made a decision to invest private money to improve their property. The maintenance costs under the current and projected usage will continue to be significant. DIBC has stated that it is becoming increasingly expensive to maintain the existing bridge as it nears the end of its life span. Regular traffic will be removed from the existing bridge and carried on the new six-lane span. Further, the existing bridge has substandard 11' wide travel lanes rather than current standard 12' lanes. The existing bridge has minimal safety shoulders, resulting in backups and congestion whenever work is required on the bridge or a vehicle breaks down. The existing bridge does not provide for effective operation of the FAST booths present in the existing plazas since low risk trucks must wait in the queue with other trucks to reach these booths. The ABEP has been proposed to help resolve this problem by providing for a third lane in each direction that will be dedicated to the low risk FAST traffic, allowing for faster clearance of that traffic and leaving two lanes for general and non-FAST commercial traffic. The existing bridge will be maintained, rehabilitated and used for other non-vehicular traffic as may be allowed by inspection officials in both the U.S. and Canada, for DIBC vehicles, and to serve as a backup for the new structure in the event of an impediment to traffic on the new span, and for emergencies. The existing bridge cannot feasibly be widened due to engineering restrictions since it is constrained by the existing towers and catenary cables. For these reasons, DIBC has proposed replacing the existing bridge with a new structure that has standard 12' lanes, has standard safety shoulders, and provides for the operation of the FAST booths already in place in the existing plazas.

The commenter questions why security is mentioned in the purpose and need section of the Draft EA. The reference to security in that section of the EA relates to structural security rather than border security. The cable stayed design of the proposed bridge is expected to provide a greater level of structural security than a suspension bridge. Cable stayed bridges are extremely resilient and resistant to failure since they contain considerable internal structural redundancy. With a suspension bridge, each of the catenary cables must be present in order to maintain the integrity of the bridge and the removal of any one of them can result in the catastrophic failure of the superstructure. In addition, the wider shoulders of the new span are expected to increase safety for traffic on the bridge by providing lanes that are consistent with current highway standards. By removing the day to day traffic from the existing bridge, the cost to maintain that structure will be

dramatically reduced allowing the bridge company to keep this structure in reserve in case of an impediment to traffic on the new bridge. Such redundancy will serve to improve the functionality of the facility and allow it to continue to operate under such conditions.

The new span will not add up to 8 lanes of traffic. The proposed bridge will be wider than the existing span in large part because it will be designed to meet current standards and will therefore have 10 foot outside shoulders and 4 foot inside shoulders. This does not mean that an additional lane of general traffic is added. Two lanes on the proposed bridge will be exclusively for pre-approved trucks participating in the FAST program. The existing bridge will be taken out of general service. Thus, there will continue to be four lanes open to all vehicular traffic, with the addition of two FAST truck lanes. [Another question and response on the maximum number of lanes possible is included later in the responses to this commenter.]

The Final EA includes a more detailed explanation of the purpose and need.

IV. Deficiencies in the USCG's Draft Environmental Assessment

The DEA suffers multiple deficiencies, starting with and arguably tracing back to, the lack of any independent analysis by the USCG. These deficiencies include insufficient consideration of the scope and extent of impacts; inadequate consideration of alternatives; and inadequate or no analysis under the National Historic Preservation Act, the Department of Transportation Act, and Michigan Environmental Protection Act.

A. Lack of Independent Analysis

The USCG has not undertaken an independent review of the proposed project, but has simply presented DIBC's consultant's document as the DEA. The Council on Environmental Quality (CEQ) regulations are clear that an agency must make "its own evaluation" of the impacts and alternatives, and courts reviewing EAs prepared by an applicant are particularly careful to ensure the agency maintains this independence. The fact that the USCG has presented the DIBC's DEA as its own puts it in the position of either adopting a legally deficient final EA, or changing it substantially to meet the NEPA "hard look" mandate, but at the same time compromising NEPA's public participation mandate.

For all the reasons described below, DIBC's document is inadequate under NEPA: it is limited in the scope of the project and its impacts, is limited in its consideration of alternatives, fails to effectively evaluate environmental and other impacts of the project, and (unsurprisingly) makes conclusory assertions that the project will not have significant adverse impacts. If the USCG simply adopts the DIBC document as its final EA (or with minimal tweaks), then the EA will be legally insufficient, and the USCG will have neglected its duties under NEPA. Further, by simply adopting the applicant's conclusory document as its own, the USCG compromises its impartiality and risks losing the deference it might otherwise be entitled to by a reviewing court.

Alternatively, the USCG may instead evaluate the public comments received to date, engage in the further studies and analyses that are presently deficient or missing, and then synthesize all

that into a document that meets the NEPA “hard look” requirement. If the USCG follows the NEPA process and creates the thorough and studied document that NEPA requires (which we hope it will), it will necessarily result in amendments to the purpose, need, impacts, and alternatives analyses in the DEA. Because NEPA mandates *meaningful* public participation, there must be a participation opportunity *after* the agency makes available sufficiently detailed information about the project and alternatives for the public to understand the project, impacts, and alternatives. At this point, with only DIBC’s conclusory DEA and no supporting data and no real consideration of alternatives, the public has not yet had the participation opportunity that NEPA requires. If the USCG engages in a real NEPA analysis as we and other commenters have requested, then it must re-notice it for public review and comment.

Response: With regard to the comment regarding independent analysis, CEQ regulations allow an applicant to prepare an environmental assessment, as long as the agency makes “ its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment.”. [40 CFR § 1506.5(b)]. In this case, the environmental assessment was prepared by a consultant paid for by the applicant, but the USCG has overseen the scope, development, and content of the EA, and independently evaluated the environmental issues involved with the project. The Coast Guard believes the Draft EA, as a scoping document, succeeded in its purpose of describing the project, as proposed, and for soliciting comments from the public and from agencies with NEPA considerations. The Draft EA was the second scoping document released by the applicant and their consultants for the public to evaluate and provide comments. All comments received to both documents have been reviewed and are included in this Section of the Final EA. The Coast Guard commissioned a separate study to verify the Noise analysis submitted by the proponent and their consultants. The Coast Guard realizes its responsibilities under NEPA, and has, and will continue to assume responsibility for the processes and documentation for this project.

The following public notifications were conducted for the project:

- a) July 28, 2006 - Coast Guard issued Public Notice 09-03-06 for the initial Bridge Permit application (tentative categorical exclusion) received from the proponent. Comments were requested by August 30, 2006.
- b) November 14, 2006 - Public Meeting held by proponent and Michigan Department of Environmental Quality (DEQ). Proponent advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer. Michigan DEQ issued a Public Notice for the project on July 13, 2006.
- c) March 1, 2007 - Proponent held Public Workshop at Earhart Middle School near the bridge. Advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- d) April 24, 2007 - Draft Environmental Assessment (Draft EA) issued.
- e) May 1, 2007 - Coast Guard released Press Release to all local media in Detroit area announcing availability of Draft EA.
- f) May 10, 2007 - Coast Guard issued Public Notice 09-03-07 - announcing Draft EA, SHPO adverse effect, and Public Workshop at Earhart Middle School in Detroit on May 24, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.
- g) May 24, 2007 - Public Workshop held at Earhart Middle School.

- h) May 30, 2007 - Coast Guard issued Public Notice 09-04-07 announcing extension of comment period to July 17, 2007 for comments to Draft EA.**
- i) November 6, 2007 - Coast Guard Press Release to local media in Detroit area announcing Public Workshop at Earhart Middle School on December 6, 2007.**
- j) November 8, 2007 - Coast Guard issued Public Notice 09-07-07 announcing Public Workshop at Earhart Middle School on December 6, 2007. Proponent advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project.**
- k) December 6, 2007 - Public Workshop held at Earhart Middle School.**
- l) April, 2008 – Following Section 106 meeting on March 26, 2008 in Detroit, MI, Gateway Communities Development Collaborative, a consulting party in the Section 106 process, was provided approximately 30 days to review and recommend mitigation measures to be incorporated into the final MOA.**

All Coast Guard Public Notices were mailed to addresses provided by the proponent for businesses and residents in the adjacent area, along with federal, state, and local public agencies. The notices are also mailed to local postmasters in the adjacent area. The proposal and Draft EA has been posted on the Ambassador Bridge Company web-site since May 2007. The proponent has also conducted numerous public outreach in Windsor, Ontario, Canada as part of their environmental analysis and documentation with Canadian authorities.

The Draft EA was distributed to the U.S. Coast Guard, City of Detroit, Federal Highway Administration, International Joint Commission, Michigan Department of Environmental Quality, Michigan Department of Natural Resources (MDNR), Michigan Department of Transportation (MDOT), Michigan State Historical Preservation Office (SHPO), National Park Service (NPS), Southeast Michigan Council of Governments (SEMCOG), United States Army Corps of Engineers (USACE), United States Customs and Border Protection (CBP), United States Environmental Protection Agency (USEPA), United States Fish and Wildlife Services (FWS), United States National Marine Fisheries Service, General Services Administration, U.S. Department of Homeland Security, City of Windsor, Canadian Environmental Assessment Agency, and Transport Canada for review and comment. The proponent has provided clear statements of the purpose and need for the project and analyses of project alternatives in the Draft EA. The analysis included build and no-build alternatives, as well as analysis for alignment, design, and tunnel options. The applicant, as a private entity holding permits for the existing bridge in an already approved corridor, owns the bridge and connecting plazas on both sides of the international border. The construction of a second bridge across Detroit River in a location other than the Ambassador Crossing could potentially result in considerable environmental impacts and disruptions to neighborhoods on both sides of the border in order to construct additional plaza facilities and new connections to the highway systems on both sides, respectively. The ABEP utilizes existing infrastructure that has been in place for 80 years, with improvements to the connecting roadways already analyzed and approved in the Gateway Project approved by Federal Highway Administration and Michigan Department of Transportation in 1997 and currently under construction. The project alternatives have been reviewed and accepted in our consultations with U.S. Environmental Protection

Agency, Southeast Michigan Council of Governments, and Michigan State Historical Preservation Officer since the issuance of the Draft EA. [Another question and response on project alternatives is included later in the responses to this commenter.]

B. Insufficient Impacts Analysis

1. Failure to Evaluate Cumulative Impacts

In evaluating the significance of the impacts of a project to decide whether to conduct an EIS, the lead NEPA agency must assess “[w]hether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.” The DEA does not consider the cumulative impacts that will result not only from building a second span of the bridge, but also from numerous related projects.

The CEQ’s NEPA regulations define “cumulative impact” as:

The impact on the environmental which results from the incremental impact of the action when added to **other past, present, and reasonably foreseeable future actions** regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Further, “the consistent position in the case law is that...the agency’s EA must give a realistic evaluation of the total impacts and cannot isolate a proposed project, viewing it in a vacuum.”

The DEA ignores this requirement by assessing the impacts of a second span alone – impermissibly “viewing it in a vacuum.” Reasonably foreseeable future projects include, but are not limited to, the Ambassador Bridge Gateway Project (plaza and access improvements in Detroit), the Windsor Bridge Plaza Expansion project (plaza and road improvements in Windsor), the Detroit Intermodal Freight Terminal (DIFT), DIBC’s proposal to relocate Fort Street to accommodate future traffic demands, Marathon’s plans to expand its refinery in Southwest Detroit, and the down river bridge crossing being studied by the Detroit River International Crossing (DRIC) Project.

By analyzing the bridge span in isolation from these other projects, the DEA does not account for the cumulative impacts, including air pollution, noise impacts in the local community, the extent of additional traffic through the neighborhoods, and other such impacts. Without including the cumulative impacts of the proposed project together with these other projects, the DEA is defective under NEPA, and the conclusion that the project will *not* have significant impacts is arbitrary and unsupported.

Response: Secondary and cumulative impacts are described in Section 4.14 of the Draft EA and were expanded for the Final EA.

In the U.S., the Gateway Project was the culmination of many years of analysis and coordination between federal, state, and local transportation agencies, DIBC, and the Southwest Detroit communities in the vicinity of the Ambassador Bridge Corridor. The Gateway Project required modifications to the nearby interstate system, residential and business relocations, noise abatement, and impacts to historic properties and districts. The Gateway Project also anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, including designing the “hub” where the second bridge would connect. The area covered in the Gateway Project proposal and environmental documentation, including the surrounding neighborhoods of Southwest Detroit, was thoroughly analyzed by Michigan Department of Transportation (MDOT) and Federal Highway Administration (FHWA). The FHWA ultimately approved an Environmental Assessment and Finding of No Significant Impact (FONSI) for the Gateway Project in 1997. The EA/FONSI has since been re-authorized in 1999, 2004, and 2007. The 2007 re-evaluation for the Gateway EA/FONSI (dated April 4, 2007) included authorization for seven adjacent projects, in conjunction with the Gateway Project, that were determined to have independent utility and approval under separate environmental documentation by FHWA. The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second span enters directly into the approved Gateway Plaza. The ABEP is not expected to require residential or commercial relocations, alter approved traffic projections, route traffic onto local roadways or neighborhoods, or cause any significant impacts in the ABEP project area or the areas analyzed and approved for the Gateway Project. The proposed second bridge will enter directly into the Gateway Plaza where international traffic using the corridor will be contained and processed before connecting with the interstate highway on the U.S. side. Any other work at the plazas is not dependent upon or triggered by the new bridge. There has been no request to change the U.S. plaza as part of this project. This would require that DIBC submit a proposal to the General Services Administration and Customs and Border Protection for approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT are proposed for the ABEP. The Gateway EA/FONSI adequately assessed possible environmental impacts to the surrounding communities. The analysis prepared for the ABEP strongly considers and utilizes the Gateway NEPA documentation, as well as additional independent analysis.

Our evaluation of the Detroit Intermodal Freight Terminal (DIFT) project revealed that the project is still in the planning stages, with a Final EIS expected by the end of 2008. The study is looking at four intermodal terminals: NS/CSX-Livernois Junction Yard in Southwest Detroit, CP-Expressway in Corktown, CP-Oak in Grandmont and CN-Moterm in Ferndale. The area including and surrounding the existing Junction/Livernois Yard was determined to be the best location for the intermodal terminal complex in the Draft EIS issued in 2005. According to the draft EIS for the DIFT, the project is expected to reduce truck traffic in the area, “particularly on the major border access corridors of I-94 and I-75 and international border crossings....” Though the DIFT EIS does not specifically discuss the ABEP, and the Coast Guard does not believe that the projects create cumulative impacts for each other, but if there are any cumulative impacts between the

DIFT and ABEP, it is reasonable to expect there to be an overall reduction in diesel emissions in the area due to DIFT's reduction in truck traffic and ABEP's FAST lanes' reduction in truck idling. A more detailed discussion of the DIFT and its potential cumulative impacts are included in the Final EA in Section 3.14.

Although there have been discussions regarding the possibility of the relocation of Fort Street, there is no formal proposal pending. It is our understanding that the relocation is contingent on many factors, and may or may not go forward. The ABEP will require use of property only where bridge piers are expected to be placed. DIBC can not unilaterally affect changes to Fort Street or any other publicly owned roadway. Any proposal for the reconstruction of Fort Street would require study and approval from MDOT and other transportation agencies. At this time, the relocation of Fort Street is speculative, and it is not possible to reasonably foresee how or when that project might be undertaken, and what its impacts would be. The ABEP will have no direct permanent impact to Fort Street and its relocation is not required by or for the ABEP.

With regard to the potential expansion of the Marathon Refinery in Detroit, we understand that Marathon is considering whether to expand several plants, and has not made a final decision on the Detroit expansion. Therefore it is speculative as to whether the refinery will be expanded at this time. Marathon has not presented any formal plans so it is not reasonably foreseeable at this time what the expansion will entail and what impacts may be involved. Therefore, a cumulative analysis is not required for this potential project.

The cumulative impacts of the DRIC project were not included in the EA because the DRIC project is not reasonably foreseeable at this time. Any new bridge and associated inspection plaza that might be proposed by the DRIC Study partnership could not be constructed, in part, without the issuance by the U.S. Department of State of a Presidential Permit under Executive Order 11423 (Aug. 16, 1968), as amended. Our understanding is that a Presidential Permit has been applied for, but has not been granted as of the date of this writing. Approval of the Canadian Government would also be required. A Draft Environmental Impact Statement was issued in February 2008 with a Final Environmental Impact Statement issued in November 2008. There is at present no public funding in place for any such new bridge. Given the uncertainty of the outcome of the DRIC Study and its possible funding, it is too speculative at this time to identify any specific cumulative impacts that any new bridge evolving from the DRIC process might have on the ABEP. It is noteworthy that the DRIC study considers the continued viability of the Ambassador Crossing in its analysis.

We appreciate the importance of ensuring that any related projects are considered in the EA, and the discussion of related projects has been expanded in the Final EA.

2. Lack of Traffic Volume and Impacts Analysis

The impacts analysis in the DEA is heavily based on the unsupported assumption that there will not be an increase in traffic volume at the site resulting from the proposed project. But the actual result of the twinning project, together with related improvements from the plaza and road

projects, realistically is an increase in traffic volume. Even if the purpose of the project is not to increase traffic capacity, as the DIBC now claims, that will be the obvious result.

Given the available traffic data and studies, the claim that traffic volume will not increase over time due to this project and the related projects is not credible. The new bridge would include at least six and possibly eight new lanes of traffic. Additionally, the existing and new bridge may be in use at the same time, allowing a total of up to twelve lanes, whereas now there are only four lanes. This represents at least a 50%, and possibly up to 200%, increase in capacity. This will necessarily increase traffic at the Ambassador Bridge site. As one court has said: “the effect of interstate highways in attracting traffic is by now well established. It seems that such highways not only attract automobiles, but breed them.” The increased capacity is likely to lead to other projects such as relocating Fort Street, improvements to access roads to the bridge, changes at the plazas, etc.

In addition, the new bridge may pull vehicles from other crossings (such as the tunnel, the new DRIC crossing, and even the Sarnia-Port Huron crossing), depending on its efficiency, customs operations, and other enticements. Even without the twin bridge, a study by the IBI Group projected an increase in travel demand of 43% for passenger cars and 118% for commercial vehicles between 2000 and 2030 over the Ambassador Bridge. Some of that traffic may be diverted to a new bridge, but the new crossing may also induce traffic from other crossings. A full traffic analysis is necessary to predict how the improvements already under way and proposed by this project will affect travel demand, and what the result will be in terms of traffic volume at this border crossing.

Not only is the increase in number of lanes likely to increase the number of vehicles crossing the bridge at this location each day, but it will also increase the number of vehicles driving through neighborhoods to get to the bridge. There are likely to be significant impacts to local traffic patterns on both sides of the bridge as a result of this project, with adverse impacts such as increased congestion, public safety concerns, increased costs to maintain streets, and other impacts that necessarily result from increased traffic. The DEA ignores these impacts entirely.

The actual result of the proposed second span, together with related improvements from the plaza and road projects, will realistically lead to an increase in truck volume. The assumptions in the DEA are not supported by any evidence, and are in fact contrary to available evidence. Further, these assumptions lead to skewed analyses of other impacts, including impacts to air quality, noise, and cultural resources. The DEA must properly study and quantify the likely increase in traffic volume at this border crossing, due to both an increase in demand and an increase in capacity, to fully understand the impacts to the environment.

Response: As stated in earlier responses to this commenter, the ABEP will remove traffic from the existing bridge and onto the proposed six-lane bridge. No more than six-lanes of traffic may be used at any time. During the September 20, 2007 meeting between the Coast Guard, DIBC, EPA and SEMCOG at the SEMCOG office we discussed 6 lanes and it was demonstrated that, as the U.S. plaza is currently configured, only 6 lanes can be effectively used for traffic heading for either Canada or the U.S. in the Gateway plaza, and that the plaza is not designed to accommodate more than 6 lanes of traffic using both the old and

new spans simultaneously. The plaza would have to be modified to accommodate both spans, and thus more than 6 lanes of traffic going on or coming off the bridge. Any such modification to the plaza would have to be evaluated under a separate proposal and would require a separate environmental study.

The Gateway Project, Detroit River International Crossing (DRIC) study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on previously approved sources, including the volumes developed during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the Detroit River International Crossing (DRIC) Study website sponsored by FHWA, MDOT, TC and MTO. The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030. Since the unconstrained demand volumes were used without assuming diversion of any traffic to any new facility, this demand is reasonably considered the upper bound, or maximum expected traffic, for cross border traffic at the Ambassador Bridge.

A Level 2 Traffic Operations Study dated January 2007 has also been completed by the DRIC study. This Level 2 analysis projects a volume of traffic that would utilize a new six lane bridge if it were introduced into the region. In other words, that study investigates the volume of traffic that the construction of six additional lanes would attract to the area from existing crossings. The Final EA for the ABEP evaluates impacts resulting from the entire volume predicted by this Level 2 analysis even though the ABEP would only add two lanes to the system and even though those lanes are restricted to FAST traffic. The forecasted traffic volumes and further analysis have been reviewed by EPA and SEMCOG for consideration in our consultation since issuance of the Draft EA.

All of the analysis performed, including traffic volumes, is included in the Final EA in Appendix M. Nonetheless, we agree that further discussion of the operating scenarios for the two bridges, including the maximum number of lanes to be utilized at any one time, is warranted and that discussion is included in the Final EA. Also, though the Draft EA included the data derived from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts”, which have been approved by FHWA, EPA, and SEMCOG, the data has been displayed and explained in a different format in the Final EA in Appendix M.

The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an Environmental Assessment and Finding of No Significant Impact (FONSI) for NEPA. The only portion of the ABEP that is outside of the approved Gateway extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The second bridge will not cross any neighborhoods and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways.

3. Failure to Consider Impacts in Canada

The impacts of the proposed project will undoubtedly be felt in Canada as well as the United States, and all of these impacts must be at least considered before deciding whether they may be significant under NEPA. NEPA requires federal agencies to “recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind’s world environment.” Nothing in NEPA or its regulations limits its scope to impacts in the United States; to the contrary, the human environment that NEPA seeks to protect is to “be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.” In short, the impacts felt abroad must be considered in the NEPA process.

The USCG expressly notified DIBC in November 2006 that they must include transboundary impacts of the project in the EA. Again in July 2007, USCG acknowledged that the CEQ Guidance on NEPA Analyses for Transboundary Impacts requires assessment of transboundary impacts. Instead of analyzing transboundary impacts, the DEA claims that because “an analysis in Canada is being reported in an Environmental Assessment Screening Report prepared under Canadian Authorities,” the USCG does not need to do its own evaluation of the impacts this project will have in Canada. This position contravenes the requirement that the direct, indirect, and cumulative impacts of the project must be considered. Whatever analysis of Canadian impacts may be conducted by Canadian agencies, NEPA requires a full analysis to decide whether the project may have significant impacts, without regard to whether those impacts are felt in the US or in Canada.

It is contrary to NEPA to conclude the project will not have significant impacts where only the domestic impacts are considered. The submissions by Canadian entities, available meteorological data, as well as the given reality that emissions travel without regard to national borders, indicate there will be impacts in Canada from this project, even from activities on the US side of the border. The USCG cannot reasonably conclude that the impacts of the project will not be significant simply because some of them will occur outside the United States.

Response: Concerning transboundary effects and potential environmental impacts in Canada, the Final EA includes a summary of the comments received concerning possible impacts in Canada, along with a copy of the Canadian environmental screening document the proponent has submitted to Transport Canada in accordance with the Canadian

Environmental Assessment Act. Results of the analyses of the assessments in Canada will be considered as appropriate by USCG. The Coast Guard cannot comment on the determinations Canadian authorities might make to meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project. There are no U.S. federal prohibitions to private ownership of a bridge over an international border crossing. The Canadian Government has different laws and policies regarding this issue. This is just one sample of the differences between the two countries and the application of their laws.

4. Deficient Analysis of Air Quality Impacts

The air quality impacts analysis is insufficient for multiple reasons. First, as noted above, it is based on the assumption that there will be no increase in traffic at the location, which is an untenable assumption.

Second, the analysis does not evaluate the cumulative impacts of the twinned bridge with gateway crossings, gateway expansions, a new down-river bridge, relocated Fort Street, expanding the plazas for truck traffic, the DIFT project, expansions at the marathon plant, and so on. These are all cumulative sources of potentially significant air emissions, particularly particulate emissions.

Third, the air quality analysis focuses on whether the new twin bridge would significantly add pollutants to the Wayne County region. This analysis is meaningless to the question of whether and how the project will impact the air quality in the neighborhoods near it.

Fourth, the analysis incorrectly focuses on the incremental change to the status quo from a new bridge span – the status quo being an already-heavily-polluted condition. Rather than assessing the incremental change in impact from the project, an EA must assess the overall impact on the area from this project in conjunction with other present or reasonably foreseeable future activities that impact the area.

Fifth, the analysis ignores the fact that the area is designated as a non-attainment area for particulate matter under 2.5 microns in size (PM_{2.5}) and a maintenance area for particulate matter under 10 microns in size (PM₁₀) and ozone. As such, and because it is a regionally significant transport project, a conformity analysis is required to determine whether the project would be acceptable under the Clear Air Act standards. This analysis would need to be *done* before the USCG could reasonably conclude the impacts of the project will not be significant.

Sixth, the air quality analysis does not include a hotspot analysis for either PM_{2.5} or ozone, nor does it use the current version of the MOBILE model for estimating vehicle emissions. Doing the relevant analysis and using the current model are obviously necessary to understanding the significance of the project's impacts.

Seventh, there is no analysis of air quality impacts in Canada at all.

Finally, this project will pollute the air and impact the public health. The technical reports attached to these comments confirm that. Dr. Goodarz Ahmadi and Hojjat Nasr of the Department of Mechanical and Aeronautical Engineering at Clarkson University evaluated particle transport and dispersion from the U.S. side of the Ambassador Bridge and the U.S. customs plaza. They found that significant fractions of the particulate emissions from those locations disperse into populated areas near the bridge. Under some of the relatively common wind conditions, *over 55-60%* of the particulate emissions from the plaza area are deposited in the neighborhoods to the north and east.

Detroit-based air consultant Lawrence Hands calculated future traffic volumes and emission factors for vehicles at the bridge and plaza using realistic assumptions and the current version of the MOBILE model. Using the EPA-approved SCREEN3 dispersion model, Mr. Hands calculated a maximum hourly particulate pollution impact from trucks idling for just 12 minutes at the plaza to be $70 \mu\text{g}/\text{m}^3$ over an hourly period and $28 \mu\text{g}/\text{m}^3$ over a 24-hour period. Added to the existing background level of $40 \mu\text{g}/\text{m}^3$, this 24-hour impact is *almost double* the National Ambient Air quality Standard (NAAQS) for $\text{PM}_{2.5}$ of $35 \mu\text{g}/\text{m}^3$.

Finally, Dr. George Thurston of the Department of Environmental Medicine at New York University Medical School submitted a report on the public health impacts of $\text{PM}_{2.5}$ pollution. Dr. Thurston explains that even short-term exposures to $\text{PM}_{2.5}$ can cause respiratory and cardiac health problems, and long-term exposures decrease life expectancy by years. He also documents adverse health effects even from $\text{PM}_{2.5}$ concentrations below the NAAQS. He concludes that “the proposed additional span at the Ambassador Bridge, if approved and built, will indeed have both acute and chronic adverse effects on the public health” for residents of the gateway neighborhoods, residents of Windsor, Ontario, and potentially others.

Response: See the response to the prior comment regarding Traffic Volumes and Impacts.

See the response to the prior comment regarding possible Canadian impacts.

Cumulative impacts were addressed previously.

The commenter notes that the project is in a non-attainment area for some air pollutants, and a maintenance area for others. All criteria pollutants were analyzed in the air quality study at Appendix M, including CO and PM_{10} . In addition, a General Conformity analysis was performed and the pollutant levels were found to be under *de minimus* thresholds. On June 26, 2008, SEMCOG’s General Assembly amended the RTP to include the ABEP conditioned upon identification of the preferred alternative on the Canadian side by the appropriate Canadian officials. The commenter notes that a hot spot analysis should be performed. A hot spot analysis has been performed and its results have been incorporated into the Final EA in Appendix M.

In response to the comment regarding the Mobile6 model, the analysis in the EA is based on the most recent version of EPA’s model. This was confirmed in an email from EPA to the CG dated October 17, 2007. The Draft EA cited the original release date of September 24, 2003 of the most recent version of the software, as opposed to the Federal Register release date of May 19, 2004. The term “Mobile 6” is a generic reference term that

incorporates the most recent software versions. See EPA User's Guide to MOBILE6.1 and MOBILE6.2, August 2003. The analysis in the EA is also based on the March 17, 2006 upgrade in the PM emission factor file. All air quality data was submitted to EPA and SEMCOG for review and has been approved. This is clarified in Appendix M of the Final EA.

Mr. Hands' and Mr. Thurston's analysis was reviewed by the proponent's consultant. The following comments were provided:

The analysis relies on several conservative assumptions that result in over-prediction of nearby impacts. The following comments are provided:

- *There is no explanation of how the assumptions of 600 trucks per hour or 10,000 trucks per day were derived. Hands & Associates traffic count of 3.24 million trucks per year result in 8,877 trucks per day (3,240,000 trucks/365 days/yr), which is equal to 370 trucks per hour (8,877 trucks per day/ 24 hrs/day). As noted previously, the full demand based volumes were used in the analysis of impacts for the ABEP.*
- *Due to the mixing caused by the movement of trucks in the queue line, it would be more appropriate to model the emissions as a volume source or multiple volume sources. Not accounting for the initial dispersion would result in an over prediction of impacts.*
- *Using the maximum number of trucks per hour to calculate a maximum per hour emission rate is acceptable for predicting a 1-hour maximum concentration, but it is more appropriate to use an average emission rate over 24-hours as input to SCREEN3 for predicting a 24-hour concentration. The 24-hour conversion multiplier used by Hands & Associates is an adjustment to account for changes in meteorological conditions over the course of 24-hours. Hands & Associates used the maximum 600 truck per hour calculated emission rate in the model to predict a 24-hour concentration. This will cause an over-prediction of the SCREEN3 24-hour concentration. In addition, the maximum impacts occur during very low wind speeds which would not be likely to remain for a 24-hour period. Wind speed is inversely proportional to the predicted impacts.*
- *The SCREEN3 is a very conservative screening model. It is typically used as a regulatory screening tool to determine if stationary sources meet very conservative thresholds, that if exceeded require that a refined modeling analysis be conducted. AERMOD, CAL3QHC and ISCST3 are examples of the models used in refined modeling analyses.*
- *Hands & Associates is adding the predicted 24-hour modeled concentration results to the existing background. The existing background concentrations would contain any contribution from the existing truck emissions passing through the customs plaza.*

In sum, we believe the Hand study greatly overstates the potential impacts of the project because the assumptions used in the study were overly conservative.

