

DETROIT RIVER INTERNATIONAL CROSSING STUDY

6/21/05

New or Expanded Border Crossing U.S. Permit Process

- I. National Environmental Policy Act (NEPA) ^
- A. Purpose: Consider social, economic and environmental