With regard to the Thurston Report on PM2.5, we do not believe this report changes the analysis required for this project. The thrust of the report appears to be that there are health implications for PM2.5 even at levels below the National Ambient Air Quality Standards (NAAQS). EPA has established NAAQS to protect the health and welfare of the general population, and the NAAQS was used in assessing this project. Moreover, we note that the Thurston Report is not a peer-reviewed study. In any event, the PM2.5 emissions of this project have been addressed and were not found to be significant.

In summary, the Coast Guard has applied NAAQS standards, consulted with the federal and local agencies responsible for evaluating air quality impacts, and have determined that General Conformity regulations apply for this project. The ABEP, on its own, is not expected to significantly increase traffic or increase pollutants.

5. Deficient Analysis of Noise Impact

NEPA also requires consideration of the noise impacts, and the DEA takes a cursory stab at analyzing these impacts. The noise analysis in the DEA is insufficient for multiple reasons. First, the project does not consider the cumulative or combined noise impacts resulting from the new bridge combined with the use of the plazas, and existing background noises. Reports from Valcoustics, who have previously studied noise impacts from bridges, document that traffic moving through the plaza may result in potentially significant off-site noise impacts. The noise analysis ignores these impacts entirely.

Second, the scope or area of impact studied in the noise analysis is too small and constrained, it does not account for likely residential noise impacts beyond the immediate shadow of the bridge.

Third, the analysis is faulty in that the noise sampling data documents are not representative of likely noise impact conditions. For example, none of the samples or analysis analyzes noise during rush hour traffic. Further, although the bridge will operate all day and night, and although there are residential neighborhoods are the bridge, the noise analysis does not discuss or analyze impacts from the bridge during the late night hours, when the background noise is quietest and impacts to residents are most significant.

Finally, the noise analysis completely ignores noise impacts in Canada.

Response: A thorough noise assessment was undertaken for this project and was included in Appendix N to the Final EA. The cumulative noise impacts of the Ambassador Bridge and the Gateway project were also considered. The two projects could likely have a beneficial cumulative impact on noise impacts due to their combined reduction in traffic delays and idling. In other words, both projects were designed to lead to increased efficiency in handling traffic, and therefore could reasonably be expected to lead to a net decrease in vehicular noise.

A separate noise study was done for the Gateway plaza expansion in which noise walls were warranted for the neighborhoods to the east of the plaza and have been constructed. The noise study for the ABEP included these existing noise walls in the analysis. Therefore, noise within the plazas was already abated. Additional noise walls built on the proposed bridge would not provide further abatement for those residences near the plaza.

Noise sensitive sites that were within 1500 feet of the proposed project were evaluated for traffic noise. A 1500 foot analysis area is an ultra conservative approach for noise modeling. The Federal Highway Administration estimates that for line source noise pollution such as a roadway, that the sound level decreases 3dB with the doubling of the distance from the source. Based on the initial screening of the project area with the proposed traffic volumes, it was determined that a 1500 foot study area was more than sufficient to capture any potential noise impacts. This was confirmed once the noise analysis was completed as shown in Figure 3-3 of the noise report. Further, many of the examples of projects warranting an EIS mentioned later in the document, only studied receptors within 500 feet of their project.

The residences to the west of the interstate system are greater than 1500 feet from the proposed project. Furthermore, traffic noise from the interstate system (I-75) that is directly adjacent to these neighborhoods would be considerably greater than the proposed project. Any wall built along the proposed bridge to abate traffic noise would be expected to reduce traffic noise levels for those houses and neighborhoods, as they are being adversely affected by the existing interstate system.

Measurements taken in the field, as shown in Appendix A, were used only to validate the model and to ensure its' accuracy and are not used in the analysis for the need of noise walls. The traffic noise model used traffic data equivalent to a Level of Service (LOS) C which is recommended by the Federal Highway Administration. The use of LOS E and F conditions does not represent the worst case traffic criteria for a noise analysis. At these conditions, congestions occurs and speeds are lower, thus causing lower overall noise levels compared to the free-flow conditions. The existing (2010) and forecast future year (2030) traffic data used in the TNM for the Ambassador Bridge Enhancement Project are presented in Appendix C of the Noise Study Report. Traffic data was obtained by applying appropriate growth factors to Year 2004 and Year 2025 bridge volumes obtained from the Detroit River International Crossing (DRIC) Study Travel Demand Forecast prepared by IBI Group for URS Canada, dated September 2005. The appropriate growth rates were obtained from the DRIC study in Exhibits 5-9 and 5-20. These values were used to obtain Year 2010 and Year 2030 Bridge volumes.

Night time volumes were analyzed as these times did not provide the Level of Service C traffic volumes recommended by the FHWA to use in the model. Therefore, using night time volumes would not provide for a worst case scenario even though back ground noise would be less. Further, the distance of the bridge from the closest residences is so great that an impact at any time of day or night is unlikely. The closest receptors to the proposed bridge were in Riverside Park, which is closed at night.

The Coast Guard commissioned a separate study to verify the Noise analysis submitted by the proponent and their consultants. The analysis provided by the proponent extends from the Gateway Plaza on the U.S. side to the international border approximately halfway across the bridge, and is included in Appendix N.

A noise study analysis has been undertaken in Canada in accordance with the Canadian Environmental Assessment Act. The results of this analysis were submitted to Transport Canada and other Canadian officials as required by Canadian law. Results of the analyses will be considered as appropriate by USCG. Further, USCG has taken into account comments regarding noise impacts received from Canadian entities, including the City of Windsor.

6. Deficient Analysis of Environmental Justice Impacts

This is a project involving federal action (permitting) and also federal funding (federally-backed private equity bond financing). Therefore, both Title VI of the Civil Rights Act of 1964 and the Michigan Elliot Larsen Civil Rights Act require the USCG to specially evaluate the potential impacts of the project on protected populations. In particular, Executive Order 12898 requires each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.” This requirement is specifically incorporated into the USCG’s review of this project under NEPA through Commandant Instruction 5810.3 (May 2003).

Census data confirms that the Gateway neighborhoods around the Ambassador Bridge include significant populations of protected minority and low-income populations. Even the DEA (pages 39 and 40) acknowledges that the area around the bridge has a higher poverty population and Hispanic population than the rest of Wayne County. The Southwest Detroit area is already an area with poor air quality, particularly for particulates. The particulates dispersion and deposition modeling analysis by Mr. Nasr and Dr. Ahmadi, together with the analysis by Mr. Hands, confirm that the particulates emissions from the use of the existing bridge and plaza will have a significant *local* impact. In fact, Mr. Hands’ analysis concludes the project may cause the Fort Street monitor (and hence the air quality in the residential neighborhood round it) to exceed the NAAQS for PM2.5. And Dr. Thurston’s report concludes that this impact will have both acute and chronic adverse effects on the public health of persons living or working in the communities in the vicinity of the bridge.

The Executive Order, Commandant Instruction, and environmental justice principals require the USCG to conduct a robust assessment to be sure the twin bridge does not have a disproportionate impact on these populations. To start with, a proper environmental justice analysis must quantify impacts from the twin bridge, together with impacts from other projects and the existing air quality, noise, traffic, and cultural conditions, on the protected populations as well as sensitive sub-populations within the area (*e.g.*, children, elderly, homes without air conditioners, households without health insurance coverage). It would then compare those quantitative impacts to the impacts to the region, to make sure the impacts to protected populations are not

disproportionate. The DEA is incomplete until it has quantified the noise, air, traffic, economic, and historic/cultural impacts to these populations, and compared these impacts to the regional impacts, to ensure there is no disproportionate impact. Even without the required comparative analysis, available data shows there are protected populations, existing air quality is already degraded, and particulate emissions from the plaza and bridge will have a high local deposition rate. This alone indicates the project may have a disproportionate impact on protected populations, significant enough to require at least an EIS.

Response: The Draft EA evaluates Environmental Justice concerns within the project study area. The Draft EA analyzed, and the Final EA has confirmed, all of the potential environmental impacts and found no significant impact regardless of Environmental Justice populations. No business or residential relocations are required as part of the ABEP, in contrast to the Gateway Project and other potential border crossings being studied by the DRIC.

The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an Environmental Assessment and Finding of No Significant Impact (FONSI) for NEPA. The only portion of the ABEP that is outside of the approved Gateway extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The second bridge will not cross, or split, any neighborhoods and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways. Although there is a higher concentration of Hispanics in the Study Area and a slightly higher rate of poverty, the project is not expected to create significant environmental impacts or adversely impact minority or low-income populations and is consistent with Executive Order 12898.

Short-term construction impacts have been modeled and are included in the Final EA, along with all the air quality modeling, in Appendix M.

7. Failure to Consider Impacts to Local Community

To decide whether a project may have significant impacts, NEPA requires consideration of impacts cultural and economic resources. This includes impacts to existing and planned redevelopment and revitalization projects, impacts to property values, impacts to local tourism and to local historic structures, and so on. These are impacts that GCDC's member organizations and other residents have brought to the USCG's attention, but which are entirely missing from the DEA. There is also the concern that the project would require demolition of homes and other structures, on both the Detroit and Windsor sides of the bridge. This is a significant concern to both the residents and to the community as whole, yet the DIBC has yet to confirm whether, which, and how this may happen. This is another point the USCG must clarify to understand the scope of impacts of the project. In addition, there may be significant cultural and archeological resources impacted by the project, and both United States and Canadian Wyandot representatives have raised concerns that these impacts have not been studied yet. And there are unresolved issues that the project may not comply with the City of Detroit's zoning and bridge ordinances, may usurp public lands without replacing them, and may require acquisition

of the City's air rights. None of these issues have been addressed. The DEA is incomplete and inadequate without any analysis of these local impacts, let alone their significance.

Response: The Coast Guard evaluation of the ABEP indicates that the primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an EA/FONSI for NEPA. The only portion of the ABEP that is outside of the approved Gateway (and ABEP) study area extends eastward from the eastern limit of the plaza to the shoreline of Detroit River. The majority of property that would be required for the project is currently owned by the proponent, with the exception of the land necessary for the bridge supports owned by the City of Detroit. The proponent will need to obtain ownership, lease, or easement of this land prior to construction, as well as other local permits or authorizations.

The ABEP will not require business or residential relocations. The second bridge will not cross, or split, any neighborhoods, and will then enter directly into the Gateway Plaza. Traffic is expected to move through the Gateway Plaza and directly onto the interstate system, relieving traffic on local neighborhoods and roadways.

Cultural and archaeological studies have been completed in both the U.S. and Canada. The results of the U.S. study were published in the Draft EA under Section 3.5. Since that time, additional archaeological digs were completed from an archaeologist and no evidence of historic, cultural or archaeological remains were found. This study was submitted to Michigan SHPO as part of the Section 106 consultation for the project and is included in the Final EA in Appendix J.

The twelve federally identified tribal groups in Michigan have been contacted concerning the project and have not expressed concerns with the project. Letters were also sent to tribal group representatives in Wisconsin and Oklahoma.

The Coast Guard received two letters from Wyandotte representatives, the Detroit River Wyandot's in Windsor, Ontario, Canada, and Wyandotte Nation in Oklahoma. Both letters expressed concern and opposition to the project in Windsor, Ontario, Canada, and specifically that "the site is a known burial site of many tribal ancestral graves". These letters have been forwarded to the Canadian Environmental Assessment Agency for consideration in their environmental process in Canada, and the proponent has coordinated with First Nations in Canada in conjunction with the Indian and Northern Affairs Canada. This includes coordination with the Wyandotte Nation. The results of this coordination were submitted to Transport Canada and other Canadian officials as required by Canadian law. All letters are included in the Final EA in Appendix I.

The March 26, 2007 SHPO letter to the Coast Guard specifically identified possible archaeological remains related to the Potawatomie. Since this date, a second round of letters was sent to known Potawatomie groups and archaeological surveys have been conducted. The results are dated July 19, 2007, and are included in the Final EA. The survey confirmed that there are no tribal or cultural artifacts likely to occur in the project area on the U.S. side. The Coast Guard has also since received a letter dated August 9,

2007 from the Hannahville Indian Community (Potawatomie) advising that they believe the project would not affect any Indian religious sites or burial grounds, and most recently, a reply letter from Prairie Band Potawatomie Nation on August 13, 2007 stating no objections to the project. To date, there has been no request from any tribal groups to participate as a consulting party.

The City of Detroit has submitted comments in response to the Draft EA and has outlined the necessary permits and approvals that the proponent would be required to obtain from the City. The letters are included in the Final EA, along with a section that discusses impacts to Riverside Park and measures to mitigate the impact. While the Coast Guard has responsibility to evaluate the ABEP for NEPA and for a federal bridge permit, the proponent is responsible to obtain all other federal, state, and local permits required for the project. The Final EA includes an expanded section on coordination with the City of Detroit.

8. Deficient Analysis of Impacts to the Historic Structures

NEPA Requires consideration of impacts to historic places, independent of the section 106 process. As USCG is aware, the Ambassador Bridge is listed on or eligible for listing on the National Register of Historic Places, so analyzing the impacts to the historic existing bridge is a vital part of your NEPA analysis. There are two separate aspects to the impact to the historic bridge: the fate of the existing bridge, and the visual impact to the bridge.

There is a significant concern that the twin bridge will force the demise of the historic Ambassador Bridge. This may come as the result of lack of active maintenance, or it may be a requirement for national security purposes. The DIBC has been particularly vague about the predicted future of the bridge, at times indicating it will continue to maintain the bridge for temporary backup and pedestrian and bicycle traffic (through it is not clear that sound economic sense would support this), other times indicating it will continue to use the historic bridge (*e.g.*, there is commentary that the new bridge could carry three lanes of traffic one-way, with the historic bridge carrying three lanes of traffic the other way). The State Office of Historic Preservation has raised the question about what will happen to the historic bridge on multiple occasions, yet to date there is no clear understanding as to what would happen to the existing bridge and whether it would be maintained in the long-term. As long as the destruction of this historic bridge is a potential outcome of constructing a twin bridge, the impacts must be considered significant, triggering a full EIS analysis.

Even if the historic bridge is maintained in the long term, the proposed twin promises to destroy the aesthetic value of the historic Ambassador Bridge. While it is certainly difficult to quantify or objectively analyze aesthetic impacts, the DIBC's own Visual Quality and Aesthetics report makes the point: every photograph that shows the historic bridge alone and then with the new twin bridge superimposed into the image confirms that the new bridge will dwarf, dominate, and destroy the visual value of the historic bridge. In fact, the new bridge, with its massive 544' high towers, will dominate the entire Detroit and Windsor skylines.

Further, the DEA does not analyze impacts to local historic structures and archeological sites. For example, the historic structure of Ste. Anne's Catholic church sits directly in the shadow of the expanded bridge. There is only a conclusory statement that the expanded bridge will not impact this structure. NEPA requires actual analysis, such as noise impacts, impacts to the accessibility of the church resulting from increased traffic, the likely changes to the character of the surrounding area, and the potential for people to move away from this otherwise revitalizing area. Some analysis is also required to understand impacts to ancient Wyandot burial grounds in Windsor.

Response: The existing bridge is not a registered national historic landmark. However, it is eligible for listing in the National Register of Historic Places.

The existing bridge will be maintained and used for special purposes such as for maintenance and operational personnel, customs and immigration needs, and as a backup redundant resource if traffic is impeded for any reason on the new bridge. Current maintenance costs of the existing bridge will be reduced since the existing bridge will not carry significant numbers of cars, and no truck traffic other than when the new span is unavailable. The existing bridge is nearly 80 years old, with maintenance costs only expected to increase as the structure ages further. As a private owner, DIBC has made a decision to invest private money to improve their property. The Coast Guard's role is to ensure that the project meets the required needs of marine navigation and that potential impacts to the natural and man-made environment are analyzed and mitigated. DIBC has assured the USCG that it intends to bear all maintenance costs necessary to ensure that the bridge does not become a hazard. The Coast Guard will enforce the applicable federal statutes pertaining to the preservation of marine navigation, and will expect the bridge owners to prevent possible hazards to navigation associated with the existing bridge. The Coast Guard is prepared to levy civil penalties if the existing bridge is ever determined to be a hazard to marine navigation. The future use and mitigation of impacts on the existing Ambassador Bridge has been completed as part of the Section 106 process in coordination with the Michigan SHPO and the Advisory Council on Historic Preservation (ACHP), and a Memorandum of Agreement (MOA) was developed with the appropriate agencies. The MOA, and all correspondence related to the Section 106 consultation that was conducted is included in the Final EA in Appendix J. Furthermore, the MOA developed as a result of the Section 106 consultation includes conditions for maintaining the existing bridge.

The Draft EA included a section describing cultural and historic property impacts. A completed SHPO application, including analysis on historic properties within the APE, was also included in the Draft EA. The Coast Guard concluded in that documentation that the project would have an adverse visual effect on the existing bridge. Since issuance of the Draft EA, the proponent, Coast Guard, SHPO, ACHP and another consulting party from Gateways Communities Development Collaborative have coordinated and concluded a Section 106 process, as noted above.

The Coast Guard received two letters from Wyandotte representatives, the Detroit River Wyandot's in Windsor, Ontario, Canada, and Wyandotte Nation in Oklahoma. Both

letters expressed concern and opposition to the project in Windsor, Ontario, Canada, and specifically that “the site is a known burial site of many tribal ancestral graves”. These letters have been forwarded to the Canadian Environmental Assessment Agency for consideration in their environmental process in Canada, and the proponent has coordinated with First Nations in Canada in conjunction with the Indian and Northern Affairs Canada. This includes coordination with the Wyandotte Nation. The results of this coordination were submitted to Transport Canada and other Canadian officials as required by Canadian law. All letters are included in the Final EA in Appendix I.

The example provided using the proposed bridge to carry three lanes of traffic one-way, with the historic bridge carrying three lanes of traffic the other way, was investigated and was considered in the alternatives analysis. This alternative was not preferred because the existing bridge is approaching the end of its life span and it is not desirable to use it for day to day traffic.

9. The Project is Controversial and Complex

In deciding whether a project may significantly impact the environment, NEPA requires the federal agency to consider whether it is controversial. This project has raised controversy in both the United States and Canada. This controversy is documented in the multiple articles in local press, letters from community organizations, inquiries and comments from elected officials, and other materials in the record and in the public domain.

In part, the controversy arises from the fact that the bridge would be owned by a private company with no public accountability and a history of flouting governmental authorities. The project is also competing with the DRIC study, which appears to be seeking a way to increase efficiency in crossings and trade, while ensuring national security interests such as having redundant crossing points (both bridge expanse and crossing plaza). And the project promises to have significant impacts on the local communities in the shadow of the bridge, which host the bridge and suffer its negative (traffic, noise, pollution) consequences without the trade and travel benefits the bridge promises. There are the also environmental justice issues raised above, related to the fact that this community with higher minority and low-income populations would be forced to bear a disproportionate burden from the bridge. While the DEA does not consider any of the issues, the fact remains that proposed twin bridge *is* controversial, triggering NEPA’s EIS analysis requirement.

This project requires the USCG to analyze and quantify traffic, air, and noise impacts, which impacts are inherently complex. This further supports that a full EIS is warranted. The CEQ regulations note that EAs should be short (less than 15 pages), and that “a lengthy EA indicates that an EIS is needed.” The DEA for this project approaches 100 pages, and it doesn’t begin to address many of the real issues associated with the impacts of this project. Several agencies who routinely quantify and analyze air quality and transport project (SEMCOG, EPA, FHWA) have also raised substantial deficiencies in the DEA, which underscores the need or additional studies and analysis. The fact that other projects potentially impacting air quality in the area (*E.G.*, DRIC, DIFT) are engaging in a full EIS review, with proper air impacts and SIP conformity analyses, further demonstrates that this is not a project for which a short and simple EA will suffice.

Response: The Coast Guard is charged in this undertaking with the responsibility of determining the significance of environmental impacts of the project. The purpose of the Environmental Assessment is to determine this significance. Two scoping documents have been issued for public comment, the tentatively described categorical exclusion document dated March 2006 and the Draft Environmental Assessment dated May 2007. Both documents succeeded in their intended purpose to solicit comments from NEPA agencies and the general public. Based on the comments received to the first document, the Coast Guard required an Environmental Assessment be undertaken by the proponent. The Draft EA has likewise resulted in the additional analysis performed and documented in this Final EA. Once the EA is complete, the lead agency must determine if further analyses are warranted based on the degree of impacts or if the impacts are not substantial, and therefore, issue either a Finding of No Significant Impact (FONSI), or require that an Environmental Impact Statement (EIS) be prepared. The trigger for an EIS or FONSI therefore, is based on the significance of environmental impacts.

The Coast Guard's responsibility in this project and NEPA evaluation is to recognize the distinction between controversy based on impacts to the human environment and controversy based solely on social impacts. Per 40 CFR 1508.14, economic or social effects are not intended by themselves to require preparation of an environmental impact statement. The Coast Guard understands that there are numerous projects that have been proposed, studied, and are even currently being implemented in the Southwest Detroit neighborhoods. We also realize that the proponent is owner of numerous other properties in the Detroit area that have been the subject of legal cases and media coverage over many years.

The ABEP proposal has a different purpose and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor, while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in capacity across the international border in the Detroit/Windsor area. In the Coast Guard's view, the fact that both proposals have been conducted at virtually the same time has helped to create the impression that they are in direct competition with each other to satisfy the same purpose, and therefore has helped to create an impression of local controversy. This is not the case and has never been the case. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC, nor does it identify regional transportation needs. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents federal authority to construct a bridge, not a mandate to construct a bridge.

Environmental Justice concerns were discussed previously.

The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the neighborhoods in Southwest Detroit and the natural or man-made environment are not significant, and do not warrant an Environmental Impact Statement.

B. Inadequate Scope of Alternatives

As part of an Environmental Assessment, NEPA requires the lead federal agency to “study, develop, and describe” alternatives to the project and the environmental impacts of those alternatives. The purpose of the alternatives analysis is to “present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.” This step “force[s] consideration of consequences and alternatives, and thus ensure[s] that...[the project] will [be] done in a way that minimizes unnecessary negative environmental effects.”

The alternatives considered in the EA should meet the purpose and objectives of the project. As discussed above, DIBC identifies the purpose of this project as reducing congestion, promoting economic growth and development, improving air quality, and it also implies it would improve security. Stated another way, the purpose is to ensure efficiency in trade and transport. Putting aside whether this is the true purpose of the project and also whether the twin bridge even fulfills this purpose, we limit our comments on the alternatives analysis to the stated purpose and note that if the purpose and need were adequately defined in the DEA, there would be different and more alternatives to evaluate.

The DEA only really compares various design and operating alternatives for a twin span of the Ambassador Bridge. By so limiting the scope of the alternatives, the USCG fails to consider other alternatives that could meet the objectives of the project. For example, the DRIC Study Group has identified alternative locations for an international bridge that meet the purpose of increased crossing efficiency and will likely have fewer and less significant environmental and other impacts. These alternatives include the additional important security benefit of being publicly owned, which is a factor the USCG must consider in determining what is the best way to meet the purpose of the proposed project.

In addition, the DEA does not seriously analyze the available alternative of maintaining and improving the existing Ambassador Bridge. DIBC can likely redesign the bridge and plazas to meet its stated purpose of reducing congestion and increasing efficiency, particularly if a new bridge down river takes some of the traffic volume. This alternative certainly would have less of a visual impact, as well less chance for destruction of the historic bridge. It also would have less of an impact to the air quality and on the noise levels in this already highly impacted area of Detroit.

The USCG cannot decide that the pending project best “minimizes unnecessary negative environmental effects” without engaging in a true comparative analysis, which also depends on

full air impact and travel volume analyses. The USCG must study the actual need for a new crossing, other projects that are being considered or may be in the future, and the full impacts of each alternative. Without an adequate consideration of all the available alternatives it is arbitrary for the USCG to conclude that the proposed project is the one with the least significant impacts.

Response: The applicant has proposed the ABEP to replace an obsolete, aging bridge with a new bridge that meets modern standards and provide a long-term plan to maintain traffic through the corridor with minimal interruption. The existing bridge is nearly 80 years old and carries heavy commercial traffic. As a private owner, DIBC has made a decision to invest private money to improve their property. The maintenance costs under the current and projected usage will continue to be significant. DIBC has stated that it is becoming increasingly expensive to maintain the existing bridge as it nears the end of its life span. Regular traffic will be removed from the existing bridge and carried on the new six-lane span. Further, the existing bridge has substandard 11' wide travel lanes rather than current standard 12' lanes. The existing bridge has minimal safety shoulders, resulting in backups and congestion whenever work is required on the bridge or a vehicle breaks down. The existing bridge does not provide for effective operation of the FAST booths present in the existing plazas since low risk trucks must wait in the queue with other trucks to reach these booths. The ABEP has been proposed to help resolve this problem by providing for a third lane in each direction that will be dedicated to the low risk FAST traffic, allowing for faster clearance of that traffic and leaving two lanes for general and non-FAST commercial traffic.

The existing bridge cannot feasibly be widened due to engineering restrictions since it is constrained by the existing towers and catenary cables. For these reasons, DIBC has proposed replacing the existing bridge with a new structure that has standard 12' lanes, has standard safety shoulders, and provides for the operation of the FAST booths already in place in the existing plazas. In addition, widening the bridge would result in more destruction of the historic bridge than the new span. Widening the existing bridge would have equal impact on air quality and noise levels.

The proponent has provided analyses of project alternatives in the Draft EA under Section 2.0. The analysis included build and no-build alternatives, as well as analysis for alignment, tunnel, design, and other corridor options. The applicant, as a private entity holding permits for the existing bridge in an already approved corridor, owns the bridge and connecting plazas on both sides of the international border. The construction of a second bridge across Detroit River in a location other than the Ambassador Crossing would potentially result in considerable environmental impacts and disruptions to neighborhoods on both sides of the border in order to construct additional plaza facilities and new connections to the highway systems on both sides, respectively. The ABEP utilizes existing infrastructure that has been in place for 80 years, with improvements to the connecting roadways already analyzed and approved in the Gateway Project. Additionally, the ABEP, as proposed by the applicant, is consistent with the Coast Guard Bridge Administration Program to construct an additional structure in an already approved crossing/corridor.

Twelve alternatives, in addition to the no build alternative, were studied and described in Section 2.0 of the Draft EA. These included the following:

- 1) A new three lane “twin” suspension bridge west of the existing bridge spanning a portion of the river with three NB lanes on the existing bridge.
- 2) A new three lane suspension bridge east of the existing bridge spanning the entire river with three SB lanes on existing bridge.
- 3) A new three lane suspension bridge west of the existing bridge spanning the entire river with three NB lanes on existing bridge.
- 4) A new six lane suspension bridge west of the existing bridge spanning the entire river with the existing bridge in reserve.
- 5) A new six lane suspension bridge east of the existing bridge spanning the entire river with the existing bridge in reserve.
- 6) A new three lane cable stayed bridge east of the existing bridge spanning the entire river with three SB lanes on existing bridge.
- 7) A new three lane cable stayed bridge west of the existing bridge spanning the entire river with three NB lanes on existing bridge.
- 8) A new six lane cable stayed bridge west of the existing bridge spanning the entire river with the existing bridge in reserve.
- 9) A new six lane cable stayed bridge east of the existing bridge spanning the entire river with the existing bridge in reserve.
- 10) A new three lane tunnel east of the existing bridge with three SB lanes on existing bridge.
- 11) A new three lane tunnel west of the existing bridge with three NB lanes on existing bridge.
- 12) A new three lane tunnel east and a new three lane tunnel west of the existing bridge with the existing bridge removed after construction.

The ranking of each of the alternatives was based on impacts to the environment, impacts to navigation, number of relocations required, economic impacts, functionality, construction impacts, structural security, and life cycle costs. The analysis is presented in Section 2.0 of the Draft Environmental Assessment and is expanded and clarified further in the Final EA in Section 2.0.

C. Inadequate Analysis under Other Statutory Schemes

1. Analysis Under the National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies, before issuing any permit or license, to “take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.” The federal regulations require the agency involved in projects such as the present one to consult with SHPOs and other interested parties, make reasonable and good faith efforts to identify historic properties, and assess the effects of a project on such properties. The goal of this Section 106 process – once adverse impacts on the historic properties have been identified – is to “seek ways to avoid, minimize or mitigate any adverse effects on historic properties.” Section 106 recommends the consulting process be incorporated into the NEPA process as early and efficiently as possible. The Commandant Instructions clearly anticipate that the Section 106 process will be complete *before* the NEPA document (EA or EIS) is released for public comment and finalized.

In this case, the Section 106 process is still in its relative infancy, with the parties still working on defining the scope and purpose of the project, let alone what alternatives and mitigation measures may apply. Further, through the Section 106 process, the Michigan SHPO and other consulting parties are considering expanding the scope of adverse impacts in the historic Gateway neighborhoods surrounding the bridge. These are precisely the types of impacts that NEPA requires the federal coordinating agency to consider in deciding whether a project’s impacts are “significant” or not. In other words, the range of adverse impacts that the SHPO identifies are part of the Section 106 process may further demonstrate the impacts of the twin bridge project will be significant under NEPA. The USGC cannot conclude the impacts of the twin bridge project will *not* be significant until after Section 106 process has at least finished identifying the adverse effects and (if possible) outlining mitigation. Because the Section 106 process has not advanced substantively, and because it has the potential to alter the NEPA outcome, the DEA is premature.

Another deficiency in the DEA under the NHPA involves Section 402 of the Act, which requires agencies to consider the impacts of actions taken outside the U.S. on historical sites in the foreign country. This section directs that the lead agency “shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.” The City of Windsor has expressed concern over the impacts that the proposed project will have on over 40 heritage features and three known archeological sites in Windsor. One site of particular concern is the Assumption Park and Church, which has been designated under the *Ontario Heritage Act* as a historical site. As noted above, there may also be significant impacts to historic Wyandot burial sites. The DEA is legally deficient under Section 402 of the NHPA because it ignores the impacts this project will have on these historic sites in Canada.

The Section 106 consultation for this project included the Coast Guard, DIBC, SHPO, ACHP, and a representative from Gateway Communities Development Collaborative (GCDC).

The legal firm representing GCDC requested to participate in the consultation on June 29, 2007 and the Coast Guard invited a representative from GCDC to be a consulting party on July 11, 2007. This development occurred after the commenter submitted this letter and their comments. All parties worked together to evaluate the potential impacts to the existing bridge and develop the MOA for the project. All Section 106 documentation and discussions on the evaluation of potential cultural and historic impacts is included and expanded in the Final EA in Appendix J.

Environmental analysis is being undertaken in Canada in accordance with the Canadian Environmental Assessment Act. The results of the studies being undertaken in Canada will be submitted by the proponent to Transport Canada and other Canadian officials as required by Canadian law. Results of the analyses of the assessments in Canada will be considered as appropriate by USCG. The Coast Guard can not comment on the determinations Canadian authorities might make to meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project. However, there is an expanded discussion of potential impacts in Windsor, including potential impacts to historic properties and tribal interests, in the Final EA in Appendix P.

2. Analysis Under Section 4(f) of the DOTA

Section 4(f) of the Department of Transportation Act (DOTA) requires that:

The Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park...of national, State, or local significance, or land of an historic site of national, State, or local significance...only if—

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park...or historic site resulting from the use.

Until 2002, when the USCG became a part of the Department of Homeland Security (DHS), the USCG was an agency within the Department of Transportation (DOT) and thus required to do a Section 4(f) analysis for all bridge permits it was considering. The USCG is now apparently taking the position that it is not required to do a Section 4(f) analysis for the DIBC proposal because it is no longer within the DOT. However, the Department of Homeland Security Act (DHSA) specifically calls for the maintenance of the Coast Guard's mission and functions upon transfer to the DHS:

There are transferred to the Department [of Homeland Security] the authorities, functions, personnel, and assets of the Coast Guard, which shall be maintained as a distinct entity within the Department, **including the authorities and functions of the Secretary of Transportation relating thereto.**

...

Notwithstanding any other provision of this chapter, the authorities, functions, and capabilities of the coast Guard to perform its missions **shall be maintained intact and without significant**

reduction after the transfer of the coast Guard to the Department, except as specified in subsequent Acts.

The DHSA makes it clear that the USCG's role did not change when it transferred departments, including the performance of functions that the Secretary of Transportation had delegated to it. Therefore, just as the USCG's authority to approve bridge permits, which was delegated to USCG by the DOT, was transferred with them to the DHS, their duties under Section 4(f) also transferred.

The Section 4(f) analysis only allows the USCG to approve the subject permit if there are *no other* prudent and feasible alternatives. Because the twin span of the Ambassador Bridge will impact a historical site and use public park land, under Section 4(f) the USCG may approve the proposal if it is the only prudent and feasible option for fulfilling the project purpose (ensuring efficiency in trade and transport across the Detroit River). If there are no other prudent and feasible alternatives, the USCG must look at ways to minimize impacts.

As the SHPO has already concluded, the proposed twin span will have adverse impacts on the historic Ambassador Bridge. Additionally, the project will "constructively use" Riverside Park in Detroit. Even though the project may not physically use the park land, there is constructive use under Section 4(f) when "the project's proximity impacts are so severe that the protected activities, features or attributes that qualify a resource for protection under section 4(f) are substantially impaired." Impacts to Riverside Park from the proposed project include increased noise levels – this is the area of highest noise impact in the United States – and extinguishing the view of the historic Ambassador Bridge, for which the park is known.

Because the USCG carried its Section 4(f) duties with it to the DHS, and because the twin bridge project will use or impair public resources protected by Section 4(f), the USCG has the legal obligation to consider impacts and alternatives under the DOTA. There are alternatives available that would meet the purpose of this project (discussed above). The USCG must do this analysis, and it appears from available data that the proposed project should be rejected because of available alternatives that do not have such significant impacts on historical sites and park land.

Response: Section 4(f) applies only to the actions of agencies within the US Department of Transportation. See FHWA Section 4(f) policy paper, <http://www.environment.fhwa.dot.gov/projdev/4fpolicy.asp>. The 4(f) program remains a DOT program, and did not transfer with the USCG to the Department of Homeland Security. The USCG has no Section 4(f) responsibilities on any permit application received after March 1, 2003, and therefore section 4(f) is not applicable.

3. Analysis under Michigan Environmental Protection Act

NEPA requires the lead Federal agency to "cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements." The goal is "that one document will comply with all applicable laws." NEPA further requires that environmental impact statements "shall discuss any inconsistency of a proposed action with any...State...laws (whether or not federally sanctioned). Where an

inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the ...law.”

One such state law, the Michigan Environmental Protection Act (MEPA) imposes a duty on public and private entities to consider, determine, and prevent any likely harmful environmental impacts from the project, and also to consider reasonable and available alternatives. As described above, the proposed twin bridge would create additional air pollution and other impacts in the neighborhoods surrounding the bridge, thus triggering MEPA’s obligations.

MEPA essentially requires decision-makers to consider and determine the environmental impacts of proposed activities. “[MEPA} imposes a duty on individuals and organizations both in the public and private sectors to prevent or minimize degradation of the environment which is caused or is likely to be caused by their activities.” Specifically applicable to the proposed twin bridge project, Section 1705(2) of MEPA provides:

In administrative, licensing, or other proceedings...the alleged pollution, impairment, or destruction of the air, water or other natural resources, or the public trust in these resources, shall be determined, and conduct shall not be authorized or approved that has or is likely to have such an effect if there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

Genesco Inc. v. Mich. DEQ confirms that the MEPA standards must be met in the permit review process.

MEPA prohibits activities that will likely pollute, impair, or destroy natural resources unless there is a strong showing that “there is no feasible and prudent alternative” to the activity and that the activity is in the public interest. A party seeking to show that there is no feasible and prudent alternative to a proposed activity carries a “heavy burden of environmental justification.: They must show that any less environmentally harmful alternatives are entirely cost prohibitive or involve circumstances of an “extraordinary magnitude.” NEPA anticipates there impacts and alternatives analyses should be considered during the NEPA process. So far, the DEA has not addressed the impacts and alternatives analyses required by MEPA.

Response: MEPA applies to Michigan state agency permits and approvals – the Coast Guard does not enforce state of Michigan statutes. The Coast Guard has evaluated the ABEP for consistency with federal statutes. The Michigan Department of Transportation (MDOT), Michigan Department of Environmental Quality (MDEQ) and the Michigan Department of Natural Resources (MDNR) were included on the distribution list for the Draft EA and all Coast Guard Public Notices. No state agency has indicated that MEPA’s requirements were triggered by this project. MDEQ held a public meeting and issued their own Public Notice for the project. Part of the MDEQ process includes consultation with MDNR and other Michigan environmental agencies for compliance with Michigan environmental laws. MDEQ has subsequently issued two permits for this project that are included in the Final EA in Appendix D.

V. This Project Requires an Environmental Impact Statement

After rectifying the unsupported assumptions and expanding the EA to consider the full scope of impacts, it is clear this project will significantly impact the environment as defined by NEPA regulations. This is reason alone to conduct a full EIS.

Another reason an EIS is required for this project is that there is significant precedent for doing an EIS for major bridge projects. The CEQ Regulations provide that “in determining whether to prepare an environmental impact statement the Federal agency shall...determine...whether the proposal is one which normally requires an environmental impact statement.” Federal agencies historically have required or conducted an EIS for major international and domestic bridge enhancements, replacements, construction, and additions similar to the proposed twin Ambassador Bridge. Some examples of USCG bridge EIS’s include the Goethals Bridge Replacement and the Lake Washington Ship Canal Bridge/Modification of the Duwamish Waterway Bridge. Examples of EIS’s conducted by other federal agencies for bridge projects include the Buffalo-Fort Erie Peace Bridge, the St. Croix River Bridge Replacement, the Knik Arm Bridge, the Portal Bridge Enhancement, Sellwood Bridge Replacement, the Tappan Zee Bridge Enhancement, the Powder River Basin Rail Bridge, and the San Francisco-Oakland Bay Bridge (SFOFF) East Span retrofit or replacement, among others. The precedent of doing a full EIS for major bridge proposals similar to the Ambassador Bridge project demonstrates that the USCG should be doing an EIS simply by virtue of the type of project at hand and clear consensus that these projects are major federal actions significantly affecting the quality of the human environment.

Finally, a full EIS is the most efficient way to address the impacts and alternatives analyses imposed on the USCG by Sections 106 and 402 of the NHPA, Section 4(f) of the DOTA, and MEPA.

For all these reasons, consistent with the comments submitted by most every agency that has reviewed and commented on the DEA to date, we respectfully request that the USCG treat the document as simply the starting point for its own, independent, and complete Environmental Impact Statement.

On behalf of the people that live in the shadow of the Ambassador Bridge and who are most personally and directly impacted by this project, we sincerely appreciate that you will engage in the full process that NEPA, the NHPA, DOTA, and MEPA impose upon you with respect to this project, and we look forward to an opportunity to engage the USCG further once an independent and complete EIS is completed and circulated for public comment.

Response: Please review the responses to Comment 9.

All transportation projects are evaluated on a case-by-case basis and require varying degrees of environmental analysis. The Coast Guard has considered all applicable factors and our own statutory requirements in its independent analysis.

The environmental impacts of the project are not significant. No residences or businesses will be relocated in the United States, and no significant changes in the existing land use will be required. The second span is being proposed in an already approved international

corridor that has experience border traffic for almost 80 years. The proposal, as an independent project, does not increase traffic through the border crossing and into local roadways or neighborhoods. No wetlands or floodplain impacts will occur. Piers will not be placed in the Detroit River. There are no known threatened or endangered species in the area. A thorough air quality and noise analysis has been performed and approved.

The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project, the Coast Guard believes that the potential impacts on the neighborhoods in Southwest Detroit and the natural or man-made environment are not significant, and do not warrant an Environmental Impact Statement.

Comments by Vincent R. Nathan, PhD, MPH, City of Detroit Department of Environmental Affairs, Dated July 10, 2007

DIBC General Assumption

Comment 1: According to DIBC, the second span will not “significantly” constitute to adverse impacts in any category except for those that are not applicable, such as farmland. These facts are based on the premise that the existing Ambassador Bridge “will be rehabilitated and then serve as a backup, redundant resource in case of an emergency or another impediment against the free flow of people and goods, as well as serve as a pedestrian and/or bicycle facility.” The idea is that the existing bridge will be replaced by or in lieu of the second span, where by eliminating the need to assess cumulative impacts for air, noise, traffic, etc.

An EA, or more appropriately an Environmental Impact Statement (EIS), is required due to significant environmental impacts. The difference between an EA and an EIS rely on the significance and complexity of the proposed project and related environmental impacts. The EIS is the most comprehensive documentation of the NEPA analysis. DEA believes that due to the magnitude of the DIBC project and the potential for cumulative impacts that an EIS should be conducted.

An EIS would be able to discern the nature and extent of potential impacts of the second span as: 1) a single source from the construction and operation activities; 2) comparison of impacts with the existing span; and 3) cumulative effects of the existing and second span operations.

Response: The ABEP is proposed to remove traffic from the existing bridge and move it to the new span. The existing bridge will no longer serve general traffic once the second span is opened, but rather will have extremely limited, specialized use.

Secondary and cumulative impacts are described in Section 4.3 of the Draft EA and were expanded for the Final EA.

Construction impacts are addressed in the final environmental assessment and were found not to be significant.

All transportation projects are evaluated on a case-by-case basis and require varying degrees of environmental analysis. The Coast Guard has considered all applicable factors and our own statutory requirements in its independent analysis.

The environmental impacts of the project are not significant. No residences or businesses will be relocated in the United States, and no significant changes in the existing land use will be required. The second span is being proposed in an already approved international corridor that has experience border traffic for almost 80 years. The proposal, as an independent project, does not increase traffic through the border crossing and into local roadways or neighborhoods. No wetlands or floodplain impacts will occur. Piers will not be placed in the Detroit River. There are no known threatened or endangered species in the area. A thorough air quality and noise analysis has been performed and approved. The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the neighborhoods in Southwest Detroit and the natural or man-made environment are not significant, and do not warrant an Environmental Impact Statement.

Overview of the Environmental Assessment

Comment 2: The DEA assessment of the EA is that it fails to provide substantive analysis of air, noise, and traffic data, among others. A study was not conducted to determine whether the outcome of the EA's many assertions are valid and accurate. It appears that the DIBC relied heavily on data developed for the Detroit River International Crossing (DRIC) as well as the EA and Finding of No Significant Impact (FONSI) conducted on behalf of the Gateway Project. In most cases, topics appear to be glanced over without quantitative analyses and or assessments. Phrases such as "if necessary", "minimal", "Indirect", "not significantly contribute", "does not anticipate", "not expected", "minor increases", and "minor inconvenience" are stated throughout the document. Where these phrases are used there are no benchmarks to reference their significance. Furthermore, as these phrases are used, they alleviate the need for mitigation options.

In general, how can one improve traffic flow unless an expansion is created? The current bridge as referenced in the EA consists of four (4) highway lanes of traffic, with two lanes traversing northbound and two lanes traversing southbound. The second span will consist of six (6) lanes of traffic with three in each direction. In essence, the second span, once constructed will be larger than the existing bridge, however, no increase in traffic volume, no change in use or character of the study area, and no adverse impacts on the local population were anticipated in the study.

Response: The commenter is correct in that other studies conducted in the same area are relied on in the evaluation of the environmental impacts associated with the Ambassador Bridge Enhancement Project. Considerable overlap exists between the boundaries of the Gateway Project Environmental Assessment prepared by MDOT and approved by FHWA and the Ambassador Bridge Enhancement Project.

The Gateway Project, Detroit River International Crossing (DRIC) study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on previously approved sources, including the volumes developed during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the Detroit River International Crossing (DRIC) Study website sponsored by FHWA, MDOT, TC and Ministry of Transportation of Ontario (MTO). The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030. Since the unconstrained demand volumes were used without assuming diversion of any traffic to any new facility, this demand is reasonably considered the upper bound, or maximum expected traffic, for cross border traffic at the Ambassador Bridge.

Noise impacts have also been analyzed. The noise study found no substantial increase in traffic noise over the no-build scenario. The noise analysis is included in the Final EA in Appendix N.

The comment suggests that impacts are minimized to eliminate the need for mitigation. All potential impacts have been reviewed and analyzed, and all necessary mitigation measures have been undertaken. The Final EA includes all additional analysis performed since issuance of the Draft EA, along with explanations of all required mitigation.

Specific Observations of Concern:

Comment 3: No agency for the City of Detroit or City of Windsor was notified?

Response: The City of Detroit has been contacted since the first invitation letters were sent by the Coast Guard for the first agency meeting on May 4, 2006. We have correspondence between the proponent and Mayor’s office, along with the various correspondence to the Coast Guard from Detroit City Council. The proponent made a formal presentation to Detroit City Council on June 4, 2007, and has attended several meetings with the Mayor’s office. The City of Detroit Planning and Development office has been included on all Coast Guard Public Notices. All correspondence between the proponent and the city, along with all documents received by the Coast Guard from the city, has been included in this Final EA.

Comment 4: No adverse impacts to land use and topography are anticipated from the construction or operation of the proposed project – No vibration study was conducted.

Response: Any vibration from construction of the bridge would be temporary and not have an adverse effect on land use or topography.

Comment 5: Will any roads (e.g., W. Jefferson Avenue, Fort Street, etc.) be altered in any way due to the proposed project?

Response: No local roadways will be permanently altered to implement the project. There could be minor, temporary impacts to roads during construction that will require approvals from state or local authorities. This is addressed in Section 3.2.4 of the Final EA.

Comment 6: The statement, “the proposed project will not directly impact Riverside Park,” did not elaborate on the effects to the park as a result of construction and subsequent operations of the proposed project.

Response: Please see Section 3.2.5 of the Final EA for a discussion of potential impacts to Riverside Park during construction and operation of the project. This section states impacts may occur to the baseball diamond north of the railroad tracks during construction, and a portion of the park may be shaded due to the new structure, but no permanent changes to Riverside Park are expected. In addition, the proponent will have to obtain necessary authorizations from the City of Detroit for temporary construction impacts and all other requirements.

Comment 7: Description of soil management was not clear and ambiguous in content.

Response: A total of four locations are proposed for piers to support the new bridge. Since the entire project consists of a bridge with no embankment required, the total excavation required for this project is minimal. The only earth disturbances on the project site include excavations for bridge piers and surface grading. For these activities best management practices will be employed and the excavated soils will be assessed and characterized to determine their reuse on the project, used elsewhere or disposed of in accordance with applicable standards. Given that a portion of the site was a former manufactured gas plant and the upper 20 feet of surface material is fill, the possibility of soil segregation may be necessary. This segregation will be based on applicable engineering and/or state and federal environmental regulations.

In addition, as mentioned in the Environmental Assessment (Section 4.7.4), an approved project Stormwater Pollution Prevention Plan will be implemented to control erosion and sedimentation onsite, which is also an integral part of soil management. A Wayne County Soil Erosion and Sediment Control Permit must also be obtained by the proponent as part of the stormwater requirements, which would be completed during the design phase.

Comment 8: Compliance with federal, state and local regulations was mentioned with no specificity as to what regulations, permits, and authorizations would be required in the event that mitigation measures are necessary.

Response: Sections 3.0 and 4.0 address the Affected Environment and Expected Impacts that may occur as a result of the project. In each topic area, there is a description of the affected environment, the expected impacts, and if appropriate, the proposed mitigation. Where mitigation is discussed, the required agency permits and authorizations are noted.

The Coast Guard is responsible for evaluating this project for compliance with federal statutes. The issuance of a federal bridge permit signifies that the project has met all federal requirements. The proponent may still need to obtain other permits and authorizations from other federal, state or local authorities before the project may proceed. This possible requirement to satisfy other federal, state, or local requirements is included in all federal bridge permits.

Comment 9: The EA needs to elaborate in detail on all topics under section 4.0 Mitigation of Impacts.

Response: Section 4.0 is a summary of the mitigation measures discussed in the various sections of the EA.

Comment 10: Impacts to air quality are expected both during and after construction and operations of the proposed project in Detroit, but are not expected in Windsor. How can this be?

Response: The air dispersion analysis performed by the proponent includes the length of the bridge into Canada, but does not attempt to analyze air quality impacts within the City of Windsor, Ont. The analysis indicates that the ABEP will not significantly adversely impact air quality across the length of the bridge, and will therefore not impose a significant transboundary impact. Air quality impacts in Windsor will be addressed through processes on the Canadian side.

Comment 11: In conclusion, the technical review did not yield sufficient information to substantiate a FONSI and therefore DEA requests that a comprehensive study, EIS, be conducted in order to validate the EA findings.

Response: Additional analyses has been performed since issuance of the Draft EA, partly as a result of comments received from the public and governmental agencies. The results of the additional analysis indicate that the project, as proposed, will not create significant impacts.

The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the neighborhoods in Southwest Detroit and the natural or man-made environment are not significant, and do not warrant an Environmental Impact Statement.

Comments by Paul E. Trait C.A.E., SEMCOG, Dated July 10, 2007

Comment 1: It is stated several times in the Environmental Assessment that no modification to the Ambassador Bridge Gateway Project on the U.S. side or the Windsor Plaza Expansion Project on the Canadian side are necessary to accommodate the second span. Some confirmation of this conclusion from the Michigan Department of Transportation (MDOT) and Ontario Transport Ministry should be provided in the document.

Response: In the U.S., the Gateway Project was expressly designed to accommodate a second bridge, and the environmental documents prepared for that Project so state. Further, DIBC is not requesting approval for changes to the US plaza as part this project. If such changes were necessary, DIBC would need to submit a proposal to the General Services Administration and CBP for approval. To our knowledge, no such proposal is currently pending. In addition, no new connections to any road owned or operated by MDOT is proposed for the ABEP. The Gateway Project has been separately evaluated and is addressed in the Draft EA.

The USCG has reviewed the General Services Administration (GSA) feasibility study that was completed in 2007, entitled *Cargo Inspection Facility Master Plan*. The project has not received funding and is not foreseeable at this time. Additionally, GSA confirmed in a letter dated March 21, 2008 that any future modifications to the Gateway Plaza, including any proposals to relocate Fort Street for plaza expansion, would require a separate NEPA process to assess environmental impacts. Also, please see the response to Comment 10 from this commenter.

Comment 2: The U.S. Coast Guard is the lead federal agency for the U.S. environmental clearance process. However, there are numerous other federal and state agencies that will affect and be affected by the proposed project. Most notably, there appears to be very little coordination occurring with Homeland Security, customs and border Protection, Federal Highway Administration, and MDOT. The argument is made in the Environmental Assessment that the proposed project is necessary for security reasons, but there is no documentation of an analysis of security conditions/ requirements or any possible impacts (either positive or negative) on the relative impact of this border crossing.

Response: Each of the agencies named was provided with a copy of the Draft Environmental Assessment on April 23, 2007 and provided the opportunity to comment on the project. The ABEP proposes no changes to the operations in the plazas and no changes to the operation of the facility other than the addition of the FAST lanes over the river. As a result, there are no anticipated impacts to customs operations or current security practices directly caused by the ABEP. The primary project of concern for the referenced agencies was the plaza reconfiguration, previously approved and under construction. Each of the agencies named are consulted with frequently and were consulted during the planning and designing of the plaza and the Gateway Project. Each agency was provided the opportunity to submit comments on the Draft EA for the ABEP. The Coast Guard did not receive comments from the agencies listed in response to the Draft EA. Additionally, on-going coordination occurs continually between the agencies listed and the bridge owner as they continue to work as partners at the existing crossing.

Safety and security were listed as needs for this project. The emphasis on safety and security is not specific to homeland security but rather safety and security from an aging structure, as well as redundancy in the event of a terrorist attack or maintenance issue.

Comment 3: The document states that the selection of a preferred alternative must consider both US and Canadian impacts, yet the Canadian impacts are not quantified in this document. This appears to suggest that the environmental assessment is incomplete and premature in that a preferred alternative is identified in the document.

Response: Where applicable, the best available data pertaining to impacts in Canada were evaluated in the EA. Environmental analysis has also been initiated in Canada under the leadership of Transport Canada and the Canadian Environmental Assessment Agency. The Canadian analyses has been considered and incorporated into the USCG's Final EA as appropriate.

Specific Comments

Specific comments on the Environmental Assessment document are as follows:

Comment 4: Section 1.3, Proposed Enhancements, page 7 refers to the Ambassador Bridge Enhancement Project as the "Project," while Section 1.4.1 Gateway – DOT and DIBC/CTC, page 8 refers to the Ambassador Bridge Gateway Project as the "Project." This is confusing and should be clarified.

Response: The text has been changed on page 1 to say "Proposed Project". The text on page 8 has been changed to say "Gateway Project".

Comment 5: Section 2.1.3, Construction Plan, page 13, 1st paragraph – Protection of the aquatic environment during construction is discussed. Are there also potential disruptions to shipping/bridge traffic or community impacts during construction?

Response: No adverse impacts to shipping are anticipated. The new bridge will meet the same vertical clearance as the existing bridge. No piers are proposed to be placed in Detroit River. If work in Detroit River is required during construction, the Coast Guard will coordinate the work with vessel traffic. Since the existing bridge will remain in service during construction, impacts to bridge traffic and the community is expected to be minimal to none. Some short-term construction impacts to local roadways may be necessary, and will require approval from the governmental agencies with this responsibility.

Comment 6: Section 2.1.6, Cost and Scheduling, page 13 – A breakdown of costs by phase and timeframe is necessary. It is stated that design has begun and will take 24 months to complete, with construction taking another 36 months. When did design begin and when is construction expected to begin and end? Why has design begun before the Environmental Assessment is finalized?

Response: The final costs are not yet determined. Preliminary design has begun and progressed enough to enable the Environmental Assessment to analyze potential impacts to streets, parks and others. The proponent has estimated that construction is expected to begin in 2009 and take 24 to 36 months to complete.

Comment 7: Section 2.2, No-Build Alternative

- Page 15, fourth paragraph – It is stated that traffic backups due to incidents on the bridge will continue to grow. The document should include data that supports this statement. Are statistics on vehicle flow, incidents, and the frequency and duration of related congestion available? Was any projection of future traffic volumes and crashes conducted? This information should also be included in the final document.
- Page 15, fifth paragraph – It is stated that under the No-Build alternative, private funding cannot be leveraged thereby eliminating the opportunity to divert public funds to other projects. Are public funds currently being used in any capacity for the Ambassador Bridge? This should be clarified in the final document.
- Page 16, second paragraph – It is stated that the No-Build alternative did not rank high among the array of alternatives studied and did not meet the needs of the study. What are these other alternatives? Is there any analysis/ranking of the results for all the alternatives? The final document should clarify the alternatives considered and the ranking of the alternatives that were considered.

Response: The existing bridge is nearly 80 years old and experiences heavy truck traffic on a daily basis, and that its remaining life span is limited, the No Build alternative is not a viable alternative. The ABEP proposes to build a new bridge that will be able to accommodate commercial and other traffic well into the future. The existing bridge has substandard 11' wide travel lanes rather than current standard 12' lanes. The existing bridge has minimal safety shoulders and does not meet current standards resulting in backups and congestion whenever work is required on the bridge or a vehicle breaks down. The existing bridge does not provide for effective operation of the FAST booths present in the existing plazas since low risk trucks must wait in the queue with other trucks to reach these booths. The new bridge will resolve this problem by providing for a third lane in each direction that will be dedicated to FAST and other low risk traffic, allowing for faster clearance of that traffic. The proposed project is expected to improve efficiency in moving traffic and reduce idle times. The existing bridge cannot feasibly be widened since it is constrained by the existing towers and catenary cables. The new structure will have standard 12' lanes, standard safety shoulders, and will provide for the operation of the FAST booths already in place in the existing plazas.

No public funds will be used to construct the ABEP.

Alternatives are described in Section 2.4 of the Draft EA, and the description of the analysis and ranking has been expanded in this Final EA.

Comment 8: Section 2.3, Corridors under Consideration, page 16, second paragraph – it is stated that the DRIC study is designed to investigate alternatives for additional capacity and there is no need to do that simply to replace existing lanes. Section 1.1.2, support for the Project, page 3, fourth paragraph states that the Chambers of Commerce in the U.S. and Canada recognize that additional capacity is needed to meet trade demands. This calls into question whether or not the enhancement project is supported by the U.S. and Canada Chambers of commerce, given that the document states that this project will not increase capacity.

Response: The ABEP proposal has a different purpose than the DRIC study and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor, while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC.

The Coast Guard believes that the letters of support contained in the Draft EA simply reinforces the importance of the crossing to many entities on many levels.

Comment 9: Section 2.5, Basis for Choice, page 22 – It is not entirely clear what alternatives were considered using what criteria. The description of the alternative comparisons is inconsistent with the figures, e.g., the text refers to Figure 2-4 while discussing the 6-lane and 3-lane alternatives, but Figure 2-4 actually compares the suspension/cable-stayed/tunnel alternatives. There is no definition of the ranking criteria or how/when the data were collected and analyzed (e.g., there is no reference to life cycle costs except in Figure 2-3). There is no quantification at all for the No-Build and corridor alternatives. The final document should address these issues.

Response: The figures have been reordered in the document.

Corridor alternatives are discussed in Section 2.0 of the Final EA. The No-Build alternative is discussed in Section 2.2. The No-Build alternative was determined not to meet the needs of the project and was therefore dropped from further consideration.

The description of the analysis and ranking has been expanded in this Final EA.

Comment 10: Section 2.6, Benefits of Preferred Alternative, page 26, last bullet – The assessment indicates that there will be no increase in traffic volumes associated with the implementation of this proposed project. Was a traffic study conducted? The final report should include documentation of this position.

Response: The Gateway Project, Detroit River International Crossing (DRIC) study, and ABEP all derive their vehicular traffic data and projections from the same sources. Projected traffic volumes used were based on previously approved sources, including the volumes developed during the preparation of the Environmental Assessment for the Gateway Project which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the Detroit River International Crossing (DRIC) Study website sponsored by FHWA, MDOT, TC and MTO. The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030. Since the unconstrained demand volumes were used without assuming diversion of any traffic to any new facility, this demand is reasonably considered the upper bound, or maximum expected traffic, for cross border traffic at the Ambassador Bridge.

A Level 2 Traffic Operations Study dated January 2007 has also been completed by the DRIC study. This Level 2 analysis projects a volume of traffic that would utilize a new six lane bridge if it were introduced into the region. In other words, that study investigates the volume of traffic that the construction of six additional lanes would attract to the area from existing crossings. The Final EA for the ABEP evaluates impacts resulting from the entire volume predicted by this Level 2 analysis even though the ABEP would only add two lanes to the system and even though those lanes are restricted to FAST traffic.

All of the analysis performed, along with an expanded explanation of how traffic volumes were derived, is included in the Final EA in Appendix M.

Comment 11: Section 3.0, Affected Environment and Expected Impacts, page 35 – A project of this size should not only take steps to protect the environment but also improve the environment where possible.

Response: Comment Noted.

Comment 12: Section 3.1.1, Neighborhood Setting, page 36 – Would the project lead to additional condemnations and demolitions within the surrounding neighborhoods? Could the project contribute to loss of character of the neighborhood or trigger a decline in the quality of life of the area? These types of impacts should be addressed in the final document.

Response: This project will not trigger any demolitions in the surrounding neighborhoods. The project will not change the function of purpose of the corridor and therefore will not contribute to a change or loss of character in the neighborhood.

Comment 13: Section 3.1.3, Local and Regional Economy, page 38 – It is stated that there are no negative impacts associated with this proposed project. However, the potential positive impacts are referenced elsewhere but never quantified. The final document should quantify these benefits.

Response: The positive impacts associated with this project are the continued operation and efficient and safe flow of traffic and goods at the existing international crossing. The border crossing is vitally important to the economies of both the US and Canada and the Cities of Detroit and Windsor. The Draft EA included the volume of trade that crosses the existing Ambassador Bridge. Without the construction of the second span, it is feasible to expect that the efficiency of the border crossing, and consequently the economies of the region, would be adversely affected as more and more maintenance is required to keep the crossing functional.

Comment 14: Section 3.1.5, Environmental Justice Concerns

- Page 39, Setting – Native Americans are identified as one of the specific racial/ethnic populations covered under Environmental Justice regulations. The final document should reference all of the protected populations, not just Native Americans. It is stated that if a particular group is overly represented in an area, as compared to the rest of the population within the region, then the level of impact is considered to be disproportionate. This is not consistent with current procedures to identify a disproportionate impact. A comparison between the study area and the rest of the region is used to determine if there are significant proportions of EJ communities in the area. A conclusion of disproportionate impacts can only be made once the impacts are quantified.
- Page 40, Minority Population – There are additional racial/ethnic populations that need to be considered beyond Black and Hispanic.
- Page 40, Impacts – Why is St. Anne’s Church specifically referenced here?

Response: The EA references all minorities and low-income populations of concern, while specifically identifying Native American populations.

Although there are additional minority groups that were considered, none are over represented in any significant percentage in the study area.

This comment re: St. Anne’s church has been deleted from the final text.

Comment 15: Section 3.2.1, Land Use, page 40 – There is a lot of discussion of historical land use here. The final document should identify future plans and consistency of the proposed project with those future plans.

Response: The only expected land use is for the proposed piers. There will be short-term impacts to Riverside Park and local roadways during construction, but no other impacts to local land use are expected from the continued operation of this crossing that were not already addressed through the Gateway Project EA/FONSI.

Comment 16: Section 3.2.2, Utilities, page 42 – It is stated that if conflicts are found, utilities will be relocated. The final document should identify how utilities will be relocated and at whose expense.

Response: The ABEP includes a total of four substructure elements where utility conflicts could potentially occur. Preliminary investigations indicate that no conflicts are anticipated at any of those locations. Should any conflicts be identified during the final design and construction phases, the proponent will be required to comply with all local agreements in place for such activities.

Comment 17: Section 3.2.4, Traffic & Circulation, page 42 – It is stated that the two new FAST lanes do not represent additional capacity because they will be reserved for pre-approved trucks. Removing those trucks from the four general-purpose lanes will increase traffic flow (an argument made for the proposed project) and allow more vehicles to traverse the bridge in the same amount of time, increasing its capacity. It is our opinion that the proposed project does increase capacity over the existing crossing. The final report should include the traffic analysis that was used for the above referenced statement to be made.

Response: See response to Comment 10 from this commenter regarding traffic. The current 4-lane bridge will have all regular traffic moved to the proposed 6-lane span. The two additional lanes are dedicated lanes for FAST trucks. The complete traffic analysis has been expanded in the Final EA in Appendix M.

Comment 18: Section 3.4, Visual Quality & Aesthetics, Other Considerations, page 49 – There is no reference in this section to the current span being on the national Register of Historic Places. The final document should provide the specific reference so the discussion of the Secretary of the Interior's Standards can be reviewed within the context of the reference.

Response: The existing bridge is not a registered national historic landmark. However, it is eligible for listing in the National Register of Historic Places. This is confirmed by the comment letter submitted by SHPO which is in Appendix I of this Final EA.

Comment 19: Section 3.5, Cultural & Archeological Resources, page 51 – The text should address what would happen if archeological remains are encountered during construction. Are the Phase 1B investigations complete? If so, what are the findings? Why are archeological impacts addressed twice? The final document should answer these questions.

Response: The Phase 1B is complete and was assessed as part of the Section 106 consultation. There have been no significant findings. If there is a finding of any archeological significance during construction i.e. "unanticipated finds", work at that location will be halted and SHPO will be contacted. This condition is included in the MOA

developed during the Section 106 consultation with SHPO and is included in Appendix J of this Final EA.

Comment 20: Section 3.6.5, Natural Landmarks, page 58 – Why is Haven Hill State Natural Area defined as being within the vicinity of the project if it's 45 miles away? This landmark is outside the study area as identified in Figure 3-1.

Response: As part of the environmental review performed under NEPA, we are required to determine whether or not there are effects on any National Natural Landmarks listed by the National Park Service. Rather than to simply state that there are no listed National Natural Landmarks within the study area, the proponent chose to identify the nearest one to the project site and give the distance from the site to show there is no possible effect.

Comment 21: Section 3.7.3, Water Quality, page 60 – Stormwater mitigation is discussed here, then followed by a separate stormwater section. Are any RAP permits/coordination required? Section 3.7.3 states the project will not discharge to the Detroit River so no water quality certification is required; but Section 3.7.4 states that there will be an impact to stormwater flow. Section 3.7.4 states that it is anticipated that the stormwater pump station/collection system design for the project will accommodate runoff (page 63), but Section 3.7.3 states the favorable option is to tie into the existing stormwater/drainage facilities (page 61).

Response: We are not aware of any permit requirements specifically related to the Remedial Action Plans for the Detroit River AOC. However, any concerns identified in the RAPs are addressed by the appropriate regulatory agencies in the United States and Canada when issuing permits and clearances such as effluent discharge permits. For instance, the National Pollutant Discharge Elimination System Storm Water Program has been delegated to the Michigan Department of Environmental Quality and the DIBC will be required to comply with this permit program.

The project does not involve any discharges of dredged or fill material in the Detroit River. The proponent has received clearance from the USACE for the project. During the operational phase, the stormwater will be collected and directed into the existing stormwater/drainage facilities. The stormwater from the new bridge will be collected and treated using the facilities constructed as part of the Ambassador Bridge Gateway Project. Just as the ramps in the interchange and plaza were designed to accommodate a new span, the stormwater treatment facilities were also sized to receive the additional stormwater from a new structure should one be constructed. A permit dated 1/17/07 has already been obtained from the Michigan Department of Environmental Quality for such purposes. USEPA has been notified by the Coast Guard that MDEQ has provided a permit for stormwater handling. This has been clarified in the Final EA.

Comment 22: Section 3.7.4, Stormwater, page 62 – Are there opportunities for onsite detention or retention stormwater ponds that could be incorporated into an onsite landscaping plant to reduce impervious surfaces?

Response: The new bridge will tie into the existing stormwater treatment system that was designed as part of the new plaza construction. There are no opportunities for on-site retention ponds as the scope of this project is for the bridge crossing itself and does not include the plazas or surrounding land.

Comment 23: Section 3.8, Aquatic Ecology, page 65 – The fourth paragraph states that the Detroit River has one of the highest diversities of fish and is a major fish corridor; the fifth paragraph states there are no essential fish habitats. The Detroit River is recognized as an ecosystem having one of the highest diversities of wildlife and fish and this apparent conflict should be addressed in the final document. In order to improve the river's shoreline as habitat for fish and wildlife, soft shore engineering practices are being implemented at various locations. Opportunities for soft shore engineering projects in the vicinity of the project area should be considered. They would be beneficial to the area's residents as well as fish and wildlife.

Response: The text of the Draft Environmental Assessment failed to capitalize the term "Essential Fish Habitat (EFH)." This has been corrected in the text. The ABEP does not propose any construction for the second span in the Detroit River. The term Essential Fish Habitat relates to a specific program conducted by the National Marine Fisheries Service under the Magnuson Stevens Fisheries Conservation and Management Act. The Coast Guard is required to consult with National Marine Fisheries Service (NMFS) regarding potential adverse effects on a designated Essential Fish Habitat. NMFS was contacted through Coast Guard Public Notices and did not provide comments in response. There are no designated Essential Fish Habitats in the project area.

Soft shore engineering projects are beyond the scope of this project.

Comment 24: Section 3.10, Air Quality, page 74

- The Environmental Assessment should look at the entire project, not just the portion in U.S. territory. It is meaningless to only include the portion of the bridge that is on the U.S. side of the border. Air emissions do not stop at the border.
- Using the percentage of total Wayne County emissions that the project is expected to generate as the determinant of the air quality significance of a project is not meaningful. No single project is going to contribute a high percentage of total country emissions. More importantly, this has nothing to do with how an area's attainment status is determined. If a project will increase emissions to a level that will cause a new violation at any given monitor in the seven-county non-attainment area, or increase the number or severity of existing violations, it will significantly affect the attainment status of the region. This is because all

monitors in a non-attainment area must meet the national standard in order for the region to come into attainment. See Section 176(c) (1) of the U.S. Clean Air Act Amendment of 1990 for more information on what constitutes a significant impact.

- In order to fully understand the potential environmental impact of the proposed project, the Environmental Assessment should include an analysis of a maximum capacity scenario. This would assume 10 lanes of traffic (both new and current bridges in operation) as well as the maximum number of customs booths provided for in the Ambassador Bridge Gateway Project and the Windsor Plaza Expansion Project. SEMCOG's regional air quality conformity analysis will be conducted using this maximum capacity scenario.
- The analysis should include the impact of idling emissions due to queuing at the toll plazas. While Mobile6 does not directly generate idling emission factors, the accepted practice is to multiply the grams/mile emission factor generated for a speed of 2.5 mph by 2.5. This yields a grams/hour idling emissions factor that can then be applied to minutes of idling delay. Emissions from truck delay should be computed separately from passenger car delay as the former is likely to be significantly higher.
- While the predominant wind direction may be from the southwest, the wind does blow from other directions as well. Thus, the potential for the project to impact areas other than those to the northeast should be considered.
- The Mobile6 inputs for the Environmental Assessment used national default data for a number of parameters. Local data are available for a number of these. Use of these local data would provide more accurate emissions projections.
- In particular, the distribution of VMT by vehicle class ought to be drawn from bridge traffic count data because the proportion of bridge VMT that is attributable to trucks is significantly higher than the national average. The national average is approximately 10 percent while the average for the Ambassador Bridge is around 30 percent. This difference would have a significant impact on the amount of NOx and particulate emissions.
- SEMCOG also uses localized data for other Mobile6 inputs, including fuel parameters and age distribution of light-duty vehicle. Use of these data in the Environmental Assessment air quality analysis would provide more accurate emissions estimates.

Response: During the September 20, 2007, meeting at SEMCOG offices between the USCG, DIBC, USEPA, and SEMCOG, it was demonstrated that only a total of 6 lanes can be effectively used for traffic heading to Canada or the U.S. in the Gateway plaza. The DIBC has shown that only 6 lanes of traffic may be processed at any time, whether one structure or two were used for traffic. The plaza would have to be modified to accommodate more than 6 lanes of traffic going on or coming off the bridge, which would be evaluated under a separate proposal and would require a separate environmental study under NEPA. The meeting also addressed traffic counts, socio-economic factors, and appropriate factors to be applied in evaluating the project's potential air quality impacts, including vehicle and truck traffic, and applying VMT factors.

The ABEP is subject to General Conformity Rule requirements, per 40 CFR Part 93, and the analysis performed by the applicant has demonstrated that the project will not exceed de minimus levels. This determination was coordinated with USEPA since the September 20, 2007 meeting. Since additional analysis may be required for SEMCOG's regulatory requirements, and USEPA recommended the additional analysis, or hot-spot analysis, the proponent was advised to perform and submit the hot-spot analysis for this Final EA.

An air-quality report on potential short-term effects during construction has been prepared and submitted to SEMCOG since issuance of the Draft EA. These reports, along with all air analysis, to include the hot-spot analysis, are included in the Final EA in Appendix M.

Environmental analysis is being undertaken in Canada in accordance with the Canadian Environmental Assessment Act. The results of the studies being undertaken in Canada will be submitted by the proponent to Transport Canada and other Canadian officials as required by Canadian law. Results of the analyses of the assessments in Canada will be considered as appropriate by the USCG. The Coast Guard can not comment on the determinations Canadian authorities might make to meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project. However, there is an expanded discussion of potential impacts in Windsor, including consideration of potential air impacts. All analysis, and an expanded section on transboundary impacts, is in the Final EA.

Comment 25: Section 3.12, Hazardous Waste & Brownfield Sites, page 78 – How many state or federally listed contaminated sites are located within the project area? How many sites could potentially discharge contaminated sediment to the Detroit River or the DWSD sewer system during wet weather events if the soil is disturbed by the construction activities? These determinations should be included in the final document.

Response: The proponent conducted a search for contaminated sites was conducted to identify locations within the project area that satisfy the search requirements of USEPA Standards and Practices for All Appropriate Inquiries (40 CFR Part 312) and ASTM Standard Practice for Environmental Site Assessments (E1527-05). No sites were found on the National Priority List (NPL), Proposed NPL, Delisted NPL, Federal Superfund Liens,

Corrective Action Report, RCRA Treatment, Storage and Disposal or Large Quantity Generator lists, Hazardous Materials Information Reporting System, Engineering Controls Sites List or Sites with Institutional Controls List.

A site for a former Manufactured Gas Plant was located along W. Jefferson Ave. at the project site. This site would be the only one that could potentially discharge contaminants offsite. Any work taking place on that property would be subject to control under the project Stormwater Pollution Prevention Plan, as well as state and federal permitting under the National Pollutant Discharge Elimination System. Compliance with these regulations during construction will prevent discharge of contaminants to the Detroit River or the City of Detroit stormwater sewer system.

Should contamination be discovered during construction, the appropriate hazardous materials coordinator will be contacted. Materials will be removed and disposed of in accordance with all applicable laws and regulations.

Comment 26: Section 3.13., Potential Impacts in Canada from the Enhancement Project

- Page 82, Air Quality – It is stated there are no unacceptable emissions levels based on current traffic volumes. The analysis should be expanded to include future volumes.
- Page 84, Land Use – When will the impacts to the land use plan/ zoning be assessed? When will impacts to the parks be assessed?
- Page 84, Traffic – it is stated that the new span should result in reduced delay. The document being developed in Canada should document this statement.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 27: Section 5.0, Required Authorizations, page 98 – The project needs to be in the 2030 RTP because it is a regionally significant project.

Response: The Southeast Michigan Council of Governments (SEMCOG) General Assembly amended the ABEP to the RTP on June 26, 2008, conditioned upon identification of the preferred alternative on the Canadian side by the appropriate Canadian officials.

Comment 28: General Comment – References to appendices need to be corrected.

Response: Comment is noted.

Comments by Brian D. Conway, State of Michigan SHPO, Dated July 13, 2007.
See Appendix I for a copy of this letter.

Response: See Appendix I for a copy of the CG response letter dated August 7, 2007.

Comments by Kenneth A. Westlake, United States Environmental Protection Agency, Dated July 17, 2007.
See Appendix I for a copy of this letter.

Response: See Appendix I for a copy of the CG response letter dated October 29, 2007.

Comments by Raymond E. Basham, State Senator, 8th District, State of Michigan Senate, dated May 15, 2007

Comment 1: I am writing to express my serious concerns about the Detroit International Bridge Company's proposed twin spanning of the Ambassador Bridge. Knowing the U.S. Coast Guard's obligation to consider both the environmental and socioeconomic impact of this project, I respectfully request the denial of the Company's pending application for permit.

As you should know well, there is significant opposition to this new span, which would continue as a privately-owned international crossing. Complaints about the company's all too common disregard for bridge's impact on neighboring communities, for compliance with local regulations, and for the protection of the public's interest would likely worsen under such a proposal. Furthermore, by twinning the existing Ambassador Bridge this new crossing fails to address homeland security issues and possibly only makes them a greater concern.

According to the information I have receiving the U.S. Coast Guard is expected to issue a decision on the permit sometime this summer. As part of the permit process, a Coast Guard sponsored public hearing was previously held. Unfortunately the public notice given for the hearing was questionable as was the manner in which it was conducted. I would, therefore, argue that at the very least, an additional, more appropriately publicized hearing should be scheduled.

Response: The Coast Guard responded to Senator Basham's letter on July 5, 2007. located in Appendix I.

Comments by Sherri L. Clemons, N.A.G.P.R.A. Representative, Wyandotte Nation, dated June 12, 2007

Comment 1: The Wyandotte Nation has a great concern in the project due to the cultural impact on sacred burial sites.

The site involved is a known burial site of many tribal ancestral graves. These graves would be impacted by any future development on the proposed site.

The Wyandotte Nation is in support of local Windsor residents who have expressed their concerns on the environmental and cultural in this area due to this pending project.

After documenting proof of ancient Wyandotte burial sites in the proposed project area, we are requesting these sites not be disturbed as these remains of our ancestors are sacred to our way of life. In short, we anticipate a response of how this unfortunate situation will be handled going forward.

Response: The letter has been forwarded to the Canadian Environmental Assessment Agency for consideration in their environmental process in Canada. The proponent has coordinated with First Nations in Canada in conjunction with the Indian and Northern Affairs Canada. This includes coordination with the Wyandotte Nation. The results of this coordination were submitted to Transport Canada and other Canadian officials as required by Canadian law. All letters are included in the Final EA in Appendix I.

Comments by Gertrude Free, Director DRW, dated June 10, 2007

Comment 1: We are the Detroit River Wyandots (DRW) and descendents of the former band of Anderdon. We are a tribal organization in Windsor Ontario. The board of Directors and our members of the DRW are formed of Wyandot Indian descendents.

We are opposed to building a bridge that will cause any destruction of the sacred ground surrounding the historical area in Sandwich Ontario.

We would like to be kept informed of any development that may affect our native sites and offer any support possible to stop the building of a bridge that will cause great destruction of this very sacred site. These grounds mean so much to so many different people, especially to the Wyandot Indians of Anderdon, Ontario.

Response: The letter has been forwarded to the Canadian Environmental Assessment Agency for consideration in their environmental process in Canada. The proponent has coordinated with First Nations in Canada in conjunction with the Indian and Northern Affairs Canada. This includes coordination with the Wyandotte Nation. The results of this coordination were submitted to Transport Canada and other Canadian officials as required by Canadian law. All letters are included in the Final EA in Appendix I.

Comments by Taywanoka (Flying Arrow) Steve A. Gronda, Grand Chief / CEO, The Wyandot of Anderdon Nation, dated May 11, 2007

Comment 1: The Wyandot Nation is very concerned by the potential impact and destruction to our ancestral burial grounds on Sandwich Ontario lands due to future development of the proposed Ambassador Bridge project.

We also agree with and are in support of the local Windsor residents who have voiced concerns on environmental and cultural issues in this area as well due to this pending project.

Having documented proof of Wyandot ancestral remains in the very area of proposed development; we are requesting these burial sites not be disturbed as these remains of our ancestors are sacred to our way of life.

We anticipate in short order your response on how this unfortunate situation will be handled going forward.

Response: The letter has been forwarded to the Canadian Environmental Assessment Agency for consideration in their environmental process in Canada. The proponent has coordinated with First Nations in Canada in conjunction with the Indian and Northern Affairs Canada. This includes coordination with the Wyandotte Nation. The results of this coordination were submitted to Transport Canada and other Canadian officials as required by Canadian law. All letters are included in the Final EA in Appendix I.

Comments by Charlene Dwin Vaughn, Advisory Council on Historic Preservation dated May 22, 2007.

See Appendix H for a copy of the letter.

Response: The Coast Guard responded to this letter on June 26, 2007, located in Appendix I of the Final EA.

Comments by Tony Welling, dated May 8, 2007

Comment 1: 2nd bridge yes, down river, away from the existing bridge. Original should be kept working. Close tunnel.

Response: The purpose and need for the project is to upgrade the existing crossing in the same international corridor. The existing bridge will be taken out of regular service, with all traffic moved to the new span. The status of the existing Detroit-Windsor tunnel is beyond the scope of this project and the Coast Guard's evaluation.

Comments from Craig A. Czarnecki, United States Department of the Interior Fish and Wildlife Service, dated May, 30, 2007

Comment 1: The draft EA identifies the six-lane cable stayed bridge on the western alignment as the preferred alternative. The draft EA provides a fairly thorough discussion of the environmental consequences from construction of the preferred alternative.

Response: Comment noted.

Comment 2: Section 3.9.2 Avian: This section provides an analysis of the potential impacts to migratory birds from collisions with a new bridge structure. The draft EA correctly points out that few studies of avian mortality from collisions with bridges are available. This section states that focusing the lighting downward on the bridge will be considered as a means to minimize nighttime collisions. We support this measure but recommend the draft EA discuss other

potential impacts and mitigation measures for lighting on the bridge. For example, studies of avian collisions with other structures (e.g., buildings, communication towers) indicate that bird kills appear to be correlated with the type of lighting, including color (e.g., red, white, green) and duration (e.g., continuously lit, variously flashing, strobe). In general, white strobe lights are believed to be the least dangerous to birds. We recommend the draft EA discuss the type of lighting that would be installed on the bridge and measures to minimize potential bird collisions.

Response: USCG will evaluate the use of the white strobe lighting as suggested by USFWS. The discussion of lighting is expanded in the Final EA.

Comments by James J. Steele, FHWA, dated May 24, 2007. See Appendix I for letter.

Response: The Coast Guard responded to this letter on November 20, 2007, located in Appendix I of the Final EA.

Comments from Allan J. Barnes, dated May, 27, 2007

Comment 1: Our neighbors in Windsor lack the needed infrastructure to support it and have repeatedly declared their opposition to the project.

Response: The Coast Guard cannot comment on the determinations Canadian authorities might make to meet Canadian requirements. The proponent must obtain approvals from both the U.S. and Canadian authorities for the project.

Comment 2: Concentration of all shipping lanes represents a grave security risk to our city and our nation's economy. Imagine the damage that could be done both in terms of lives and dollars, if the proposed hyper-concentrated facilities were the target of a terrorist attack. Why on earth would you allow an entire international border crossing to be controlled by *one individual*?

Response: The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

Comment 3: The company that owns and operates the current facility has a long record of lying to the residents of the neighborhood about their intentions. Over 10 years ago, they promised to restore the long vacant Michigan Central Depot, which has been *open to trespass* for all of the years that they have owned it. They have repeatedly begun construction projects without even bothering to pull permits, and are currently in litigation with the City of Detroit for repeated violations of building and construction codes. They have shown themselves to be terrible neighbors and completely untrustworthy. They own a number of buildings in the area, and their buildings can be distinguished by the lack of windows and the fact that all are open to trespass.

Response: The Coast Guard is aware that there is significant history between the proponent (Detroit International Bridge Company) with the City of Detroit and the various federal, state, and local transportation agencies involving the Ambassador Corridor and other unrelated projects associated with the Ambassador Bridge owner. We are also aware

of the public sentiment toward the DIBC due to the many other unrelated properties and projects involving the DIBC in the Detroit metropolitan area. This has been reinforced by the ratio of comments received, solely or in part, that pertain to the various commenter's feeling towards DIBC, its owner Manuel Maroun, private ownership, or an unrelated project. Additionally, we are aware that there have been legal cases between DIBC and the City of Detroit in recent years on projects that are related to the Ambassador Bridge corridor and other unrelated projects. None of the legal history or disputes between the bridge owner and these entities applies in the Coast Guard's evaluation and determinations in this NEPA process.

Comments by William C. and Ann Gourlay, 1162 Vinewood, Detroit, dated May 14, 2007

Comment 1: Additional lanes (six vs. the present four) will ultimately lead to additional traffic volume which would have an unacceptable impact on our neighborhood in terms of deterioration of roads, noise level, and travel difficulties, which we are already experiencing and which will only get worse.

Response: Two lanes on the proposed six-lane bridge will be used exclusively for pre-approved trucks participating in the FAST program. Thus, there will continue to be four lanes open to all vehicular traffic, with the addition of two FAST truck lanes.

The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the same projections used in the Gateway Project and DRIC studies. The proposal, on its own, is not expected to significantly increase vehicular traffic.

Comment 2: Homeland security should dictate that a redundant river crossing should not be immediately alongside the existing crossing, but far enough away that an incident at one bridge would not affect the other.

Response: The Department of Homeland Security and the federal agencies with responsibilities at the border crossing have had opportunity to review the Draft EA and provide comments for the record on the ABEP and have not submitted comments.

Comment 3: The DRIC has ruled out this location as viable and their study should not be ignored.

The ABEP proposal has a different purpose than the DRIC study and is more narrowly focused on moving traffic off an existing span and onto a new span in an already approved international corridor, while retaining the existing inspection plazas and road networks. The project is a natural extension of the Gateway Project and has been evaluated, in part, in that context. It does not propose to address a regionally identified need to seek an increase in capacity across the international border in the Detroit/Windsor area, which is the identified purpose of the DRIC. The DRIC study has not been ignored – it is discussed in the Preface.

Comment 4: The appearance of the proposed bridge will detract from the historical look of the old bridge and negatively impact the historic communities around it.

Response: Comment noted. The USCG has consulted with the SHPO and ACHP on visual and historical impacts. The consultation has concluded in a Memorandum of Agreement (MOA) to mitigate the visual impact. The Section 106 process and MOA are discussed in the Final EA in Appendix J.

Comment 5: A new crossing should be publicly owned rather than owned by a private company with a track record as a bad corporate citizen that holds itself above the law and disregards the people of the community, the building and safety department of the City of Detroit, and which only wants to protect its monopoly power.

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

There are no federal prohibitions to private ownership of a bridge over an international border crossing.

Comments by Douglas G. Wahl, 359 W. Grand Blvd., Detroit, MI 48216 dated June 24, 2007

Comment 1: First, I do not believe such an important international trade and security crossing should be in private hands, as it is now, I believe the current owner has refused previous attempts by government to have any oversight regarding the Bridge's safety and/or security, which is unacceptable in the world we live in today. The government should have total control over this crossing.

Response: The Coast Guard is required to evaluate the proposal based on the needs of navigation that will pass the Ambassador Bridge on the Detroit River and ensure that the proposal satisfies the National Environmental Policy Act before recommending whether a federal Bridge Permit will be issued. The consideration of whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking.

There are no federal prohibitions to private ownership of a bridge over an international border crossing.

Comment 2: Second, a second span will most definitely increase the amount of car and truck traffic, noise, pollution, and general congestion in this neighborhood and on the highways here, which I strongly oppose.

Response: The projected overall traffic counts, including truck traffic, have been analyzed and approved by federal, state, and local transportation agencies, and are derived from the

same projections used in the Gateway Project and DRIC studies. The project was determined to be in compliance with the Clean Air Act. Short-term air quality impacts will occur during construction, but these are not expected to be significant and will be mitigated through dust suppression and other standard and approved measures. All air analysis documentation, including short-term impacts during construction, are also included in the Final EA in Appendix M.

Comment 3: Third, the DRIC study has found that the better location for the new crossing should be downriver, in the Delray, Michigan area, as the distance over the river is shorter, and the socioeconomic impact on both sides of the river would be more tolerable than at the current Ambassador sight. I support the DRIC process. Do not destroy the southwest Detroit and the Windsor, Ontario, Canada communities!

Response: The ABEP and the DRIC study are not competing proposals. The Coast Guard does not promote the permitting and construction of any bridge, including the ABEP or DRIC. The Coast Guard's role in both the ABEP and DRIC is to ensure that navigation clearances are adequately provided for and federal environmental laws are complied with. In the case of the ABEP, the Coast Guard serves as lead federal agency for satisfying NEPA. In our view, there is no competition between the two. If both proposals satisfy the statutory and regulatory requirements to obtain a federal Bridge Permit, then permits may be issued for both. The issuance of a Coast Guard Bridge Permit represents authority to construct a bridge, not a mandate to construct a bridge.

Comments by Virginia Zeigler, dated June 27, 2007

Comment 1: The purpose of this letter is to express opposition to the plans of the Detroit International Bridge Company to build a second twin-span directly west of the Ambassador Bridge. I am writing as a resident of Hubbard Farms Historical District which is located directly west of the present Ambassador Bridge--an area seriously negatively impacted by health concerns caused by air pollution and lead contamination, economic hardships caused by rapid deterioration of home foundations that crack under the weight of the 9,000 to 11,000 industrial trucks that barrel through the neighborhood every day in order to cross the Ambassador Bridge since NAFTA and the opening of the Detroit Intermodal Freight Terminal. Great decisions, great costs to citizens!

Response: The primary impacts to neighborhoods in the vicinity of the Ambassador/Gateway Corridor were implemented through the Gateway Project, which resulted in an Environmental Assessment and Finding of No Significant Impact (FONSI) for NEPA. The Gateway Project was the culmination of many years of analysis and coordination between federal, state, and local transportation agencies, DIBC, and the Southwest Detroit communities in the vicinity of the Ambassador Bridge Corridor. The Gateway Project required modifications to the nearby interstate system, residential and business relocations, noise abatement, and impacts to historic properties and districts. The Gateway Project also anticipated the eventual construction of a second span in the location proposed by the ABEP to the west of the existing bridge, including designing the "hub" where the second bridge would connect. The area covered in the Gateway Project proposal

and environmental documentation, including the surrounding neighborhoods of Southwest Detroit, was thoroughly analyzed by Michigan Department of Transportation (MDOT) and Federal Highway Administration (FHWA). The FHWA ultimately approved an Environmental Assessment and Finding of No Significant Impact (FONSI) for the Gateway Project in 1997. The EA/FONSI has since been re-authorized in 1999, 2004, and 2007. The only portion of the Ambassador Bridge Corridor not directly analyzed in the Gateway Project environmental documentation is the area that extends eastward from the eastern limit of the Gateway Plaza (just west of Fort Street) to the shoreline of the Detroit River. The proposed second span enters directly into the approved Gateway Plaza. The ABEP is not expected to require residential or commercial relocations, alter approved traffic projections, route traffic onto local roadways or neighborhoods, or cause any significant impacts in the ABEP project area or the areas analyzed and approved for the Gateway Project.

Comment 2: Please understand that city and state planners and commissions, along with nonprofit organizations have dumped hundreds of millions of dollars into this area in the past twenty years and because of that southwest Detroit continues to thrive and even grow despite the economic challenges facing Detroit and Michigan. Isn't it a travesty to have residents now face the very real possibility of obliteration in order to satisfy the plans of one man, Mr. Marty Maroun, and his Detroit International Bridge Company. If anyone has learned anything about where we are at now, the State of Michigan Department of Transportation's Detroit International River Crossing study, at least acknowledges there needs to be an expansive buffer area between industrial traffic and residential areas. This study will be ongoing through 2008. Of the fourteen proposed sites for a second bridge, the one closest to the existing bridge was eliminated early on, for the obvious reasons stated above, and especially due to the reality of terrorist attacks in a post 9/11 world.

Response: This Project will not require residential or business relocations in Detroit, and as stated in response to the preceding comment, is not expected to have any significant impacts on local neighborhoods. Therefore, it is unclear what "obliteration" the commenter is referring to. With regard to the DRIC, the purpose of that proposed project is to increase border crossing capacity. The DRIC study found the Ambassador crossing not to be the best alternative for increasing border crossing capacity. That finding is not relevant here because the purpose of the ABEP is to improve the infrastructure at the current crossing and not to add significant additional capacity.

Comment 3: The neighborhood is more tolerant of a publicly-owned rather than a privately-owned bridge, especially in light of international and national security. In your position, do you know of a weaker "link" in our nation's northern border security than that of the Ambassador Bridge? There is much concern and consternation among area residents that neighbor the bridge, and one wonders why the laws of eminent domain don't seem to apply when they should now more than ever before!

Response: The consideration of personal feelings towards the DIBC and its owner, Mr. Manuel Maroun, or whether the bridge is privately or publicly owned, is not a part of the Coast Guard's duties in this undertaking. There are no federal prohibitions to private

ownership of a bridge over an international border crossing. The original Ambassador Bridge was constructed with private funding and has been privately owned since it was built.

The US and Canadian governments provide security and maintain both customs and border patrol staff at each nation's entry point at the Ambassador Bridge. The Ambassador crossing is subject to federal, state and local regulatory requirements, and DIBC is required to comply with all applicable requirements.

Comment 4: So, in response to your call for input from the community regarding the aesthetics of the new bridge next to a historic landmark such as the Ambassador Bridge, I have to say as I shake my head, who is their right mind would put another bridge up next to an existing one anyway?

Response: Comment noted.

Comment 5: How can the Bridge Company move forward when the Canadian side opposes the plan, and the State of Michigan is in the midst of negotiations via the MDOT study?

Response: The proponent has submitted material to Canadian authorities for their consideration. Canadian approvals remain pending. DIBC is required to obtain all necessary permits and approvals from Canadian authorities before construction begins. USCG assumes that the commenter is referring to the DRIC Study when she refers to the MDOT study. As explained elsewhere, the DRIC Study is not inconsistent with the proposal to build a new span to the Ambassador Bridge and has a different purpose than this proposal. Additionally, the DRIC study assumes continued operation of the Ambassador Bridge.

Comments on Draft EA from the Gowling Lafleur Henderson, LLP, for the City of Windsor, dated August 30, 2007

Comment 1: Although this letter and its attachments are new, they must be read with, and we ask that you review, the City's previous 2006 filings with the Coast Guard. Although our current 2007 submission provides further facts on impacts to be caused by this project in Windsor, the 2006 filings provide clear evidence of the city's direct interest in this matter and why the natural environment of the city of Windsor will be significantly impacted by the new bridge project and that additionally the project will cause serious community and economic impacts.

Response: USCG has considered and responded to the prior filings referenced.

Comment 2: Failure to comply with U.S. Council on Environmental Quality Guidance on NEPA Analyses for Transboundary Impacts (CEQ Transboundary Guidance)

The draft EA is fundamentally deficient with respect to CEQ Transboundary Guidance requirements.

First, the draft EA fails to acknowledge there is an existing significant environmental and public health issue in this geographic area, which includes both Detroit and Windsor, based on the presence and transboundary movement of particulate matter.

Second, the draft EA ignores the fact that the project will significantly contribute to and exacerbate the transboundary particulate contamination problem.

In the result, the draft EA fundamentally fails to comply with the CEQ Transboundary Guidance as to NEPA requirements and provides no environmental assessment of this issue.

The CEQ 1997 Guidance on NEPA Analyses for Transboundary Impacts states that:

"NEPA requires agencies to include analysis of reasonably foreseeable transboundary effects or proposed actions in their analysis of proposed actions in the United States. Such effects are best identified during the scoping stage, and should be analyzed to the best of the agency's ability using reasonably available information. Such analysis should be included in the EA or EIS prepared for the proposed action."

The CEQ Guidance emphasizes that neither NEPA nor the CEQ regulations define an agency's obligation to analyze effects of actions by administrative boundaries.

"Rather, the entire body of NEPA law directs federal agencies to analyze the effects of proposed actions to the extent they are reasonably foreseeable consequences of the proposed action, regardless of where those impacts might occur."

Further, the CEQ Guidance states:

"Agencies must analyze indirect effects, which are caused by the action, are later in time or farther removed in distance, but still reasonably foreseeable, including growth-inducing effects and related effects on the ecosystem, as well as cumulative effects."

The CEQ Guidance continues:

"Case law interpreting NEPA has reinforced the need to analyze impacts regardless of geographic boundaries within the United States, and has also assumed that NEPA requires analysis of major federal actions to take place entirely outside of the United States but could have environmental effects within the United States."

The Guidance document states:

"In sum, based on legal and policy considerations, CEQ has determined that agencies must include analysis of reasonably foreseeable transboundary effects of proposed actions in their analysis of proposed actions in the United States."

The CEQ Guidance goes on, in discussing "practical considerations" to advise as follows:

"Agencies should be particularly alert to actions that may affect ... air quality ... and other components of the natural ecosystem that cross borders as well as to interrelated social

and economic effects... . Agencies do have a responsibility to undertake a reasonable search for relevant, current information associated with an identified potential effect."

Unfortunately, the draft EA fails in every way to meet these NEPA requirements.

There is a fundamental linkage between the Coast Guard's proposed approval of this project and increased transboundary air impacts that would be caused both in Canada and the United States. That linkage is based on the large number of diesel powered as well as other vehicles that will be channeled into the new bridge corridor in Detroit and Windsor while traveling to and from the international border.

Estimates provided by the proponent in its draft EA indicate that while a daily average of 26,000 vehicles crossed the Ambassador Bridge in 2004, that number will rise to 44,000 per day in 2030. And while commercial vehicles (most of which are powered by diesel engines) comprised only about 36% of the daily traffic in 2004, by 2030 commercial vehicles are expected to comprise 44% of daily bridge traffic.

The transboundary air impact linkage to this project arises from NO_x and particulate matter (PM) that is discharged into the environment as a result of vehicles which will travel on the new bridge and its approach roads. The specific form of particulate matter of concern is PM_{2.5}. PM_{2.5} is a recognized health hazard to humans, and NO_x is a precursor to particulate deposition.

Response: The Coast Guard has reviewed, analyzed, and considered the best available documentation pertaining to impacts in Canada, and applied the Council on Environmental Quality Guidance on NEPA Analysis for Transboundary Impacts, dated July 1, 1997. The potential for air and noise impacts were considered the most likely causes for possible transboundary effects, and have been the focus of our consideration. In addition to the independent evaluation done by the Coast Guard, Canadian authorities were consulted to ensure that they have received applications and environmental documentation from the proponent to evaluate impacts in Canada, and to discuss concerns on the Canadian side.

The air analysis conducted by the proponent evaluates the entire length of the bridge and indicates that the project will not create significant adverse air quality impacts. The noise analysis provided, and independently reviewed by another consultant commissioned by the Coast Guard, extends approximately halfway across the bridge from the U.S. Gateway Plaza to the international border. The proponent has provided the air and noise analysis performed on the Canadian side of the project and is included in the Final EA in Appendix P and Q. Based on the air and noise analysis performed on the U.S. side, and the best available data provided for impacts in Canada, the project is not expected to create significant transboundary impacts.

The Gateway Project, DRIC study, and ABEP all derive their vehicular traffic data and projections from the same sources, and each have been reviewed and approved by the federal and local agencies responsible for evaluating potential air, noise, and other environmental issues on the U.S. side of the border crossing. Projected traffic volumes used were based on previously approved sources, including the volumes developed during

the preparation of the Environmental Assessment for the Gateway Project, which was initially approved by FHWA in 1997 and later re-evaluated and approved by FHWA on three separate occasions (1999, 2004 and 2007). Traffic projections in the 2004 re-authorization were updated. The forecasted traffic volumes in the ABEP were obtained from the September 2005 “Detroit River International Crossing Study Travel Demand Forecasts” as published under the DRIC Study website sponsored by FHWA, MDOT, Transport Canada, and Ministry of Transport Ontario. The projected traffic volumes in that study are based on the total estimated demand for travel across the river, as developed with EPA and SEMCOG, and projected to the year 2025. For purposes of evaluating the environmental impacts of the ABEP, the entire projected demand-based volumes from the DRIC study were used without reduction and projected to the year 2030.

Comment 3: The 1991 U.S. - Canada Air Quality Agreement and the Canada- United States Transboundary PM Science Assessment Report

In 1991 the Government of the United States of America and the Government of Canada entered into an agreement on air quality which focuses attention on contaminants which are involved in transboundary air pollution so as to ensure that emissions of air pollutants from sources within their countries not result in significant transboundary air pollution.

Under this agreement "air pollution" is defined as "the introduction by man, directly or indirectly, of substances into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and eco systems and material property and impair or interfere with amenities and other legitimate uses of the environment, and 'air pollutants' shall be construed accordingly".

"Transboundary air pollution" is defined as "air pollution whose physical origin is situated wholly or in part with the area under the jurisdiction of one party and which has adverse effects, other than effects of a global nature, in the area under the jurisdiction of the other party."

The Canada-U.S. Air Quality Agreement was established to provide "a practical and effective instrument to address shared concerns regarding transboundary air pollution". Initially, the Agreement was intended to address the primary pollutants responsible for acid rain. However, the Agreement also confirmed the commitment of the United States and Canada to consult on, and develop, the means to address other transboundary air pollution issues, including particulate matter.

Under the Agreement, a Subcommittee on Scientific Cooperation of the Air Quality Committee, was charged to summarize and understand the current knowledge of the transboundary transport of PM and PM precursors between Canada and the United States in a scientific assessment.

The resulting report of this committee, entitled Canada - United States Transboundary PM Science Assessment Report, was published in 2004. Attachment Volume 1, Tab 10 to this submission provides an electronic copy of this report. The report contains the following key findings:

"The results of the Canada-United States Transboundary PM Assessment indicate that there is a significant relationship between the emissions of PM and PM precursors and elevated PM levels in both Canada and the United States. The transboundary transport of PM and PM precursors can be significant enough in some regions to potentially compromise the attainment of national standards. The information presented in this assessment provides the scientific foundation to support the future development of joint strategies under a PM Annex pursuant to the Agreement."

Chapter 2 of this report sets out the "Foundation for the Transboundary PM Issues in North America" as follows:

"Seven key features of the PM issue have provided the impetus for this Transboundary PM Science Assessment. These key features are listed below and explored in greater detail in this chapter:

- PM is recognized as an important health concern.
- High ambient levels of PM and its precursors are observed in North America.
- Precursors of PM generally contribute to the acidification of ecosystems.
- PM and its precursors are a significant cause of visibility impairment.
- PM and its precursors can be transported long distances.
- PM and its precursors are transported between the United States and Canada.
- Reductions in SO₂ are likely to result in reductions in PM_{2.5}, acid deposition, and visibility impairment."

Section 2.1 of the report is headed "PM is Recognized as an Important Health Concern" and it begins as follows:

"PM has been recognized as an important health concern in both the United States and Canada. Recent health studies in both countries indicate an association between adverse health outcomes, especially of the cardio-respiratory system, and short-term and long-term exposure to ambient PM, particularly PM_{2.5}. In recognition of these health outcomes, both countries have committed to addressing the PM air quality problem within their own territories (e.g., Canada-wide standard for PM_{2.5} U.S. Clean Air Act). Furthermore, Canada and the United States have developed objectives and standards for ambient PM."

Other key findings of the Canada - United States Transboundary PM Science Assessment Report are as follows:

"THE TRANSBOUNDARY TRANSPORT OF PM CAN CONTRIBUTE TO ABOVE AVERAGE PM LEVELS IN BOTH CANADA AND THE U.S.

Current ambient levels of PM_{2.5} in the border regions exceed the standards set for PM_{2.5} in several regions of both Canada and the United States. In the United States, these sites are primarily in urban areas. The eastern portion of the border domain (i.e., northeastern United States, Industrial Midwest, and the Windsor-Quebec City corridor) exhibits levels that exceed the 15 ug/m³ annual standard in the United States and the 30 Lxg/m³ 98th percentile three-year average Canadian standard for the time periods evaluated.

- PM_{2.5} is transported across the border region between Canada and the United States, leading to elevated concentrations of PM_{2.5} in both countries. Most of the analyses point to sulphur dioxide as a primarily regional contributor and nitrogen oxides as both a local

and regional contributor to PM_{2.5}, while organic/black carbon and other PM constituents tend to be more local in nature.

- Canadian provinces have been found to contribute to PM_{2.5} measured at several Class 1 areas in the United States, while the transport of PM_{2.5} and PM precursors across the border region leads to 'above average' PM_{2.5} concentrations in eastern Canada.

PM LEVELS VARY SIGNIFICANTLY OVER GEOGRAPHIC REGIONS

- Elevated concentrations of PM_{2.5} are found more often in the following regions: northeastern United States, Industrial Midwest, southwestern Ontario and the northwestern United States. Most areas of both Canada and the United States are subject to elevated concentrations during episodic conditions.
- Urban concentrations of PM_{2.5} are higher than rural concentrations in all regions of both Canada and the United States; however, rural sites can exhibit very high PM_{2.5} levels during large-scale PM episodes.
- The highest particle sulphate and nitrate concentrations are found in areas with high sulphur dioxide and nitrogen oxide emissions. Such areas include the northeastern United States and southwestern Ontario.

THERE ARE LINKAGES BETWEEN PM AND OTHER AIR QUALITY ISSUES

- Ambient levels of PM precursors also contribute to the wet deposition of nitrate and sulphate, and resulting ecosystem acidification. The highest levels of deposition are located in the northeastern United States and eastern Canada, particularly in the border regions.
- Co-benefits of emission reduction scenarios include reduced ground-level ozone levels, reductions in nitrate and sulphate deposition, and improved visibility."

The U.S. EPA, Health Canada and Environment Canada recognize the transboundary nature of particulate matter and NO_x emissions in the Detroit-Windsor area and their relationship to health impacts. See Attachment Volume 1, Tab 9, materials from the U.S. EPA, Health Canada and Environment Canada websites as to studies they have undertaken on this issue.

In October 2006 the U.S. Environmental Protection Agency released revised national ambient air quality standards for particulate matter. In its "Final Rule" providing background and justification for making more stringent regulatory requirements with regard to PM_{2.5}, the U.S. EPA stated the following:

"Many more U.S. and Canadian studies are now available that provide evidence of associations between short-term exposure to PM_{2.5} and serious health effects in areas with air quality at and above the level of the current annual PM_{2.5} standard (15 ug/m³). Moreover, a few newly available short-term exposure mortality studies provide evidence of statistically significant associations with PM_{2.5} in areas with air quality levels below the levels of the current PM_{2.5} standards."

The EPA also refers to the following:

"Three studies, conducted in Phoenix, Santa Clara County, California and eight Canadian cities report statistically significant associations between short-term PM_{2.5} exposure and total or cardiovascular mortality in areas in which long-term average PM_{2.5} concentrations ranged between 13 and 14 ug/m³ and 98th percentile 24-hour concentrations ranged between 32 and 59 ug/m³.

In also considering the new epidemiological evidence available from U.S. and Canadian studies of long-term exposure to fine particles, the Criteria Document noted that new studies have built upon studies available in the last review and concluded that these studies have confirmed and strengthened the evidence of associations for both mortality and respiratory morbidity For morbidity, the criteria document found that new studies of a cohort of children in southern California have built upon earlier limited evidence to provide fairly strong evidence that long-term exposure to fine particles is associated with development of chronic respiratory disease and reduced lung function growth. In addition to strengthening the evidence of association, the new extended ACS Mortality Study observed statistically significant associations with cardio-respiratory mortality (including lung cancer mortality) across a range of long-term mean PM_{2.5} concentrations that was lower than was reported in the original ACS Study available in the last review."

Recently the U.S. - Canada Air Quality Agreement Progress Report, 2006 was published. Attachment Volume 1, Tab 10 to this submission provides an electronic copy of this report. This Progress Report references further health evidence concerns related to PM_{2.5} :

"Recent epidemiological studies have continued to report associations between short-term exposures to fine particles and effects such as premature mortality, hospital admissions, or emergency department visits for respiratory disease and effects on lung function and symptoms. In addition, recent epidemiological studies have provided some new evidence linking short-term fine particle exposures to effects on the cardiovascular system, including cardiovascular hospital admissions and more subtle indicators of cardiovascular health. Long-term exposure to PM_{2.5} in sulphates has also been associated with mortality from cardiopulmonary diseases and lung cancer and effects on the respiratory system, such as decreased lung function or the development of chronic respiratory disease. There are several groups that may be susceptible or vulnerable to PM - related effects. These include individuals with pre-existing heart and lung disease, older adults and children."

On April 12, 2007 the United States and Canada acted to more specifically deal with particulate matter as a transboundary air pollution issue between the two countries pursuant. The Canadian Minister of the Environment and the U.S. EPA Administrator published a joint statement announcing both countries will start negotiations on a "Particulate Matter Annex" to the 1991 U.S. - Canada Air Quality Agreement.

Their joint statement agreed:

"Particulate matter can cause significant health effects in adults and children, and is linked to other environmental problems such as haze in national parks and acidic deposition."

"Minister Baird and Administrator Johnson underscored their strong commitment to reducing cross-border air pollution. Both countries have already achieved emission

reductions in sulphur dioxide and oxides of nitrogen sooner than expected. However, levels of fine particles still exceed Canadian and U.S. standards in some urban areas near the eastern border and contribute to elevated levels in haze and other areas along the western and central border regions."

Their statement also provided the following information:

"They agreed with the bi-national Air Quality Committee's assessment that the joint technical and scientific analyses published in 2004 provide scientific foundation for a Particulate Matter Annex that would help in developing the necessary programs and strategies to address the serious environmental and health problems associated with the transboundary transport of particulate matter.

These official American and Canadian agreements, documents and studies demonstrate:

- the clearly acknowledged and serious health implications of PM_{2.5} and NO_x emissions
- that current levels of PM_{2.5} are a serious environmental issue in the Detroit-Windsor area and that PM_{2.5} is an acknowledged transboundary contaminant which moves between these jurisdictions
- that vehicles and vehicle emissions are a significant contributor to PM_{2.5} concentrations.

These documents and findings clearly establish that the requirements of NEPA, as most particularly elaborated by the CEQ Guidance on Transboundary Impacts, are not met by the draft EA in respect of air contaminants.

NEPA requirements pertaining to this issue will not be met unless a careful and appropriate analysis of emissions from vehicles using the new bridge and from its approach roads, both in the Detroit and Windsor areas, is carried out.

This missing analysis is particularly crucial in the context of this project, which will provide the potential for between a 100 percent to 200 percent increase in vehicle crossing capacity in the cities of Detroit and Windsor with obviously consequent additional air emissions associated therewith.

Moreover, because there are already problematic traffic conditions in Windsor on the approaches to and from the Ambassador Bridge, and because the Ambassador Bridge proposal does not contemplate any rectification of those serious queuing issues, and the project will undoubtedly cause more serious queuing as demonstrated later in this submission, the potential for exacerbated emissions of PM_{2.5} and NO_x is all the more serious.

Response: The U.S.-Canada Air Quality Agreement represents recognition that both nations have health concerns regarding particulate pollution. The Coast Guard has applied all applicable statutory requirements in its review of the ABEP. All air quality analysis for the project have been reviewed by U.S. agencies with these responsibilities and determined that the project, on its own, will not impose significant air quality impacts across the length of the bridge, and the project will not exceed established EPA requirements, including particulate matter emissions.

The air quality analysis was derived from vehicular traffic counts from previously reviewed projects and analysis, including projects with joint U.S.-Canadian involvement. Whether the ABEP is reviewed in a joint U.S.-Canadian format, as in the DRIC project, or separately as in the ABEP, the requirements and standards of each respective nation will be applied and reviewed by appropriate officials. Since the traffic data was derived from the DRIC traffic studies, the projected traffic counts have been reviewed and approved by both U.S. and Canadian authorities.

Comment 4: EPA Concerns About PM_{2.5}

In Detroit, the PM_{2.5} problem is already serious. In its August 30, 2006 letter to Robert Bloom of the United States Coast Guard, the U.S. EPA provided the following clear concerns:

"The project area already has serious air pollution problems. EPA has recently designated Southeast Michigan as a non-attainment area for the fine particulate standard, referred to here as particulate matter 2.5 microns or less (PM_{2.5}). We are concerned that local controls may be necessary in order for this area to attain the National Ambient Air Quality Standards (NAAQS) for PM_{2.5}. This issue should be thoroughly evaluated. Cost effective mitigation strategy should be implemented wherever possible to minimize impacts. We are specifically concerned with the lack of information presented regarding particulate matter. Idling and moving diesel trucks in the area at plaza operations, on the bridge and surrounding freeway systems are a concern from a human health perspective. Hot spot analyses for fine particulate (PM_{2.5}) and carbon monoxide (CO) should be done and included in the Coast Guard's NEPA documentation."

The fact that in Detroit there is already an exceedance of the air quality criteria for PM_{2.5} is of substantial concern to Canada, given the mobility of and transboundary impacts caused by PM_{2.5}.

Similarly, there should be a concern in the United States about emissions from the Canadian component of the project insofar as a report prepared for the City of Windsor, which is being transmitted with this submission, indicates that the new bridge project will result in significant ambient concentrations of PM_{2.5} affecting residential and commercial areas adjacent to the new bridge and its Windsor access corridor. Particulate emissions in Canada can affect Detroit as emissions from Detroit can affect Windsor.

As recently as July, 2007 the U.S. EPA reiterated its concern about this issue and the lack of its analysis in the draft EA. In a letter dated July 17, 2007 to Robert Bloom, U.S. Coast Guard, the EPA said:

"This project will be located in an ozone nonattainment area, a carbon monoxide (CO) maintenance area, fine particulate (PM_{2.5}) nonattainment area, and coarse particulate (PM₁₀) maintenance area. We expect that the additional bridge capacity would contribute to an increase in vehicle miles traveled (VMT) and would therefore have an effect on air quality. Heavy-duty diesel vehicles represent around half of all projected traffic of the ABEP. Emissions from idling diesel trucks in the area at plaza operations and from traffic on the bridge and surrounding highway systems are a human health concern. Even with more stringent heavy-duty highway engine standards taking effect over the next decade, during the next twenty years millions of diesel engines already in

use will continue to emit large amounts of nitrogen oxides and particulate matter, both of which contribute to serious public health problems.”

Further, the EPA pointed out:

"Long term (i.e. chronic') inhalation exposure to diesel exhaust is likely to pose a lung cancer hazard to humans, as well as damage the lung in other ways, depending on exposure. Diesel exhaust is listed as a human carcinogen in California and a likely human carcinogen by U.S. EPA. Short-term (i.e. acute) exposures can cause irritation and inflammatory symptoms of a transient nature, those being highly variable across the population. The assessment also indicates that evidence for exacerbation of existing allergies and asthma symptoms is emerging. U.S. EPA recognizes that diesel exhaust, has a mixture of many constituents, also contributes to ambient concentrations of several criteria air pollutants, including nitrogen oxides and fine particulates, as well as other air toxics."

To address these issues, the EPA recommended:

".. that analyses should be conducted to assess air quality impacts from this project. First, FHWA has indicated to you that ABEP would be a regionally significant transportation project that should be included in the Detroit Metropolitan Long Range Transportation Plan and undergo an air quality conformity analysis. The Mobile 6.2 model should be used to assess regional air quality for criteria pollutants. Second, a qualitative hot spot analysis for PM_{2.5} and PM 10 should be done and included in the Coast Guard's NEPA documentation. Guidance is available at <http://www.fliwa.dog.gov/environment/conformity/pmhotspotguid.pdf>. Additionally, the American Association of State Highway and Transportation Officials project report entitled, "Analyzing, Documenting and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process", March 2007, provides information and guidelines on available analytical methods to assess mobile source air toxics in a NEPA context. We believe this document should be consulted and considered for use by the Coast Guard because of the project's effect on diesel particulate matter. The project should include an analysis for mobile source air toxics (MSAT) and diesel particulate matter. At the very minimum, an inventory burden analysis should be conducted for the various years.

Ultimately, we are interested in seeing that the proposal mitigates for diesel emissions to the maximum amount possible. We are concerned that no air quality mitigation is proposed or discussed in the EA. Various mitigation actions and strategies should be considered for this project, including those that reduce diesel emissions during construction and operation. Mitigation measures that should be considered include shifting transportation corridors to avoid residential areas, anti-idling measures and efficient management of truck traffic."

The EPA also observed that ". . .the EA does not discuss cumulative effects or transboundary effects of the key environmental resources listed above" and the EPA recommended that

"Analysis should be conducted to assess air quality impacts from this project."

Response: Since publication of the Draft EA, the proponent has performed general conformity and air dispersion (hot-spot) air analysis utilizing currently accepted models. The analysis has been reviewed and approved by U.S. agencies with expertise in the evaluation of air quality impacts. The project has been reviewed by Southeast Michigan Council of Governments (SEMCOG) for inclusion on the regional transportation plan, ultimately demonstrating compliance with U.S. National Ambient Air Quality Standard requirements and standards. All air analysis performed for the project, including short-term impacts during construction, are included in the Final EA in Appendix M. See Appendix M for all correspondence with EPA and SEMCOG regarding the air analysis for the project.

Comment 5: AMEC Earth & Environmental. Ambassador Bridge Enhancement Project. Preliminary Air Quality Impact Study (July 2007).

Given the draft EA's omission of any Windsor air impact analysis, the City of Windsor, through Gowlings, retained AMEC Earth and Environmental consultants to carry out a preliminary examination of the issue.

Please refer to the AMEC Earth and Environmental consulting firm report "Ambassador Bridge Enhancement Project - Preliminary Air Quality Impact Study" (cover letter dated July 16, 2007) which is provided as Attachment in Volume 1, Tab 3 to this submission.

This study by air quality engineering experts quantified the impact of specific contaminant emissions from current traffic volumes crossing the Ambassador Bridge and traveling along the Huron Church corridor. It also examined the impact of future traffic volume increases on pollutant impact rates, and on the impact at ground levels, using existing background concentrations for PM_{2.5} and NO_x.

The AMEC Study predicts that areas adjacent to the Ambassador Bridge Canadian Plaza and to Huron Church Road will experience air quality impacts from traveling and idling traffic associated with the bridge, including exceedances of the Ontario Ambient Air Quality Criteria/Canada-Wide Standard for fine Particulate Matter PM_{2.5}, which are health-based criteria. Some of the specific findings in this report are the following:

1. In the time period considered, 2006 - 2035, areas in Windsor adjacent to both Huron Church Road and the Ambassador Bridge Canadian Plaza will experience air contaminant impacts from nitrogen oxide (NO_x) and fine particulates (PM_{2.5}) from traveling and idling traffic, including potential exceedances of the PM_{2.5} Ontario Ambient Air Quality Criteria/Canada Wide Standard of 30 ug/m³ averaged over 24 hours. These air contaminant impacts are largely caused by diesel trucks.
2. Under queuing conditions, the PM_{2.5} impacts can extend onto residential properties located proximate to Huron Church Road and to the Ambassador Bridge Canadian Primary Inspection Plaza, with particulate concentrations exceeding the PM_{2.5} standard on properties that abut the road.

3. Air contaminant impacts would likely be greater than indicated by the modeling....
4. By 2025 areas adjacent to the Canadian Plaza will experience impacts from the PM_{2.5} releases from idling vehicles (mainly trucks) with particulate concentrations exceeding the PM_{2.5} standard by approximately 40 percent when considered in conjunction with background levels.
5.
6. With respect to the Huron Church Road vicinity, the formation of a truck queue in the northbound direction (towards the bridge) during the weekday peak travel period results in a significant increase in the ground level concentration of PM_{2.5} and NO_x adjacent to Huron Church Road, compared with the free-flowing traffic conditions.

For particulate matter, the queue results in concentrations in excess of the 30 ug/m³ limit, with the impacts increasing between 2006 and 2035. These exceedances of the PM_{2.5} standard are predicted for up to 20 meters on either side of Huron Church Road (houses on the west side and school grounds on the east side in the area modeled.)"

We note that the draft EA does contain as Appendix K an "Air Quality Study" which is limited to the U.S. side of the project. This relatively brief document does indicate that there will be emissions of PM_{2.5} and NO_x among other contaminants associated with new bridge traffic. However, this report fails to provide any measurements of either current background levels for these contaminants and also fails to provide any calculations of future ambient concentration of these contaminants at nearby receptors. The only numerical output provided is estimated annual emissions in pounds per year on an annual basis. This is an obvious and clear deficiency in that both the U.S. EPA and Canadian governments regulate these contaminants not on mass but rather on the ambient concentration over a time-weighted basis.

In summary, with respect to the CEQ Transboundary NEPA Guidance, the proponent has provided absolutely no relevant information to satisfy the requirement on the U.S. Coast Guard to ensure that there is an analysis of transboundary air contaminant impacts from bridge traffic.

Because significant amounts of PM_{2.5} and other particulates, as well as NO_x will be emitted from this project, the Coast Guard must ensure that there is an analysis of reasonably foreseeable transboundary effects of such emissions. The CEQ directive is that "NEPA requires agencies to include analysis of reasonably foreseeable transboundary effects of proposed actions" in their analysis of proposed actions in the United States.

We are enclosing as an unbound separate Attachment: wind rose plot showing the frequency distribution of wind direction measured at the Detroit Metropolitan Airport for a three-year period. This airport is located west of the City of Windsor. The wind rose indicates that approximately 40 percent of the time during the year winds are blowing from the west, northwest or north, i.e., from areas in Detroit towards the City of Windsor. The remainder of the year, winds are blowing from Windsor to Detroit. This corroborates the concern about transboundary movement of particulate matter.

Given the clear recognition that PM_{2.5} and NO_x are transboundary contaminants and having regard to the EPA and AMEC findings and the CEQ Guidance on the required NEPA analysis for transboundary impacts, it is concluded that there has been a complete failure by the

proponent to comply with these guidelines and therefore the EA is fundamentally deficient in that regard.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Potential transboundary impacts were addressed in Comment 2 above.

Comment 6: Lack of any Canadian/transboundary air contaminant analysis from this project violates NEPA's requirement to recognize and provide appropriate support for measures to avoid risks that would likely cause significant transboundary air pollution, and Article V of the U.S.-Canada Air Quality Agreement.

As NEPA must be addressed for this project, the Coast Guard is obligated to carry out an assessment of significant environment impacts of its action that may affect the environment of another country. Equally, pursuant to the U.S.-Canada 1991 Air Quality Agreement, there is an obligation on the U.S., which in this case would be on the Coast Guard, to "take measures to avoid or mitigate the potential risk posed by actions, activities or projects that would be likely to cause or may be causing significant transboundary air pollution."

The NEPA requirement exists regardless of whether there are environmental assessment requirements in other countries that will be affected, such as Canada. That is so because the objective of NEPA is to ensure that American decision makers, such as the Coast Guard, are aware of the potential environmental impacts that their decision may cause both in the United States and to the environment of other countries as part of, so as to prevent a decline in the quality of humanity's world environment.

Specifically, Congress mandated the following in enacting NEPA:

Section 102

"The Congress authorizes and directs that, to the fullest extent possible:

- (1) The policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act; and
- (2) All agencies of the federal government shall:
 - (F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions and programs assigned to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment"[emphasis added]

The requirement of NEPA has not been carried out by the draft EA.

Moreover, the 1991 Air Quality Agreement between Canada and the United States, in Article V, Section 5, provides:

"Each Party, shall, as appropriate, take measures to avoid or mitigate the potential risk posed by actions, activities or projects that would be likely to cause or may be causing significant transboundary air pollution."

Clearly, based on the documents, studies and agreements previously referenced pertaining to PM_{2.5}, both countries are agreed that PM_{2.5} is a significant transboundary issue with serious health consequences. Article V, section 5 of the 1991 Agreement requires the U.S. to at least assess and, if necessary, avoid or mitigate, "potential risks" posed by the Coast Guard approval in permitting this new bridge with its associated emissions of significant transboundary air pollution.

Again, the failure to comply with this obligation constitutes another demonstration of fundamental deficiency in the draft EA.

Response: Transboundary impacts and the U.S.-Canadian Air Quality Agreement were discussed in previous responses. The project will be thoroughly reviewed by both the U.S. and Canadian governments for compliance with respective air quality laws and standards. As previously noted, the current and projected vehicular traffic that formed the basis of the air quality analysis has been reviewed and approved by both U.S. and Canadian agencies in other border studies.

Comment 7: Failure to Comply with Executive Order 12114 "Environmental Effects Abroad of Major Federal Actions"

Even if the EA being prepared by the proponent were sufficient to meet domestic NEPA requirements (which as submitted it does not) Executive Order 12114 "Environmental Effects Abroad of Major Federal Actions" applies to a federal U.S. agency where there is to be a "major Federal action significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action".

Under this Executive Order federal agencies such as the Coast Guard are required to ensure they have for their consideration prior to issuing the requested bridge permit, "bilateral or multilateral environmental studies, relevant or related to the proposed action, by the United States or one of more foreign nations, or by an international body or organization in which the United States is a member or participant or as determined by the agency."

Therefore even if the proponent's EA were otherwise compliant with NEPA, (which for the reasons set out in this submission it is not), the Coast Guard cannot proceed to make a decision on the bridge permit unless and until "bilateral" environmental studies related to this action, i.e., studies by the U.S. and Canada, have been prepared regarding the project's environmental effects in Canada.

It is clear that the Executive Order applies in this case, despite opinions to the contrary by the proponent and possibly by Coast Guard officials.

First, by the Coast Guard's agreeing to carry out an EA under NEPA, the Coast Guard has acknowledged its permitting activity is a "major Federal action". Beyond that, it must be recognized this is a "once in a century" project, with an estimated cost of \$500 million.

In the absence of any other new bridge being built in the Windsor-Detroit corridor (arguably another bridge as is being studied by DRIC being redundant if the new Ambassador Bridge is constructed first) the projected numbers of vehicles crossing this bridge by 2035 is expected to increase by 80% (from about 9.5 million to 17.2 million annually). This does not account for induced traffic from other crossings attracted by the new bridge's capacity. Based on the width of the proposed new Ambassador Bridge and other considerations, this project will provide a 100 to 200 per cent increase in vehicle crossing capacity between the U.S. and Canada.

Second, it is clear based on a number of factors that the Coast Guard's action in permitting the construction, and corollary use of the bridge for its intended purpose, will "significantly" affect the environment as that NEPA term has been construed by CEQ regulations and the courts. The factors and opinions of the U.S. EPA as set out in their 2006 and 2007 comments to the Coast Guard on this project, particularly with respect to air emissions, are corroborative of that, as well as the cumulative impacts that will arise from the project, i.e. the 100-200% increase in border crossing capacity largely to be used by diesel trucks, with their various impacts on traffic congestion, neighborhoods and communities.

Third, this major Federal action will *prima facie* cause significant environmental effects for a part of a foreign nation, i.e., Windsor, Canada. The "natural" environment impacts will occur from air contaminants and noise and other significant impacts, such as impacts on health, safety and community cohesion, are also documented in materials being provided to you with this submission.

Please refer to the following Attachments to this submission which provides *prima facie* evidence that the permitting of this project by the Coast Guard will constitute a major action significantly affecting the environment of a "foreign nation", i.e. Windsor, Canada:

Attachment Volume 1, Tab 3 "Ambassador Bridge Enhancement Project - Preliminary Air Quality Impact Study" (July 2007) AMEC Earth & Environmental Limited. This report substantiates that the new bridge project will result in significant ambient concentrations of hazardous air contaminant - PM_{2.5}- which will affect residential areas and school yard adjacent to the Bridge and its Windsor access corridor, Huron Church Road. Predicted concentrations of PM_{2.5} will exceed health standards. Both Canada and the U.S. recognize PM_{2.5} as a substance hazardous to human health.

Attachment Volume 1, Tab 2, "Traffic Impact Analysis of the Ambassador Bridge Enhancement Project on City of Windsor Roads", (July 2007) by Sam Schwartz Engineering, PLLC (SSC). This report, by one of America's leading traffic engineering consultants, documents a number of critical facts, including:

- "The Huron Church Road corridor extending through Windsor to the Ambassador Bridge will be operating beyond its capacity at many locations in the future years 2015, 2025, and 2035, particularly in the PM peak hour, even without the addition of Ambassador Bridge-induced demand. In lay terms, this means traffic will be jammed at many intersections, long queues will form and trucks will be idling for long periods in residential and retail neighborhoods.
- The construction of a new bridge with additional capacity and improved operations will induce additional traffic, which in turn would create additional impacts on the

roadways leading up to the new facility.

- As a result of the heavy congestion, City traffic engineers will be presented with the dilemma of moving traffic on Huron Church Road or providing enough crossing time for pedestrians. There is concern about the safety of pedestrians and cyclists along Huron Church Road.
- Where an environmental assessment of a project such as the new Ambassador Bridge is required, it would be unreasonable to ignore the impacts the new bridge's capacity would cause to local roads and neighborhoods, and possibly also to air and noise pollution.
- Based on over 36 years of traffic engineering experience, it is the professional opinion of SSC that without an appropriate traffic analysis which refutes (if possible) the high likelihood that such impacts will occur from the new bridge, and having regard to the predicted future traffic problems on this corridor even without the traffic that would be induced, it is unreasonable to conclude that there would be no environmental impacts arising from this new bridge. In our experience, the most reasonable conclusion is that there would be significant impacts."

Attachment Volume 1, Tab 4, "Environmental Noise Impacts - Ambassador Bridge Enhancement Project, Draft Environmental Assessment", Valcoustics Canada Ltd., July, 2007. Although there is no noise assessment contained in the draft EA for the Canadian portion of the project, the City, through Gowlings, retained Dr. Al Lightstone, P. Eng., a highly regarded acoustical engineer with 40 years experience in assessing noise from a variety of sources, including roadways, bridges and vehicle facilities similar to this one (his experience includes assessing noise and advising the Peace Bridge, located between Buffalo, New York and Fort Erie, Ontario on noise mitigation measures).

Dr Lightstone's letter indicates that "based on our experience with similar projects, we remain concerned that there are likely to be significant environmental noise impacts for people residing in both houses and university residences near to the proposed bridge and plaza" in Windsor and that a noise assessment is required both for noise from the Canadian portion of the bridge and Canadian Plaza operations.

Attachment Volume 1, Tab 1 Letter dated August 29, 2007 from City of Windsor General Manager of Public Works to Gowlings, which provides City of Windsor staff comments on the project and draft EA. The City staff comments are extensive, but a summary of the concerns are set out near the beginning of the letter, as follows:

"City staff review of the April 2007 draft EA leaves us with serious concerns that the draft EA essentially ignores and therefore fails to assess plainly obvious environmental impacts that this project will cause to the City of Windsor. Our comments are based on review of the draft EA by City professional engineers, registered land use planners and other qualified City staff as well as advice from retained professional consultants.

Our review indicates there will be significant impacts caused in Windsor by this project from air and noise emissions, and that it will produce public safety risks, impact on community cohesion and cause social displacement.

Despite the seriousness of these potential impacts for the City, these issues are not even acknowledged, let alone assessed, in the draft EA. The proponent has avoided discussing these impacts by taking a highly unusual, unrealistic, and unhelpful approach to its project. It wishes to ignore the fact that a new bridge will channel large volumes of international traffic on city streets and residential neighborhoods. It claims it is merely moving existing traffic onto a new bridge which is an "enhancement" of the current bridge.

This is a self-serving and misleading approach to determining the true impacts of a proposal which would create 100-200% greater vehicle crossing capacity for traffic which must use Huron Church Road, and result in Windsor residents being exposed to increased air and noise contaminants as well as safety, community and economic impacts for the lifetime of this new bridge, at least 75 years or more."

We find this attempt to avoid assessment of impacts to be contrary to common sense as well as our understanding of what is required by an objective environmental assessment process such as that embodied in the *National Environmental Policy Act*. We trust that the U.S. Coast Guard will not accept the proponent's attempt to avoid appropriate analysis of the clear effects and impacts this proposal will have."

In summary with respect to the third aspect of what is required to apply Executive Order 12114, it is clear that the range of environmental impacts associated with this project as documented in the attachments enclosed and by earlier submissions regarding PM_{2.5} clearly substantiate that the bridge project has clear potential to "significantly affect" the environment in Windsor, Canada, a "foreign nation".

Fourth, it is equally clear that Canada is "not participating with the United States and not otherwise involved in the action"; this means that all the preconditions for Executive Order 12114 being applied are present in this case.

The Ambassador Bridge is a privately owned company and this project is being advanced by the owners of that company. Neither the U.S. Government nor Canadian Government are "participating" in this undertaking. Indeed, the proponent consistently emphasizes how this project is a purely a private sector initiative not involving and not burdening the taxpayer of either country.

In contrast, the term "participating" would be applicable to the involvement of the Canadian Government with that of the United States and the State of Michigan and the Province of Ontario in the bi-national environmental assessment these governments are engaged in for the purpose of identifying a new border crossing through the Detroit River International Crossing Project (DRICP) study.

Nor is Canada "otherwise involved in the action", "action" being the permitting of the new bridge in the U.S. by the U.S. Coast Guard. The term "action" has precise meaning under NEPA, as defined by the CEQ Regulations. See section 1508.18. While the Canadian Government is being asked to issue permits for this undertaking required under Canadian laws, the Canadian Government has no role whatsoever in determining whether the U.S. Coast Guard will issue the requested American Bridge Permit. Canada is not involved in "the action" under consideration by the Coast Guard.

As a practical matter, the Coast Guard is being required to make a decision on this project well prior to the time when Canada could offer any environmental analysis, as the Canadian government has only just this week finalized the guidelines the proponent will be required to address in carrying out environmental studies in Canada.

In conclusion with respect to the requirements of Executive Order 12114, for the above reasons the Coast Guard is required to ensure that the environmental impacts of this project in Canada are assessed. To satisfy the Executive Order, such studies must be carried out by the United States, or by Canada, or by both countries.

No such studies have been carried out. It would be clearly contrary to the Coast Guard's NEPA obligations for it to issue a permit unless this deficiency is cured.

Response: The Coast Guard does not agree with the interpretations of this commenter regarding applicability of U.S. Executive Orders. See Appendix P and Q for the Canadian environmental assessment. The assumptions used for overall traffic at the border crossing are incorrect, as explained in previous responses.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 8: Failure to Consider Related Actions Required for this Project and to Assess Indirect Environmental "Effects" and Cumulative Impacts, as well as Failure to Conform to NEPA Requirements to Support a Finding of No Significant Impact

The draft EA further fails to conform to NEPA requirements insofar as it arbitrarily refuses to consider direct and indirect environmental effects and cumulative impacts that will occur in Windsor. The draft EA:

- (a) omits any recognition that the project will provide a 100-200% increase in border crossing capacity in Windsor which will induce new border crossing traffic to be channeled through the only Windsor road leading to and from the new bridge, under-capacity Huron Church Road;
- (b) omits recognition and consideration of impacts to be caused in Windsor from physical works required to allow the new bridge to have utility, such as new bridge approach roads and significantly larger border inspection plaza requirements; and
- (c) omits any recognition or assessment of serious economic and social impacts arising from congestion and consequent public safety issues and impacts on community cohesion that will occur in Windsor without such new physical works.

The omission to recognize and assess such impacts also results in the draft EA fundamentally failing to provide a basis for the Coast Guard to make a Finding of No Significant Impact.

NEPA CEO EA Requirements Not Met

Pursuant to CEQ Regulations for implementing NEPA, an "environmental assessment" is defined as being a document for which a federal agency is responsible that serves to:

- (1) briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement or a finding of no significant impact;
- (2) aid an agency's compliance with the Act when no Environmental Impact Statement is necessary;
- (3) facilitate preparation of a statement when one is necessary. [Section 1508.9]

An environmental assessment is necessarily the basis for an agency to base a "finding of no significant impact". [CEQ Regulation, section 1508.13].

In order to reach a "finding of no significant impact" there must be environmental documents which conclude that there will not be a "significant effect on the human environment". [CEQ Regulation, section 1508.13]

"Human Environment" is required to be interpreted "comprehensively", to include the natural and physical environment and the relationship of people with that environment. [CEQ Regulation, section 1508.14] "Effects" is defined to include:

- (a) direct effects, which are caused by the action and occur at the same time and place;
- (b) indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

"Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including eco systems."

"Effects" is also given further definition by the CEQ Regulation:

"Effects and impacts as used in these Regulations are synonymous. Effects include ecological (such as the effect on natural resources and on the components, structures and functioning of affected eco-systems), aesthetic, historic, cultural, economic, social or health, whether direct, indirect or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial." [CEQ Regulation, section 1508.8]

"Cumulative impact" is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." [CEQ Regulation, section 1508.7]

It is important to note that these definitions of "effects" and "human environment" as well as other provisions of the CEQ Regulations are applicable to the preparation of an environmental assessment and not just to an Environmental Impact Statement. That is made clear by section 1500.3 of the CEQ Regulations which state:

"These Regulations, unlike the predecessor guidelines, are not confined to Section 102(2)(c) (Environmental Impact Statements). The Regulations apply to the whole of Section 102(2)."

Further, the draft EA engages in improperly narrow scoping of the action and alternatives which are required to be considered pursuant to CEQ Regulations.

Under §1508.25 of the CEQ Regulations, the Coast Guard is required to ensure that the EA considers the following:

(a) actions (other than unconnected single actions) which may be:

1. Connected actions, which means that they are closely related and therefore should

be discussed in the same impact statement. Actions are connected if they:

- Automatically trigger other actions which may require environmental impact statements.
- Cannot or will not proceed unless other actions are taken previously or simultaneously.
- Are interdependent parts of a larger action and depend on the larger action for their justification.

Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

...

Clearly, when it comes to either considering these requirements of "action" or assessing these project effects in Windsor, the draft EA is woefully deficient. Indeed, analysis of such alternative "actions" and effects is completely lacking from the draft EA. Again, it fails to fundamentally comply with NEPA.

We set out some important examples of connected and cumulative actions and indirect effects which are ignored by the draft EA:

Response: An expanded discussion of secondary and cumulative impacts is included in the Final EA. The review of potential secondary or cumulative impacts ion Windsor will be conducted by Canadian authorities with those responsibilities.

Comment 9: Failure to Recognize and Assess Significant Changes to Windsor Bridge Approach Roads and Larger Bridge Inspection Plaza Requirement for Windsor

The draft EA is fundamentally deficient in:

(a) refusing to recognize that there will necessarily be a much bigger and more impactive Canadian plaza required for the operation of the new bridge and that new bridge approach roads within Windsor will be required; and

(b) failing to assess the impacts of these fundamentally necessary components required to allow the proposed bridge to carry its planned traffic and prevent chaos on Windsor streets and havoc in Windsor neighbourhoods.

On these topics please refer to

Attachment Volume 1, Tab 1, August 29, 2007 Letter from the Windsor General Manager of Public Works, Dev Tyagi, P. Eng. and Volume 1, Tab 2, "Traffic Impact Analysis of the Ambassador Bridge Enhancement Project on City of Windsor Roads", by Sam Schwartz Engineering, PLLC (which is summarized subsequently).

The August 29, 2007 letter from City of Windsor General Manager of Public Works, states that City professional engineers, registered land use planners and other qualified City staff, as well as retained professional consultants reviewed the draft EA. This review concluded "there will be significant impacts caused in Windsor by this project from air and noise emissions, and that it will produce serious traffic congestion, public safety risks, impact on community cohesion, and cause social displacement".

However, and despite the seriousness of these potential impacts for the City, these issues are not even acknowledged, let alone assessed in the draft EA. The proponent has avoided discussing these impacts by taking a highly unusual, unrealistic and unhelpful approach to its project. It wishes to ignore the fact that a new bridge will channel large volumes of international traffic on City streets in residential neighbourhoods. It claims it is merely moving existing traffic onto a new bridge which is an enhancement of the current bridge. However, this is a self-serving and misleading approach to determining the true impacts of a proposal which would create a 100 percent - 200 percent greater vehicle crossing capacity for traffic which must use Huron Church Road, with the result in Windsor that residents will be exposed to increased air and noise contaminants as well as safety, community and economic impacts for the lifetime of this new bridge, at least 75 years or more.

In its draft EA the proponent in effect acknowledges that its draft EA would have been required to include environmental assessment of the new bridge's relationship to and impacts arising from new American access roads and the required expansion of the Detroit plaza, but that such discussion and analysis is not required because, at least in the proponent's view, these were aspects already subject to EA in the "Gateway Project". The proponent justifies omission of these aspects in its draft EA by arguing that "the Ambassador Bridge Enhancement Project would seamlessly integrate with the Ambassador Bridge Gateway Project already underway in

the Detroit River area by building a new bridge adjacent to the existing Ambassador Bridge.
[Page 2]

The proponent also acknowledges that access roads for the new bridge are critical, but argues that, at least in the U.S., the U.S. Plaza is "bounded by 1-75 on the west" and "Once cars exit the Ambassador Bridge (on the U.S. side) they enter into the primary customs facility and then the toll facility and then have direct access to 1-75 and 1-96..." (page 6, draft EA).

Again the proponent recognizes the importance of having high quality access between an international border crossing and the interstate or provincial freeway system where it makes the following statements:

"Poor quality access to international border crossings and congestion at border crossings can have an adverse impact on trade between the United States and Canada and therefore adversely impact the economies of both countries. In response to this, the Gateway Project was developed and is currently underway [in Michigan] to provide direct and improved access between the Ambassador Bridge and the United States Interstate system (1-75, 1-96)" (page 1 of draft EA)

The proponent also points out:

"The Ambassador Bridge Gateway Project is scheduled to be completed and opened to traffic in 2009 and will dramatically improve the existing connections between the bridge and the U.S. freeway system. The Proposed Project will also prohibit trucks from exiting onto the local streets surrounding the plaza area and instead require them to enter the interstate system as they exit from the inspection stroke toll plaza." (page 8)

In these comments the proponent has recognized the advisability, indeed the necessity, of its proposed new bridge being adequately serviced by an appropriate plaza which in turn has direct connection to the interstate freeway system. The proponent emphasizes that an environmental assessment for this enhanced plaza and the improvements to the interstate system has already been carried out in the United States.

However, in Windsor, Canada the situation is substantially different and unacceptable. As described by the proponent:

"The Ambassador Bridge terminates in Canada near the University of Windsor in Windsor, Ontario, directly into the tolls and primary customs plaza. The facilities are bounded by Huron Church Road on the west, Northway Avenue on the east, Tecumseh Road on the north, and College Avenue on the south."

These City streets do not have the capacity to handle current volumes of traffic, let alone the substantially increased volume of traffic that will occur over the next 30-year period and which will also be induced to use this route because of an enhanced Ambassador Bridge project.

Moreover, there are no plans to build an expanded freeway link from Highway 401 to the Ambassador Bridge. The EA is fundamentally deficient for failing to recognize in Canada, as it has recognized in the United States, the necessity of having the new bridge directly connected to an inter-provincial highway system and the consequent environmental impacts associated therewith, if such a connection must be provided in order to service the bridge. The proponent DIBC/CTC is clearly aware that there is a fundamental problem for border traffic in Windsor, which requires a new access road between interprovincial highway 401 and the Ambassador Bridge, but the draft EA avoid any discussion of this essential requirement.

In May, 2006 testimony to a Canadian Parliamentary Committee, Dan Stamper, the President of the proponent, recognized that the current access road network in Windsor is deficient and that substantial road improvements are needed between the Ambassador Bridge and Highway 401 to overcome congestion on the only current link to the Bridge, Huron Church Road.

In the very words of the President of the proponent, "Windsor roads from the border to the 401 remain deficient and will impede trade in this corridor. There is a serious underdeveloped road system surrounding the border crossing." "The main impediment at the border is the lack of any adequate surface roads and a thoroughfare from the Ambassador Bridge to Highway 401 on the Canadian side of the border...."

Despite the proponent knows and admits this access road issue is critical, it omits any discussion of it in its draft EA.

Here is more of what Dan Stamper said in 2006:

"It is not my desire to be offensive but the truth does need to be told. As mentioned earlier with regard to Huron Church Road, the fact is, there are problems at the border. The main impediment at the border is the lack of any adequate surface roads and a thoroughfare from the Ambassador Bridge to Highway 401 on the Canadian side of the border for use by not only international traffic but Windsorites as well. The fact is that Michigan has invested \$184 million federal and state tax dollars for the Ambassador Bridge Gateway infrastructure. Michigan has streamlined and maximized border investment with the Gateway and the Ambassador Bridge has invested nearly \$500 million private dollars preparing for additional lanes between Windsor and Detroit. Windsor roads from the border to the 401 remain deficient and will impede trade in this corridor.

Despite all of the public and private dollars invested on the U.S. side of the Bridge, despite the \$300 million Canada's federal and provincial governments announced in 2001 allocated to improve access to current border facilities...Canada has failed to solve their well known problem: a road from 401 to the border. Also, there is a serious under developed road system surrounding the border crossing. We will stand in line first to support improvements to the Canadian connections to the Ambassador Bridge and urge you to focus efforts in this direction. In our view, public monies that would be devoted to a new crossing, which will disrupt communities not now impacted by a bridge, would be better spent on improvements to the existing corridor."

While the draft EA states that the new bridge would improve cross-border traffic operations by adding capacity, it does not address the issue of induced traffic from other time periods or other

crossing locations, nor does it address how this added traffic would affect Windsor roadways leading up to the bridge and the problems these would create for various neighbourhoods along the route.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 10: Sam Schwartz Traffic Impact Analysis - Technical Memo

Because the proponent has failed to reference or discuss the substantial impact the Coast Guard's permitting of a new span would have on Windsor roads, the City retained Sam Schwartz Engineering, PLLC to provide a highly experienced professional traffic engineering and traffic planning opinion on the matter.

Sam Schwartz is an internationally recognized expert in transportation engineering, with 35 years experience including,

- for the City of New York, during the period 1971-1990, being director of planning, assistant commissioner responsible for EIS reviews, traffic commissioner, chief engineer and bridge commissioner.
- 1990-1995, senior vice president of the Hayden-Wegman consulting firm
- since 1995, president of his own traffic engineering consulting firm composed of engineers, designers, architects and planners working interdependently to improve urban environment, with expertise in transportation, civil engineering and urban and architectural planning

Attachment Volume 1, Tab 2, "Traffic Impact Analysis of the Ambassador Bridge Enhancement Project on City of Windsor Roads", by Sam Schwartz Engineering, PLLC (SSC) and in particular the Conclusions which are set out below, clearly substantiate that the permitting of this new bridge will cause serious environmental, economic and community cohesion problems in Windsor.

While we urge the Coast Guard to have regard to the full report, the report's conclusions, set out below, usefully provide a summary of the traffic-related effects and cumulative impacts the draft EA fails to recognize.

Ambassador Bridge Enhancement Project - Traffic Impact Analysis Conclusions prepared by Sam Schwartz Engineering PLLC

1. Current international truck traffic on the City of Windsor Huron Church Road corridor, providing access to the Ambassador Bridge, can be as high as 20 to 30 percent of total traffic volumes during the peak hours. Truck percentages on the approach to the Ambassador Bridge are even higher during off-peak hours, sometimes reaching up to 60 percent of total traffic volumes.

2. International car and truck traffic on Huron Church Road is expected to grow in future years, while domestic vehicles are expected to decrease somewhat in volume, resulting in an overall growth in traffic passing through the Huron Church Road corridor leading to the Ambassador Bridge. This increase in traffic volumes would have an impact on traffic operations on the Huron Church Road corridor and surrounding roads, even before any enhancements are made to the Ambassador Bridge. Enhancements made to the bridge that would act to induce additional traffic would exacerbate these deteriorated traffic operations.

3. The Ambassador Bridge Enhancement Project would add crossing capacity by introducing a new span that would increase the number of vehicular lanes from four (two in each direction) to at least six (three in each direction plus shoulders). As a result of this increased crossing capacity and other bridge operational improvements, traffic that once used other crossings, traveled during off-peak periods, or didn't travel at all will be enticed to use the new Ambassador Bridge span. In traffic engineering terms, the added capacity on the new Ambassador Bridge would cause induced demand on the bridge as well as on the roadways leading up to the bridge.

4. As the proposed Ambassador Bridge span will be nearly double the width of the current Ambassador Bridge span, the proposed bridge would have sufficient width to be converted to four lanes in each direction, which would constitute a 100 percent increase in capacity from the existing bridge deck. Further, there is no plan to demolish the existing bridge; in fact, there are plans to rehabilitate it. If the current bridge were used in the future in addition to the new bridge, the Enhancement Project could ultimately result in a total of six lanes in each direction, a 200 percent increase from the existing capacity.

5. The Huron Church Road corridor extending through Windsor to the Ambassador Bridge will be operating beyond its capacity at many locations in the future years 2015, 2025, and 2035, particularly in the PM peak hour, even without the addition of Ambassador Bridge-induced demand. In lay terms, this means traffic will be jammed at many intersections, long queues will form and trucks will be idling for long periods in residential and retail neighbourhoods.

6. As a result of the heavy congestion, City traffic engineers will be presented with the dilemma of moving traffic on Huron Church Road or providing enough crossing time for pedestrians. There is concern about the safety of pedestrians and cyclists along Huron Church Road.

7. The DRIC traffic studies predict significant problems for Windsor streets that would occur in the future even without the induced traffic from the new Ambassador Bridge:

"As road traffic volumes increase, local and regional traffic may find it easier to use adjacent arterial roads and avoid Huron Church Road congestion as it moves within and across Windsor and LaSalle. The result of this diversion is increased traffic infiltration to adjacent arterials and an overall heightened neighbourhood-level sensitivity towards traffic intrusion. The projected increase in traffic would serve to encourage more

domestic travel to divert from Huron Church Road and into the surrounding neighbourhoods."

8. Induced traffic from the new Ambassador Bridge will result in peak hour volumes on roadways to and from the bridge that are higher than the DRIC projections. Given that peak hour traffic operations on the Huron Church Road corridor leading to and from the Ambassador Bridge will already be at, or well beyond, their capacity at many locations in future years, the addition of more traffic induced by the new Ambassador Bridge would exacerbate existing and future Windsor road capacity and level of service problems.

9. While the draft Environmental Assessment recognizes that the Ambassador Bridge Enhancement Project would improve traffic operations on the bridge by adding capacity, it does not address the issue of induced traffic from other time periods or other crossing locations, nor does it address how this added traffic would affect Windsor roadways leading up to the bridge and the problems these would create for various neighbourhoods along the route.

10. Traffic impacts on the Huron Church Road corridor and other City streets and neighbourhoods would be even greater than predicted by the DRIC if future improvements assumed in the DRIC study do not occur (e.g. widening of EC Row Expressway to six lanes). In that case, vehicles assumed by the DRIC to use new or expanded alternative routes would have only four lanes of capacity on EC Row (two in each direction), creating a greater chance of congestion, particularly on the section to the northeast of Huron Church Road where several EC Row Expressway on- and off-ramps are closely spaced together. SSC is also concerned about a back-up from the EC Row exit ramp to Huron Church Road that would affect the safety of the expressway as traffic, at highway speeds, would suddenly encounter stopped vehicles. This scenario will also cause short weaving sections, due to the short spacing of interchanges, between traffic accelerating to highway speeds crossing traffic that is slowing to a stop.

11. The draft Environmental Assessment for the Ambassador Bridge Enhancement Project does not include a traffic impact study of the roadways in Windsor leading to the bridge, claiming that "the impact of the proposed project is confined within the Project limits and there would be no impact to traffic flow outside of the respective Plazas" because "the movement of traffic at this international crossing is limited by the toll collection/customs inspection process."

This claim is unreasonable. The construction of a new bridge with additional capacity and improved operations will induce additional traffic, which in turn would create additional impacts on the roadways leading up to the new facility. Toll collections have been vastly sped up by electronic collections used widely in the U.S., Canada and abroad. It is unreasonable to think that if volumes approaching customs' plazas increase significantly that no action will be taken by either government. The pressure by industry and the public has resulted in dramatic increases in customs stations and officers at the Ambassador Bridge in the past two years.

12. Where an environmental assessment of a project such as the new Ambassador Bridge is required, it would be unreasonable to ignore the impacts the new bridge's capacity would cause to local roads and neighbourhoods, and possibly also to air and noise pollution.

13. The DRIC study reached clear conclusions, with which SSC agrees, that there will be significant problems on the Huron Church Road corridor and other City streets in future years even without further induced border traffic from a new Ambassador Bridge.

14. As the new Ambassador Bridge will provide more crossing capacity and improved bridge operations that will draw vehicles from other crossings, and additionally entice vehicles that were traveling in off-peak times, or not at all, to travel during the peak hour, it is clear that the Ambassador Bridge Enhancement Project will cause traffic, neighbourhood, and potential air pollution problems in Windsor beyond any that would be caused if this project were not constructed.

15. Based on over 36 years of traffic engineering experience, it is the professional opinion of SSC that without an appropriate traffic analysis which refutes (if possible) the high likelihood that such impacts will occur from the new bridge, and having regard to the predicted future traffic problems on this corridor even without the traffic that would be induced, it is unreasonable to conclude that there would be no environmental impacts arising from this new bridge. In our experience, the most reasonable conclusion is that there would be significant impacts.

16. In our professional opinion these issues are required to be addressed in any document which describes itself as an Environmental Assessment, particularly one that is being carried out pursuant to the provisions of the National Environmental Policy Act, with which we have had considerable experience.

Unfortunately, none of these predictable impacts on Windsor roads and neighbourhoods are documented or considered in the draft Ambassador Bridge Enhancement Environmental Assessment.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 11: Environmental Impacts - Spills of Toxic Materials

The new bridge would cross over five City streets and four blocks of residential lands on the west side of Huron Church Road. There are approximately 200 dwellings in the 250 metre area to the west of Huron Church Road in this area, housing approximately 600 people. Also, within 60-180 metres to the east of Huron Church Road, immediately opposite portions of the proposed second bridge, there are three University of Windsor residences which provide housing for over 800 students.

The City is concerned about significant effects on the environment as well as public health and safety arising from accidental spills of fuel, hazardous or toxic materials from the increased numbers of trucks projected to cross the new bridge in the period to 2035. This is a highly significant potential environmental impact that the proponent has failed to address in any way.

The proponent is aware that toxic materials pass over its bridge, and indeed permits that to occur, as corroborated by documents already in the Coast Guard file in this matter.

Further, in a Site Plan Control agreement between the Canadian Transit Company and the City approved January 16, 2006, which dealt with new inspection booths and elevated approaches from the Bridge to be located on the west side of Huron Church Road, CTC agreed to indemnify the City in respect of damage claims against the City arising from "loss of life or injury or damage to persons or destruction of, injury to or loss caused to property of persons on or passing along any highway of street by reason of the emission, spilling or depositing of contaminants as defined under the and regulated by the Environmental Protection Act (Ontario), from vehicles, machinery or other objects allowed on or passing over the works and structures" which were to be built pursuant to this Site Plan Control agreement.

While in this agreement CTC clearly recognizes the potential for such spills, and while the agreement gives some legal protection to the City in the event of claims by others against it for spills from the Ambassador Bridge, the agreement does nothing to prevent such spills, protect the environment or make the proponent legally responsible for remediating environmental spills.

As recently as August 21, 2007, Windsor City Police reported a fuel spill occurred on the Windsor side of the Ambassador Bridge, when the metal foot step of a tractor-trailer unit pulling up to a toll booth caught the toll booth and ripped into the diesel saddle tank of the truck causing fuel to spill onto the bridge roadway. City police reported that the truck proceeded over 50 metres past the booth with fuel pouring out of the gash in the fuel tank. Officers estimated that any fuel in the top half of the tank would have been spilled. It took about three hours to clean up the spill.

Response: Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 12: Noise Impacts Will Occur in Windsor from Bridge Traffic, and from the Bridge Inspection/Commercial Vehicle Processing Facilities, But No Noise Impact Study Has Been Done.

The City is also very concerned that traffic from the new bridge and the Canadian plaza will produce noise exposure for nearby houses and university residences in excess of Ontario Ministry of Environment (MOE) noise criteria, a concern raised by the reports prepared by Dr. Lightstone, P. Eng., Valcoustics Acoustical Consultants (See Attachment Volume 1, Tab 4 to this submission).

The City has previously expressed its concern about potential noise impacts from current activities to the proponent, and the proponent apparently accepted that such concerns are reasonable, in that it agreed with the City in the course of obtaining approval to install some inspection booths on the west side of Huron Church road to register a warning on title to adjacent properties, which the proponent owned or controlled, and to use the following language: "Purchasers/tenant/occupants are advised that due to increasing road traffic in the

Ambassador Bridge Plaza West, noise levels may occasionally interfere with some activities of the dwelling occupants."

That language was agreed as being sufficient by the City not for the purpose of mitigating or warning about noise impacts from a proposed new bridge, but only regarding noise from vehicles that would be using six new inspection booth on the west side of Huron Church Road in the immediate future as part of the existing Ambassador Bridge. Clearly, if a new bridge providing 100% more crossing capacity than the existing bridge is built, further noise on the nearby lands associated with the new bridge traffic will occur, and these impacts cannot be ignored, and must be assessed.

Dr. Lightstone's most recent letter report to you dated July 16, 2007 references the express concern objection by the Canadian Border Services Agency (CBSA) that the current Canadian bridge plaza is too small and is not configured appropriately from the perspective of the CBSA. Dr. Lightstone notes that new or modified commercial vehicle inspection facilities required at a comparable international bridge crossing between Canada and the United States - the Peace Bridge between Fort Erie, Ontario and Buffalo, New York -- and other changes required in roadway providing access to that facility - were found to require substantial noise attenuation in order to ensure noise emissions were within MOE criteria.

Dr. Lightstone's report raises the serious concern, which City staff share, that substantial changes to the Canadian bridge plaza will be required to accommodate the new bridge and that a noise assessment must be carried out which is based on an enlarged plaza configuration which has been accepted both by the CBSA and the City. It would be highly arbitrary for any regulatory charged with assessment environmental impacts to exclude noise impacts from the new bridge and its required inspection plaza reconfiguration from an EA, yet that is the approach that the proponent is asking the Coast Guard to take. City staff find that unacceptable and we hope so too would the Coast Guard.

Response: Potential environmental impacts in Windsor, Ontario, Canada, including noise impacts, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 13: Air Quality Issues - No Air Impact Study for Windsor, Yet Significant Impacts Will Occur.

The City is also concerned about effects on air quality from the proposed new bridge which, because of its width, could provide up to 100% more crossing capacity than the existing bridge (four lanes in each direction) and which, together with the current bridge, could result in up to a 200% increase in crossing capacity (six lanes in each direction).

Of particular note is that there was no study in the draft EA of the proposal's impacts on Windsor air quality.

The AMEC Engineering Consultants report, Attachment Volume 1, Tab 3, commissioned for the City, provides a Preliminary Air Quality Assessment of Ambassador Bridge Enhancement

Project air impacts in Windsor. This report substantiates City staff concerns, in that it predicts that areas adjacent to the Bridge Canadian Plaza and to residential areas adjacent to Huron Church Road will experience air quality impacts from vehicles associated with the Bridge project, including exceedences of Ontario Air Quality Criteria.

AMEC used the DRIC traffic information regarding peak hour vehicle travel on Huron Church Road which indicates queuing will occur on various segments of this corridor, and modelled the air quality impacts.

The AMEC air modelling shows that the DRIC predicted queuing of vehicles on Huron Church Road, in an area south of the Bridge Plaza and north of the EC Row Expressway, would produce concentrations of toxic particulates, specifically PM_{2.5}, in concentrations exceeding Ontario Air Quality Criteria.

The predicted exceedences of air quality criteria for PM_{2.5}, fine particulates, is of particular concern not only to residents but to numerous children who attend schools located along Huron Church Road.

Eight schools as well as St Clair College and the University of Windsor are located along Huron Church Road. The school/college facilities include student residences, a stadium and a track and field facility.

These schools/colleges are as follows:

Between the Ambassador Bridge and E.C. Row Expressway: University of Windsor; Assumption College Catholic High School, Century High School, Forster Secondary School. South of E.C. Row Expressway: Bellwood Public School, Oakwood Elementary School, Mount Carmel Elementary School, Academie Ste Cecile, Ecole Monseigneur Jean-Noel, and St. Clair College

Importantly, the AMEC report also shows that if free flow traffic conditions could be maintained along Huron Church Road, there would not be concentrations of PM_{2.5} exceeding permissible criteria.

In other words, future truck volumes associated with the new bridge capacity will expose Windsor residents in the vicinity of Huron Church Road, including many children attending the numerous schools along that route, to excessive concentrations of toxic air contaminants from truck queuing - an exposure which could be avoided if, for example, another location for a new crossing was chosen that had adequate road capacity or an alternative new access route to the new bridge were provided, so that traffic queuing on City streets did not occur.

In short, very significant environmental and health impacts will occur if this project proceeds, which impacts could be avoided if the proponent were required to study and utilize either another crossing location where no residents would be exposed to queuing trucks, or the proponent were to provide its own dedicated access route to the new bridge, so that queuing of traffic on City streets did not occur.

In fact, as elaborated below, in 2003-2004 the proponent proposed to do exactly that - build its own dedicated access route to the Ambassador Bridge from the E. C. Row Expressway - an

alternative which the proponent has conveniently omitted from its materials submitted to the Coast Guard - but it is an example of an alternative that is reasonably one which the proponent should be required to consider, as it proposed it itself.

Response: Potential transboundary impacts were discussed previously. Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 14: Impacts on City Neighbourhoods and Cultural Features

City staff are also concerned with respect to the project's potential for effects on the human environment. There will be direct, indirect and cumulative effects on environmental quality, health, safety, neighbourhoods and archaeological features. The area by the Detroit River proposed for the new bridge is recognized in the City of Windsor Official Plan as an area of high cultural and historical significance. It has a very high potential for finding further Native burials and Native artifacts, in that this area is part of a former Indian Reserve (Windsor Archaeological Master Plan).

The new bridge requires 14 supporting structures in/around an area where Native American burials are found. The entire area west of Huron Church Road / south of Detroit River - is rated as "high potential" (Windsor Archaeological Master Plan, Archaeological Potential); and this area contains part of the original Native American Huron Village and was formerly the site of the Jesuit Mission. There are designated cultural and historic features to the east and south-west.

From a social cohesion standpoint we note that lands along the Huron-Church Road connection to Highway 401 are largely residential in designation, including historic areas and active and passive parkland. Secondary routes to the bridge (Wyandotte, Tecumseh, College) are also largely residential in designation. Land west of Huron-Church Road is designated as "Residential", with a small portion at the river designated "Waterfront Recreational" The entire area of the proposed new bridge is zoned for residential uses. The new bridge is, from a land use perspective, incompatible with land used for residential purposes or designated to be so used in future.

City staff find that environmental as well as community and social impacts from the proposed project are likely to be individually and cumulatively significant. Required plaza expansions and expanded highway connections are part of on-going future actions contributing to adverse environmental effects. Studies of required impacts from the whole system in Windsor should be considered in the Coast Guard's NEPA documentation.

The City staff also are concerned that the proposed project will have a significant effect on species or habitats protected by regional, provincial and federal Agencies. In particular, the proponent offers no studies /professional opinions from qualified ornithologists that the "cable-stayed" design of the new bridge, which in effect provides "walls" of cable on both sides at close-spaced intervals, will not be have impacts on migratory bird species which are prevalent in the Detroit River corridor.

City staff also have concerns regarding the project's impact on Olde Sandwich Towne, located in close proximity to the proposed new bridge. In this neighbourhood the average cost for housing is lower than the Windsor average and it is important to preserve the number of affordable housing units. A comprehensive EA process is required due to the sensitive nature of the community to ensure no further negative impacts.

All changes, impacts, inconsistencies, intrusions and demands listed in the Coast Guard document as indicators of socio-economic and environmental justice impacts are likely to occur in Windsor as a result of the 80% + increase in traffic on city streets from the second bridge, particularly when induced traffic is considered. The proposed project also occurs on or near unique characteristic of the geographic area, such as historic and cultural resources and parkland. We note that the Ambassador Bridge is on the U.S. National Register of Historic Places. Parks, recreation facilities, and unique features historically designated and culturally significant within the City will be negatively impacted.

Response: The existing Ambassador Bridge span is considered eligible for listing on the U.S. National Register of Historic Places.

All applicable U.S. agencies have been consulted regarding potential impacts to U.S. federally or state listed threatened or endangered species, and all potential impacts to fish and wildlife in the project area.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 15: Failure to consider other actions required to implement this project and make it functional and the environmental impacts of those actions - substantial enlargement and possible relocation of Windsor inspection plaza for truck coming from the U.S.

The existing Ambassador Bridge Windsor plaza is totally inadequate and inappropriately configured for use in conjunction with the proposed enhancement project. Substantial enlargement of and changes to this plaza are required to make the new bridge functional, but these requirements are not mentioned in the draft EA and the environmental impacts are not considered. This is a further fundamental NEPA deficiency for the draft EA.

The Canadian Border Services Agency (CBSA) —the Canadian equivalent in part to the Homeland Security Agency in the U.S. -- both in 2006 and 2007 has clearly stated in letters to the President of the Canadian Transit Company that the CBSA has fundamental concerns with the proponent's assertion that there is no need to modify the existing Canadian plaza in connection with the proposed new bridge. The CBSA June 6, 2006 letter to the proponent regarding these concerns is found at Tab 19 of Volume 1 of the City's September 14, 2006 submissions to the Coast Guard.

Attachment Volume 1, Tab 7 to this submission is the June 1, 2007 letter from the CBSA to the CTC. It states that "CBSA's concerns about the Ambassador Bridge twinning plans remain as follows:

- "(a) The lack of a detailed and integrated plan to provide adequate, functional and complete point of entry facilities commensurate with both current traffic needs as well as the forecast traffic growth over a reasonable planning horizon.
- (b) Having Huron Church Road physically dissect the point of entry plaza compromises CBSA's border security operations and therefore unnecessarily compromises national security and public safety. This aspect of your proposal remains unacceptable to the CBSA.
- (c) The current location of the commercial secondary processing facility (about 1.5 miles from the bridge plaza) is unsustainable from a national security and public safety prospective. It is essential to the CBSA that this function be relocated entirely within the port of entry plaza.
- (d) The capacity of the existing travelers secondary processing installations to accommodate current and foreseeable traffic growth over a reasonable planning horizon."

In other words, the existing plaza is inadequate and the area available for these inspections is totally insufficient to provide the necessary facilities required under Canadian federal law in order to allow the Canadian Border Services Agency to carry out its statutory responsibilities.

In a memorandum dated August 1, 2005 prepared by Stantec Consultant Services for URS, the prime consultant of the Detroit River International Crossing Project, Stantec provided the following facts:

"The current Ambassador Bridge, Canadian point of entry, currently occupies approximately 40 acres with all primary inspection, passenger secondary inspection and toll collection on one site of approximately 20 acres, and commercial secondary inspection, located at another site, again approximately 20 acres." (this commercial secondary inspection site is the one which the Canadian Borders Services Agency June 1, 2007 letter states must be relocated to the primary inspection facility).

CBSA have indicated that the current plaza is significantly undersized to accomplish the inspection requirements now in place at the border and to accommodate secondary inspection of commercial shipments on the plaza. Based on discussions with CBSA, a plaza area of 80 acres is currently required at the Ambassador Bridge. (The Ambassador Bridge US Plaza is currently

undergoing expansion from 39 acres to 158.7 acres to meet the future traffic and inspection needs)."

Attachment Volume 1, Tab 6 provides the Stantec memo. The Stantec memo goes on to point out that if there was to be a twining of the Ambassador Bridge (i.e., in effect what is now being proposed as the Enhancement Project) a point of entry facility of 120 acres will be required.

"The increased sized reflects the future commercial auto traffic projected to use this crossing, with commercial secondary inspection being carried on-site at the plaza." (Stantec memo, pages 8 and 9)

Importantly, the Ambassador Bridge has prepared its draft EA without recognizing the clear necessity that its existing plaza is wholly inadequate and will need to be substantially expanded. The failure to recognize this reality also means that it has failed to assess the impacts of such an expansion (e.g., from the current 40 acres to 120 acres, the estimate required by Stantec and which is still smaller than the 158-acre plaza that has been constructed in Detroit).

Despite these clear requirements as to the need for a significantly increased and reconfigured Canadian plaza, made known by the CBSA on repeated occasions to the Ambassador Bridge, these requirements have been ignored in the draft EA. The proponent fails to acknowledge that its current facility must be expanded to 120 acres.

The substantial reconfiguration and enlargement required for the proponent's Windsor plaza will obviously cause both adverse land use impacts as well as new noise impacts. It will cause land use impacts because the lands surrounding the current Windsor plaza are either zoned and used for residential purposes or zoned and used for University of Windsor teaching facilities and student residences.

Expansion of the plaza and necessary reconfiguration of access roads to the plaza, together with the expanded inspection facilities this new bridge traffic will require, will also produce significant noise impacts for other landowners and residents. No noise impact study has been submitted by the proponent.

However, Attachment Volume 1, Tab 4 the letter report "Environmental Noise Impacts - Ambassador Bridge Enhancement Project, Draft Environmental Assessment" from Valcoustics Canada Ltd., July 16, 2007 clearly provides a professional basis to conclude noise impacts may be significant.

The opinion, by Dr. Lightstone, one of Canada's senior acoustical consulting engineers, who has had directly applicable experience in assessing noise impacts associated with the Peace Bridge between Fort Erie, Ontario and Buffalo, New York, concludes:

- "There are a large number of noise sensitive receptors in the City of Windsor in close proximity to the proposed new bridge
- As we noted in our September, 2006 letter, immediately to the east of the existing bridge, on the other side of Huron Church Road, is the University of Windsor. Two university residence buildings, one four-storeys, and the other ten-storeys, are immediately beside Huron Church Road. There is a third university residence (ten storeys) in close proximity. Other university facilities, including a park, extend east

from Huron Church Road. The closest facades of the university residences are about 135 feet from the centreline of the existing bridge and will be about 200 feet from the centreline of the new bridge.

- Immediately to the west of the proposed bridge is a low density residential development. The closest existing homes are about 285 feet from the centreline of the existing bridge and will be about 165 feet from the centreline of the proposed new bridge.
- Both the Stantec study and the letter from the CBSA indicate that in order for the new bridge to function, important plaza changes and expansion are likely required. Setting aside the question of how the plaza can be expanded significantly in view of the surrounding existing development, expanded and reconfigured plaza operations, especially including secondary truck inspection, has significant potential to increase noise impact on the existing University of Windsor residences and other facilities (generally to the north and east) as well as the existing residential subdivision to the west.
- A study of noise impacts for Windsor must include not only predicted traffic noise but noise from vehicles using the inspection plaza. Based on our experience with the Peace Bridge Commercial Vehicle Processing Centre and associated plaza facility changes, movements of vehicles accessing, moving and leaving a bridge inspection plaza will result in a noise source with significant potential for causing off-site impacts. A noise assessment of plaza operations must include those changes to plaza size and configuration required to meet the recent stipulations of the Canadian Border Services Agency.
- Certainly for the new and reconfigured Peace Bridge facilities in Fort Erie, including the plaza and a new Commercial Vehicle Inspection Centre with primary and secondary inspection facilities, predicted noise levels were such as to require a significant length and height of sound barrier to adequately buffer the sensitive receptors from the various noise components including truck inspection and staging facilities and to ensure that the Ontario Ministry of Environment (MOE) stationary source noise guidelines were met. At the Fort Erie Peace Bridge plaza, even with the presence of significant ambient noise due to the interprovincial QEW freeway, significant noise mitigation measures were required to properly buffer neighbouring sensitive uses.
- Thus, our experience is that the border crossing facilities of the nature being proposed in the Ambassador Bridge EA have the potential for significant noise impact on neighbouring lands unless properly mitigated. For example, in the Peace Bridge case, mitigation (noise reduction) of up to about 12-14 dBA was required for some sources in order to achieve compliance with the MOE noise criteria."

These predicted noise impacts arising from the plaza are "effects" within the definition of that term provided by section 1508.8 of the CEQ Regulations. They are potentially a "direct effect" or at least an "indirect effect", which term includes effects "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." These effects or impacts are required to be assessed by the Coast Guard.

As previously mentioned, the proponent, in a Site Plan Agreement with the City, acknowledged that there would likely be significant noise associated with its future activities. The proponent agreed to register a "warning clause" on title of each dwelling on the east side of Indian Road (i.e. on the west side of Huron Church Road) and also include the following warning clause in all leases and offers/agreements of purchase and sale of the said lots:

"Purchasers/tenants/occupants are advised that due to increasing road traffic in the Ambassador Bridge Plaza west, noise levels may occasionally interfere with some activities of the dwelling occupants."

It would be highly arbitrary and inappropriate for the Coast Guard to base decisions on an EA that excluded consideration of noise impacts in Windsor from the new bridge and the required inspection plaza reconfiguration. Under NEPA, that is not acceptable.

Indeed, the proponent has not been forthright on the issue of the need for expansion of the Windsor plaza. Its draft EA fails to mention the substantial changes an enlargement the CBSA has repeatedly stipulated. Rather than referring to these requirements and its on-going discussions with the CBSA, it has limited its comments on this issue to the equally unhelpful suggestion that, with the recent addition of three "wide lane" customs facilities on the east side of Huron Church Road next to existing customs facilities and five other customs inspection lanes being added on the west side of Huron Church Road, not only the current inspection but future inspection demands are entirely satisfied. It states on page 8 of its draft EA, "the remaining portions of the customs plaza on the east side of Huron Church Road remain unchanged, as will the associated secondary customs facilities and duty-free shops."

However, the CBSA position is clear. Even if the proponent were allowed to use these new facilities in conjunction with the new bridge, they are far from what is required.

What is not made clear by the proponent, however, is that the proponent has no legal authority from the City of Windsor to use the recently added five customs inspection lanes on the west side of Huron Church Road or other infrastructure it has recently constructed or is in the course of constructing on the west side of Huron Church Road for the purposes of a new or second Ambassador Bridge.

Although the City approved a Site Plan Agreement in 2006 for these inspection booths and other works on the west side of Huron Church Road, that approval was subject to the condition and proviso that it did "not constitute an endorsement by the City of the proposal by the owner to twin the existing Ambassador Bridge . . . or otherwise object to or deny the City's approval for the second Ambassador Bridge span or twinning (including any works undertaken or to be used for that purpose)".

Accordingly, the proponent will need to potentially obtain other means of access and egress to its proposed new bridge, as well as another location for the inspection facilities insofar as they would serve a second Ambassador Bridge.

The Coast Guard cannot reasonably allow an EA for this project to be used which ignores the plaza reconfiguration requirement. The DRICP rejected the proposal for a second Ambassador Bridge at this location based on the clear need to substantially expand the current Canadian inspection plaza in Windsor, finding that the expansion of the plaza would in turn cause significant impacts.

Specifically, after carrying out an assessment of traffic impacts, potential noise impacts, impacts to community cohesion and character and displacement of population, the DRICP study concluded that:

. . . The expansion of the plaza at the foot of the Ambassador Bridge was considered a high negative impact to land use (refer to Exhibit 3.17). A bridge plaza serving the busiest border crossing in North America adjacent to the University of Windsor and the residential community of Sandwich is highly inconsistent with existing and planned land use in this area of the city.

"The expansion of the existing plaza at the Ambassador Bridge will have a highly negative impact on the community, particularly the neighbourhood of Sandwich. This area of Sandwich is densely populated and a mature residential area. Over 215 households will be displaced and almost 1000 households disrupted (i.e., within 200m of the plaza) within the established urban neighbourhood. Area businesses are forming an economic development corporation to promote new growth and development opportunities in the Sandwich area. The loss of over 215 households from the immediate vicinity would have a negative effect on the local businesses serving this community." (p. 108-9)

Expanding the existing plaza and construction of a new freeway in the Huron Church Road corridor has high potential for disrupting international traffic in this important trade corridor. With the Crossing XI2 alternative, the entire length of Huron Church up to the Ambassador Bridge would require reconstruction.

"A number of designated heritage properties can be found along the following streets: Russell Street, Sandwich Street, Peter Street, Detroit Street, Mill Street, Brock Street, Chippewa Street, South Street, Watkins Street, Prince Road. The Ambassador Bridge, built in 1929, is listed in the Ontario Heritage Bridge List. Expanding the plaza at the Ambassador Bridge to accommodate a twinning of this structure will affect over 40 built heritage features (disruption impacts) and 3 known archaeological sites. The alternative also impacts a sizeable area of high archaeological potential. " (p. 109-110)

The Coast Guard is a Cooperating Agency in the DRICP, a project which is sponsored in the U.S. by the Federal Highway Administration (FHWA) and the Michigan Department of Transportation.

These DRICP conclusions are therefore highly relevant, in that from this work the Coast Guard must be taken to know (a) that public agencies in the U.S., which include FHWA, have previously concluded that a second Ambassador Bridge at this location will have significant environmental impacts, which in turn mandates that the Coast Guard ensure an EIS, not an EA, is used in processing the Ambassador Bridge application; and (b) the Coast Guard must be particularly concerned to ensure that alternative locations, not just alternative designs, for the new bridge are considered as well as alternative access routes -- particularly given the DRICP conclusions as to the impacts of using the current Huron Church Corridor combined with the fact that the Ambassador Bridge previously advocated a new Bridge Parkway.

In summary on this issue of the new bridge Windsor inspection plaza issue:

- (i) it is clear that substantial changes to and enlargement of this plaza will be required as result of the proponent's new bridge;
- (ii) the necessary reconfiguration has not been agreed to at this time;
- (iii) the EA cannot be completed in accordance with NEPA requirements until the need for plaza reconfiguration is acknowledged by the proponent and it includes impact assessment of plaza reconfiguration options and operational impacts from the plaza in its EA.

Regardless of any environmental assessment process which may be carried out in Canada, NEPA requires that the Coast Guard consider an EA that includes an assessment of impacts associated with such a substantial expansion of the current plaza in an area that is surrounded by residential and University of Windsor property, including numerous student residences, as well as public parks and significant Aboriginal (Indian) burial sites.

Response: Potential environmental impacts in Windsor, Ontario, Canada, including potential changes to the Windsor Plaza, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 16: The draft EA is Deficient in its consideration of Alternatives

The draft EA confines discussion of alternatives to "design" alternatives for a new bridge, i.e., to architectural alternatives and whether the new span should be located on one side of the current bridge, or the other. It does not discuss substantive alternatives, such as alternative locations, i.e. up-river or down-river alternative locations for a new span; equally it does not consider the potential for rehabilitating the existing bridge in place, nor does it provide consideration of alternative access routes for bridge traffic accessing the new bridge, so as to avoid exacerbating already problematic congestion on Huron Church Road.

NEPA requires an analysis of alternative locations and/or new access routes to the new bridge through Windsor so as to avoid bridge traffic being required to access and leave the new bridge via Huron Church Road, which would also avoid causing the predictable air, noise and other significant impacts to Windsor.

The Coast Guard should be requiring an EIS to examine other reasonable crossing location options (not simply variations on whether the new bridge should be immediately on one side or the other of the current bridge, which are not alternative locations, but rather alternative designs) as well as alternative access road facilities to the new bridge which could be provided by the proponent.

The City submits it is reasonable for the Coast Guard to be requiring the proponent to examine other down-river and up-river locations for a new bridge. This was the approach taken to comply with NEPA by the Federal Highway Administration and Michigan Department of Transportation as proponents, and the U.S. Coast Guard as a Cooperating Agency, in connection

with adding capacity to the Blue Water Bridge crossing of the St. Clair River between Sarnia, Ontario and Port Huron, Michigan.

The Blue Water Bridge and Plaza Final Environmental Impact Statement and Section 4(f) Analysis (approved October 12, 1983) indicates that in the "evaluation of alternatives" in the draft EIS four basic alternatives were identified to address the area's border crossing capacity deficiencies.

These included:

1. Do nothing;
2. Low capital expenditure alternative (i.e. minor improvements to the bridge and plaza);
3. Alternative modes of transportation;
4. Major reconstruction:

“This alternative involved major reconstruction of the Bridge Plaza and construction of a second bridge to remedy existing congestion at the U.S. inspection booths' future lack of capacity of the bridge. Several alternatives for major reconstruction were assessed (e.g. alternative bridge locations).”

Three feasible locations were identified as possible future sites for construction of an additional crossing over the St. Clair River.

These were:

- Port Huron - Point Edwards (adjacent to the existing bridge);
- Marysville - Sarnia (six miles downstream); and
- Marine City - Sombra (20 miles downstream).

Each alternative location was analyzed to determine the anticipated traffic diversion, transportation network compatibility, construction costs and potential social, economic and environmental impacts as well as influences on development trends. The existing corridor was selected as the most feasible corridor, [page 73]

Also "assessment of the new crossing at the Port Huron - Point Edwards area considered both a bridge and a tunnel", [page 73]

In addition "five alternative plaza configurations that would be compatible with a south new bridge location were developed and evaluated", [page 74]

The Bluewater Bridge EIS therefore provides a clear precedent as to why alternative locations must be addressed in this case too.

Further, newspaper articles in the U.S. and Canada report that CenTra Inc. (the parent company of DIBC/CTC) and its various subsidiary corporations own or control extensive lands along the American and Canadian shore of the Detroit River in the City of Detroit and in the City of Windsor. They clearly have the option of building another bridge in a location that is not

immediately adjacent to the existing Ambassador Bridge. The Proponent should therefore be required to examine other alternative crossing locations in any EA.

City staff also submit it is reasonable that the proponent be required to include in its NEPA analysis a component dealing with reasonable alternative access routes for traffic using the new bridge - something which the proponent has already studied and once proposed to undertake in Windsor - but which the proponent failed to include in information submitted to the Coast Guard.

Although the proponent previously recognized the need for an alternative access to its bridge, as illustrated above, it has failed to propose such an alternative access in its draft EA.

Without an alternative access route, all international traffic to and from the new Ambassador Bridge north of the E.C. Row Expressway will necessarily be required to use Huron Church Road. That in turn would cause major traffic chaos as well as unacceptable air and noise emissions in Windsor.

Importantly, the DRICP rejected the viability of another bridge next to the Ambassador Bridge location which did not have an alternative access road.

Specifically, after carrying out an assessment of traffic impacts, potential noise impacts, impacts to community cohesion and character and displacement of population, the DRICP study concluded that:

Expanding Huron Church/Talbot Road from Highway 401 to the plaza at Ambassador Bridge will displace approximately 135 homes and over 85 businesses, while over 2100 households and approximately 25 businesses will be disrupted (i.e. are within 250m of the centerline).

Expanding the existing plaza and construction of a new freeway in the Huron Church Road corridor has high potential for disrupting international traffic in this important trade corridor. With the Crossing X12 alternative, the entire length of Huron Church up to the Ambassador Bridge would require reconstruction.

The Coast Guard is a Cooperating Agency in the DRICP, a project which is sponsored in the U.S. by the Federal Highway Administration (FHWA) and the Michigan Department of Transportation. These DRICP conclusions are therefore highly relevant, in that from this work the Coast Guard must be taken to know (a) that public agencies in the U.S., which include FHWA, have previously concluded that a second Ambassador Bridge at this location will have significant environmental impacts, which in turn mandates that the Coast Guard ensure an EIS, not an EA, is used in processing the Ambassador Bridge application; and (b) the Coast Guard must be particularly concerned to ensure that alternative locations, not just alternative designs, for the new bridge are considered as well as alternative access routes- particularly given the DRICP conclusions as to the impacts of using the current Huron Church Corridor combined with the fact that the Ambassador Bridge previously advocated a new Bridge Parkway.

Response: An expanded section on project alternatives is contained in Final EA, along with expanded purpose and need statements. The purpose and need and examined alternatives have been approved by the USCG and other U.S. reviewing agencies. The

purpose proposed to be served by the DRIC is to provide additional capacity for the DRIC predicted increase in international passenger and commercial traffic over the coming decades. The DRIC Study assumes the continued existence and operation of the Ambassador Bridge. Thus, DRIC's proposed new crossing assumes the need for additional capacity over and above the traffic that would continued to be handled by the Ambassador Bridge, the Detroit-Windsor Tunnel and the Blue Water Bridge. By contrast to the DRIC proposal, the proposed construction of a new span for the Ambassador Bridge (identified in this document as the Ambassador Bridge Enhancement Project or Proposed Project) is not being proposed to expand the current capacity of the Ambassador Bridge. Rather, the new span will allow the Ambassador Bridge to retain - and more efficiently and safely service - the traffic now being handled at the Ambassador Bridge. It will also provide a redundant structure in the corridor, and could be used for DIBC and government vehicles, and for special events (e.g., races) subject to the approval of government inspection agencies.

Potential environmental impacts in Windsor, Ontario, Canada, will be analyzed by Canadian authorities in accordance with Canadian environmental and bridge laws. The comments provided by this commenter, and all comments related to potential impacts in Windsor, have been forwarded to Canadian authorities.

Comment 17: An EIS, not an EA, is Required to Properly Assess the Significant Impacts of this Major Action

There are a number of reasons why an EIS, not an EA, is required for the Coast Guard to satisfy its NEPA obligations in this case.

- a) This Project is highly controversial because of its effect on the human environment; Coast Guard Commandant Instructions provide that "actions which normally require an EIS include. . .(f) actions which generate significant controversy because of effects on the human environment".

There Will be Effects of the Project on the Human Environment - Despite the Draft EA

According to the draft EA this project would cause little if any effects on the environment. However, we suggest that the draft EA provides no credible basis to reach that conclusion and that Coast Guard reliance on it for that purpose would be clearly misplaced.

The proponent makes the misleading assumption that its project will not increase border traffic, and does not include a traffic impact study of Windsor roadways leading to and from the bridge, claiming that "the impact of the proposed project is confined within the project limits and there would be no impact to traffic flow outside of the respective Plazas".

Coast Guard Commandant Instruction M16475.ID, Chapter 2, pages 2-8 and 2-9.

However, as this submission and other have shown, this is a misguided and unrealistic perspective.

Based on the CEQ Regulation definition of the term "human environment", previously referenced, and having regard to the various air, noise, traffic, planning, and community impacts this project will cause, as described earlier in this submission and the Attachments enclosed, and the various impacts of concern to relevant U.S. agencies such as the EPA and others on file with the Coast Guard, there can be no doubt this project and its necessarily related components, will have impacts on the human environment.

Response: The Coast Guard is charged in this undertaking with the responsibility of determining the significance of impacts of the project on the human environment. The purpose of the Environmental Assessment is to determine this significance. Two scoping documents have been issued for public comment, the tentatively described categorical exclusion document dated March 2006 and the Draft Environmental Assessment dated May 2007. Both documents succeeded in their intended purpose to solicit comments from NEPA agencies and the general public. Based on the comments received to the first document, the Coast Guard required an Environmental Assessment be undertaken by the proponent. The Draft EA has likewise resulted in the additional analysis performed and documented in this Final EA. Once the EA is complete, the lead agency must determine if further analyses are warranted based on the degree of impacts or if the impacts are not substantial, and therefore, issue either a Finding of No Significant Impact (FONSI), or require that an Environmental Impact Statement (EIS) be prepared. The trigger for an EIS or FONSI, therefore, is based on the significance of environmental impacts.

The most significant impact discovered in this analysis is the adverse effect on the existing Ambassador, and the adverse effect was mitigated through the Section 106 process for the project. The Coast Guard has considered the accumulation of all analysis performed, including the independent analysis done by the proponent and Coast Guard, to determine the potential environmental impacts anticipated from this project and to fulfill its statutory obligation to process the application presented by DIBC. The federal, state, and local transportation agencies involved in the evaluation of border crossing projects in the project area have documented the importance of the crossing to the region. The proposed second bridge was planned for in the earlier Gateway Project. The only area required by the ABEP that was not already evaluated in the Gateway Project is the corridor from the eastern limit of the Gateway Plaza eastward over Fort Street to the Detroit River shoreline. The primary impacts to neighborhoods near the border crossing, businesses, parks, or local roadways will be temporary during construction activities. Impacts during operations are not expected to be greater than current or projected impacts, and the project, on its own, is not expected to significantly contribute to air quality issues in the region or affect a disproportionate number of minority or low-income populations. The existing 80 year-old bridge can not reasonably be expected to carry heavy commercial traffic indefinitely. The modernization and upgrade of the structure, along with the two additional lanes for dedicated commercial truck traffic requested by the U.S. and Canadian border agencies, along with the Gateway Project on the U.S. side, are expected to improve the efficiency of moving traffic through the system that comprises the Ambassador border crossing, thereby easing impacts to surrounding neighborhoods and roadways.

The Coast Guard, by objectively evaluating the accumulation of studies performed (primarily with public funds) for the various projects involving the border crossing and the neighborhoods around it, and through the independent and additional analysis performed for this project (ABEP), the Coast Guard believes that the potential impacts on the human environment are not significant, and do not warrant preparation of an Environmental Impact Statement.

Comment 18: The new bridge has already generated and continues to generate significant controversy because of effects on the human environment

There can be no doubt that this project has already generated and continues to generate increasing significant controversy because of effects on the human environment.

The concern and controversy come from highly credible sources, including the City of Detroit, the City of Windsor and other public agencies, as well as from well respected and experienced environmental organizations and community groups.

Position of City of Windsor

With respect to the City of Windsor, the project is clearly controversial as evidenced in a resolution passed by Windsor City Council on October 10, 2006. Please see Attachment Volume 1, Tab 5 to this submission, being a certified true copy of that resolution, certified by the City Clerk October 12, 2006.

The October 10, 2006 resolution recites a number of facts generating the concern of City Council and making the project controversial. Please see Appendix A to that resolution which sets out a number of facts which were important to City Council at that time and continue to make the project controversial for the City of Windsor and would make it controversial to any other objective observer.

Among these are the following:

"(u) The Council of the City of Windsor is of the opinion that the proposed second bridge will have significant detrimental impacts on the environment, on the City and will be inconsistent with the City of Windsor's Official Plan and Zoning By-law."

In the body of the resolution City Council resolves that the Coast Guard should conclude there is no basis for maintaining its original preliminary determination that the second bridge can be processed as a "categorical exclusion"; and goes on to state that "when and if the application becomes ripe for processing, the Coast Guard is required to prepare a full environmental impact statement which considers alternatives to the proposed action as well as the transboundary and "foreign" environmental effects of the proposed action within the City of Windsor".

Accordingly the Coast Guard now has in its files a formal position from the City of Windsor substantiating its concerns as well as calling upon the Coast Guard to undertake a full environmental impact statement.

The controversial nature of the proposal as it affects the City of Windsor is also substantiated in Attachment Volume 1, Tab 1 being the August 29, 2007 letter from the City of Windsor's General Manager of Public Works.

The Position of the City of Detroit City Council EPA and Other Agencies Substantiate the Controversial Nature of This Project

Both in September 2006 and on July 16, 2007 City Council of the City of Detroit affirmed that it had substantial concerns with this project. The wording used in Detroit's resolutions clearly substantiate that Detroit finds this project to be worrisome from the perspective of impacts on the human environment and that it is "controversial" for that U.S. municipal government. Similarly, letters that the Coast Guard has received in 2007 from the United States Environmental Protection Agency (letter dated July 17, 2007) from Kenneth A. Westlake providing detailed U.S. EPA comments) and as well as comments from the Federal Highway Administration, Michigan Division and the Southeast Michigan Council of Governments (SEMCOG) all provide insightful and substantive comments with respect to potentially significant environmental impacts of this project that could occur and which have not been properly evaluated at all or in any way consistent with NEPA.

Response: The USCG disagrees that an EIS is required for this project. See response to Comment 17 above.

Comment 19: An EIS is required because, based on objective answers to the Coast Guard's own Guidance Document (Commandant Instructions Environmental Checklist) there will be significant impacts and/or that the project is controversial.

The U.S. Coast Guard's Commandant Instruction MI6475.ID (November 29, 2000), a manual which "establishes policy and prescribes responsibilities and procedures for Coast Guard implementation of NEPA, contains (Enclosure 2) 10 questions which comprise "the analysis portion of the Environmental Checklist".

The environmental analysis references specific pages under the heading "Considering Environmental Consequences" to obtain guidance before the checklist is applied. The manual states that each question calls for judgment about the likelihood that a particular kind of environmental consequence will result from the proposed action. It states further that:

"The purpose of this checklist is to service a tool for the decision maker and/or Environmental Protection Specialist to determine the proper level of NEPA analysis with which to begin and to identify areas of potential problems and concern."

Please refer to the letter dated September 13, 2006 from Robert Hayes the then City Planner for the City of Windsor, contained at Tab 2 of Volume 1 of the City of Windsor September 14, 2006 filing with the Coast Guard. Mr. Hayes, a professional land use planner with over 35 years experience, who has participated in the preparation of numerous environmental impact statements/assessments for projects such as roads, bridges, grade separations and land use master plans and who states in his letter he has had considerable opportunities to use criteria such as are found within the Coast Guard Checklist in order to reach preliminary determinations

of potential land use and environmental impacts, sets out in that letter, at page, at pages 10 - 19, his analysis and answers to those questions.

As you will see from a review of Mr. Hayes' submissions to the Coast Guard, objective answers to the Coast Guard Environmental Checklist questions clearly demonstrates there are likely to be significant impacts from this project and that it is controversial.

Response: The most significant impact discovered in the processing of the ABEP was the affect on the existing Ambassador Bridge, which has been mitigated through a Section 106 process. Each of the factors listed in USCG Checklist has been addressed in the EA for this project. Based on the analysis set forth in the EA, the USCG has determined that the environmental impacts of this project are not significant.

Comment 20: An EIS is required because it is clear that the Coast Guard approval of this project would be a "major federal action significantly affecting the quality of the human environment" as set out in Section 102(2)(C) of NEPA, as further interpreted by Section 1508.18 of the CEQ Regulations as including "actions with effects that may be major and which are potentially subject to federal control and responsibility".

The conclusion an EIS is required is also based on the definition of "significantly" provided in Section 15 08.27 of the CEQ Regulations. The CEQ Regulations provide that this term requires consideration of both context and intensity:

"Significantly' as used in NEPA requires considerations of both context and intensity:

- (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the affects in the locale, rather than in the world as a whole. Both short and long-term effects are relevant."

Pausing here, it can be clearly discerned that this project has significance when consideration is given to the context. This project will transport both local and international vehicles and be an essential component of one of the most major traffic arteries in North America. It also channels significant traffic through major urban areas, including the City of Windsor where such traffic is already causing significant problems and where land uses adjoining the corridor are already affected by such traffic.

The project has the potential, as indicated elsewhere in this submission, to cause transboundary air impacts that transfer hazardous contaminants between Canada and the United States and which would affect the health of local persons.

The project clearly is significant for all of these reasons.

- (b) Intensity. This refers to the severity of impact... . The following should be considered in evaluating intensity.

2. The degree to which the proposed action affects public health or safety.

Pausing here it is clear that this project has the potential to affect both public health and safety. The Sam Schwartz engineering analysis clearly indicates that the project has the potential to affect public safety particularly on Windsor streets. The AMEC Air Impact Analysis previously referenced clearly provides evidence as to how the project could affect public health both in Canada as well as in the United States.

The U.S. EPA, the Canadian Health Department and Environment Canada are agreed that emissions of PM_{2.5} are health impactive.

As indicated earlier in this submission, on July 12, 2007 the U.S. EPA wrote to the Coast Guard repeating its 2006 concerns that the project would have an affect on air quality. The EPA reminded the Coast Guard that "Emissions from idling diesel trucks in the area at plaza operations and from traffic on the bridge and surrounding highway systems are a human health concern," and the EPA recommended that

"Analysis should be conducted to assess air quality impacts from this project."

Certainly no such analysis has been actually provided by the proponent in terms of U.S. air quality criteria and no attempt has been made by the proponent to assess these impacts in Windsor. Again, there has been no attempt to assess transboundary impacts - another concern of the EPA. (See the last page of their detailed comments.)

There is also the real potential for toxic spills of contaminants from this bridge which have not been assessed. The City has earlier presented in its submission facts with regard to a spill which occurred as recently as within 10 days prior to this letter being drafted. The proposed new bridge would take thousands of vehicles loaded with materials as well as fuelled by oil and diesel over the roofs of hundreds of houses and proximate to University of Windsor residences and the impact of spills has not been addressed, let alone assessed.

Returning to the U.S. CEQ definition of "significant" and that "intensity" is relevant to be evaluated, the CEQ Regulations state as follows:

- "4. The degree to which the effects on the quality of the human environment are likely to be controversial."

This project is certainly controversial. The DRIC report findings by four governments - indicate that it is wholly inappropriate to locate a new crossing at this location because of the substantial negative impacts that this project would cause on the City of Windsor - yet this proponent takes the view it can ignore any such findings. We have outlined earlier other reasons why this project is clearly and highly controversial.

Also, the CEQ Regulations indicate that in assessing "intensity" it is necessary to assess another factor "cumulative impacts".

The CEQ statement is as follows:

"7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts, it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts."

However, that is exactly what the proponent has sought to do in its application and in its draft EA. It has attempted to avoid any discussion of access roads that would need to be substantially improved, plazas that would need to be expanded, and equally importantly, it has avoided any analysis of existing air, noise or other problems being created by the existing bridge in Windsor and simply seeks to suggest that because it is merely a small "enhancement" of the current bridge, the new project will not cause additional impacts (again without any reference to current impacts).

In effect, the Proponent has sought to completely avoid an assessment of cumulative impacts. It has arbitrarily approached the matter by seeking to avoid any discussion of anything other than impacts from the bridge itself- as if the bridge existed in a vacuum without any access roads and without traffic impacts from the use of those roads.

This is clearly a violation of basic NEPA principles.

Under NEPA, federal agencies are mandated to assess the environmental impacts of major federal actions significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). Specifically, agencies must prepare an EIS for any proposed federal action that may significantly affect the human environment. NEPA places an obligation on federal agencies to consider every significant aspect of the environmental impact of a proposed action and to inform the public through the EIS that it had considered environmental concerns in the decision making process. *Baltimore Gas and Electric v. NRDC*, 462 U.S. 87, 97 (1983).

Courts have consistently required the agencies to conduct an EIS under similar circumstances; any attempt to satisfy NEPA with a FONSI based on an EA will not survive scrutiny. *See Ocean Advocates v. United States Army Corps of Eng'rs*, 402 F. 3d 846 (9th Cir. 2004) (EIS required, and EA/FONSI inappropriate, where traffic to pier in question doubled, creating environmental effects that required study); *Davis v. Mineta*, 302 F. 3d 1104 (10th Cir. 2002) (project that involved the widening and construction of five-lane highway and new bridge mandated EIS due to increases in traffic and noise levels, therefore an EA and FONSI were improper); *Audubon Soc. of Cent. Arkansas v. Dailey*, 977 F. 2d 428 (8th Cir. 1992) (affirming district court's order of EIS for bridge project where increased traffic and impacts on parks could not support the issuance of an EA/FONSI); *Citizen Advocates for Responsible Expansion (I-CARE) v. Dole*, 770 F. 2d 423 (5th Cir. 1985) (highway expansion from four to eight lanes that included impact on historical sites required preparation of EIS, not a negative environmental declaration, the predecessor to EA and FONSI); *Mountaineers v. United States Forest Serv.*, 445 F. Supp. 2d 1235 (D. Wash. 2006) (EIS required and FONSI inappropriate for new bridge project, where construction of bridge created, among other impacts, increased traffic flow); *Ark. Nature Alliance, Inc.*, 266 F. Supp. 2d 876 (E.D. Ark. 2003) (Corps of Engineers violated NEPA when it did not conduct EIS for modification to low-water bridge where, among other things, new

bridge was twice as large); *Mullin v. Skinner*, 756 F. Supp. 904 (E.D.N.C. 1990) (bridge replacement project which could significantly increase traffic required EIS, not FONSI).

According to the U.S. Supreme Court, all federal agencies must take a hard look at the potential environmental effects of major federal actions. *Kleppe v. Sierra Club*, 421 U.S. 390. Under NEPA, the Coast Guard must take a hard look at the proposed project and identify potential impacts. Where the impacts may be significant, the Coast Guard must prepare an EIS. The Coast Guard has substantial evidence before it of the numerous significant impacts from this project. The Coast Guard cannot reasonably conclude that the construction of a six to eight lane international bridge to be located in the heart of two major cities would not have any potential significant impacts. The complexities of the project, the level of coordination still required between governments, remaining environmental questions, the possibility of unevaluated connected actions, and the controversial nature of the project preclude a FONSI. Thus, the Coast Guard must conduct an EIS.

Response: The comments have been previously addressed in earlier responses. The Final EA contains expanded discussion and analysis of all potential impacts, but does not indicate greater environmental impacts that would warrant an EIS.

Comment 21: Case Study: The Goethals Bridge

The City submits that there is a direct precedent for the Coast Guard to use an EIS in respect of this particular type of project insofar as the Coast Guard has been engaged in ensuring that an appropriate EIS is carried out for the Goethals Bridge Replacement Project.

The Goethals Bridge spans the Arthur Kill between Staten Island, New York and Elizabeth, New Jersey. The Port Authority of New York and New Jersey is the proponent of the replacement project.

The Goethals Bridge project and the Ambassador Bridge project are, in essence, exactly the same. Both projects will replace aging four-lane bridges with new six-lane bridges. In particular, both projects share the following key characteristics:

- Both projects involve the replacement of old bridges (the Goethals Bridge opened in 1928; the Ambassador Bridge opened the following year) with new ones - rather than the construction of new bridges in entirely new footprints
- Both projects will increase the number of vehicle lanes - in both cases, there will be six lanes (three in each direction) of 12 feet in width, plus shoulders (the existing bridges have only four narrower lanes and no shoulders)
- Neither project involves increasing capacity on connecting roadways
- Both projects are similar in size: the current Goethals Bridge has a total span of 7,100 feet and the current Ambassador Bridge has a total span of 9,000 feet
- Both projects are in developed urban areas

- Both projects are integral pieces of major transportation corridors (the Goethals Bridge is part of I-278, while the Ambassador Bridge is the busiest Canada-US crossing) and are very heavily used by trucks and passenger vehicles
- The Coast Guard is the lead federal agency on both projects

In view of these striking similarities between the two bridge projects, the City submits that there is no principled basis for requiring an EIS for one but not the other. And yet that is what the Coast Guard has done. As the Coast Guard indicated in its Notice of Intent published in the Federal Register on August 10, 2004:

"Based on available information, the Coast Guard has determined that an EIS would be the appropriate level of environmental documentation for assessing the potential impacts of the proposed project under Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended."

The Notice of Intent further specified that the EIS would need to consider alternatives to the proposed replacement project:

"In addition to the no-build alternative (no action), the selection of alternatives to be evaluated in the DEIS [Draft EIS] may include: alternative alignments within the existing bridge corridor; alternative bridge designs; provision of high-occupancy vehicle or express bus lanes; intelligent vehicular highway system options; congestion pricing options; consideration of transit alternatives such as potential light rail, commuter rail, bus and/or ferry routes and services; as well as other reasonable alternatives identified by the public."

Fifteen preliminary alternatives were identified and considered:

- Six new-crossing alternatives
- Two transit alternatives
- Three freight-movement alternatives
- Four travel demand-management alternatives

Subsequently that list has been narrowed down to four bridge-replacement alternatives, which will be subjected to detailed evaluation:

- Single six-lane bridge replacement - south of the existing Goethals Bridge
- Single six-lane bridge replacement - north of the existing Goethals Bridge
- Twin parallel three-lane bridge replacements - one south of the existing Goethals

Bridge and one in the existing alignment

- Twin parallel three-lane bridge replacements - one north of the existing Goethals Bridge and one in the existing alignment

The EIS will also examine the following alternatives:

- "Special use lanes" for express buses and high-occupancy vehicles
- Congestion pricing on the replacement bridge(s)
- The "no-build" alternative

In addition to the usual noise and air issues, the EIS will consider potential environmental issues such as "traffic and transportation", "land use", "cultural resources", "socio-economics", "environmental justice", "neighbourhood character and cohesion", as well as "hazardous materials".

The EIS will examine the environmental impacts well beyond those that are immediately adjacent to the proposed project. Traffic and traffic-related impacts, such as air quality and noise, will be assessed in two study areas. One regional traffic study area encompasses the major roadways in a 28-county area in New Jersey, New York and Connecticut. Another local traffic study area encompasses the communities in close proximity to the Goethals Bridge, including Manhattan and Brooklyn.

The "Draft Scoping Document for EIS Preparation in Conjunction with Proposed Replacement of the Goethals Bridge" (2004) specifies that:

"Analyses will be conducted to estimate the following:

- Pollutant levels near heavily traveled roadways and congested intersections that may be affected by the proposed alternatives under existing and future No Action conditions;
- Pollutant levels near heavily traveled roadways and congested intersections that may be affected by the proposed alternatives under future conditions with the proposed project alternatives, and the potential localized impacts associated with project-generated changes in traffic volumes of traffic patterns;
- Changes in the amounts of vehicular emissions generated in the NY and NJ portions of the study area under each of the proposed alternatives, with respect to the requirements of each State Implementation Plan (SIP); and
- Potential impacts associated with the construction phase of the proposed alternatives.

The pollutants to be considered in this analysis include:

- Carbon monoxide (CO), particulate matter less than 10 microns (PM10) and less than 2.5 microns (PM_{2.5}) for the localized (microscale) mobile source analyses; and
- CO, PM10 and ozone precursors [i.e., nitrogen oxides (NO_x) and hydrocarbons (HCs)] for the regional (mesoscale) analysis."

Please see Attachment Volume 2 to this submission, being a copy of the Federal Register of August 10, 2004 as well as materials from the Goethals Bridge Replacement EIS website. It is difficult if not impossible to differentiate the Goethals Bridge Replacement Project from the Ambassador Bridge Enhancement Project. They share many similar characteristics and there cannot be any rational reason why one would merit an EIS and the other one would not. In our submission it would be arbitrary and capricious for the Coast Guard not to require an EIS for the Ambassador Bridge Enhancement Project where the EIS process is being applied to the Goethals Bridge Replacement Project.

Response: The processing of the Goethals Bridge project is not relevant in the USCG's evaluation of the ABEP. Each application for a federal bridge permit is evaluated on a case-by-case basis. There may be similarities between the two projects, but the overall potential environmental impacts are not identical.

Comment 22: Other Precedents for an EIS

Besides the Goethals Bridge project, there are many examples of bridge projects that have been required to undergo an EIS. These include the following bridge projects, some of which are illustrated in material on file with the Coast Guard.

The Blue Water Bridge Additional Capacity Project (Michigan/Ontario)

This project involved the twinning of the Blue Water Bridge spanning the St. Clair River from Port Huron, Michigan to Point Edward, Ontario. A new three-lane span was built alongside the existing three-lane span, which was then refurbished. Both spans are just over 6,000 feet long. The second span was recommended in an EIS completed by the Michigan Department of Transportation in co-operation with the Federal Highway Administration in 1983. The EIS examined four alternatives:

- Do-Nothing
- Low-Capital Expenditure Alternative (i.e. minor improvements to the bridge and plaza without physically increasing capacity)
- Alternative Modes of Transportation (e.g. mass transit, car ferry)
- Major Reconstruction (i.e. construction of a second span and major reconstruction of the plaza; within this alternative, several possible locations were evaluated, and a tunnel

option was also considered)

In 1994, the Michigan Department of Transportation in co-operation with the Federal Highway Administration, in co-operation with the Coast Guard, issued an "Environmental Report (and Re-Evaluation of 1983 Environmental Impact Statement)". This report "concluded that the details of the project have not changed significantly and that project impacts assessed and reported on in the 1983 E.I.S. reflect those of the current project."

The second span opened in 1997. Currently, proposed improvements to the Port of Entry Plaza on the US side are being scrutinized under a separate EIS process.

The Cooper River Bridge Replacement Project (South Carolina)

The new Arthur J. Ravenel, Jr Bridge over the Cooper River replaced two deficient bridges, the Grace Memorial and Silas Pearman bridges, which together had five lanes of traffic. It connects Charleston with the town of Mount Pleasant. The new bridge accommodates eight lanes of traffic, plus a sidewalk. It is 2.7 miles long.

An EIS for the project was completed in 1998. The following alternatives were considered:

- No new crossing
- Crossing replacement at existing corridor
- Crossing replacement at new corridor
- New crossing alternatives

The crossing replacement at a new corridor, which was found to have less environmental impacts including better flow for surrounding traffic, became the Preferred Alternative. The Preferred Alternative was evaluated in terms of environmental consequences, socioeconomic impacts, compatibility with local planning goals, and public opinion. Studies evaluated the effects on surrounding traffic and found the new bridge would increase flow and safety.

The EIS was re-evaluated in 2001 due to revisions to the design scrutinized in the Final EIS. The Federal Highway Administration and the South Carolina Department of Transportation determined that the revisions did not represent significant new impacts and a Supplemental EIS was not required.

The new Cooper River Bridge opened in July 2005, a year ahead of schedule.

Carquinez Bridge Project (California)

The Carquinez Bridge consists of two parallel spans crossing the Carquinez Strait in the San Francisco Bay Area. The first span was built in 1927 and the second in 1958. In 2003, the 1927

span was replaced largely on account of seismic problems. The 1927 span is currently being demolished and removed.

The replacement bridge alignment is west of the two existing bridges and provides for three mixed-flow plus one high-occupancy vehicle lane and a bicycle/pedestrian lane. It is 0.66 miles long.

The U.S. Department of Transportation Federal Highway Administration was the lead agency on this project with the US Coast Guard as a co-operating agency. The project underwent an EIS which analyzed the following alternatives:

- No build
- Retrofit and rehabilitation of the existing bridges
- Replacement bridge on a western, eastern, and central alignment

Technical studies undertaken for the EIS included traffic forecasting and operations, air quality, noise, biology, socioeconomic and land use, right-of-way, visual, marine operations, geology/seismically, hydraulics, currents and sedimentation, water quality, hazardous wastes, historic/cultural resources and construction traffic impacts.

The New Mississippi River Bridge Project (Illinois/Missouri)

This project refers to the development of transportation improvements connecting Illinois and Missouri and features a new bridge just north of downtown St. Louis. The new bridge will accommodate eight lanes of traffic and will have a length of just over 2,000 feet. The project aims to provide safer travel, reduced delays and less pollution for those living and traveling in the region.

In 2001 a Final EIS was completed. The EIS considered and evaluated alternatives, including:

- Downtown traffic monitoring measures to modulate the flow of traffic
- A transit pricing option that would reduce the cost of public transit during peak periods to encourage transit use between Illinois and downtown St. Louis
- A preferred alignment for a new bridge on the north side of downtown
- Further investigation of tolls as a possible new bridge financing method

Although a Record of Decision was issued in 2001, the project was subsequently re-evaluated, and some components of the project have been deferred until funding becomes available. The bridge has not yet been built.

Summary

The parallels between the Blue Water Bridge Additional Capacity Project and the Ambassador Bridge Enhancement Project are apparent. Above all, both involve the doubling of lane capacity on a busy Canada-US crossing. It is logically and legally inconsistent to require an EIS for the former but not the latter.

The Cooper River Bridge, Carquinez Bridge and Mississippi River Bridge projects illustrate that bridge projects both larger and smaller in scope than the Ambassador Bridge Enhancement Project have required an EIS. Consistency with these precedents demands that the Ambassador Bridge Enhancement Project submit an EIS.

Response: The processing of other bridge projects is not relevant in the USCG's evaluation of the ABEP. Each application for a federal bridge permit is evaluated on a case-by-case basis. There may be similarities between projects, but the overall potential environmental impacts are not identical.

Comments by Brady Mahler, dated July 4, 2007

Comment: Great plan to enhance the border. I'm a regular crosser, we need this. Gov. proposals take too long

Response: Comment noted.

Comments by Alexander Long, dated August 6, 2007

Comment: I'm very encouraged by the new project. This will really help my commute to work!

Response: Comment noted.

Comments by Zeana Attisha, dated August 16, 2007

Comment: I think the new bridge should be constructed on Post Avenue in Detroit.

Response: The purpose of the ABEP is to replace the aging substandard lanes across the river with lanes and safety shoulders that meet current standards. The proposed project will connect directly into the plaza in the United States.

The Detroit River International Crossing (DRIC) Study is currently studying alternative alignments for an additional border crossing capacity.

Comments by Peter Neice, dated October 2, 2007

Comment: Oct 1 no design updates, dual columns shadow existing, concr gothic railgs lights, tower lights

Response: Comment noted.

Comments by Stefan Diklich, dated October 14, 2007

Comment: I enthusiastically support the New Bridge and expansion project - as a frequent crosser. Get it done

Response: Comment noted.

Comments by Craig Bell, dated December 19, 2007

Comment: We use the bridge every weekend in Summer. Summer house in Harrow. Can't build it fast enough for us

Response: Comment noted.

Comments by James Doyscher, dated January 3, 2008

Comment: Ambassador bridge project is the most feasible practical solution, what are you waiting for, get it done.

Response: Comment noted.

Comments by Maria Perez, dated May 14, 2007

Comment: I live west of there.

Response: Comment noted.

Comments by Raymond Hicks, dated January 10, 2008

Comment: Great plan, but I own a house next to the school and empty houses on the other, what's next?

Response: Comment noted.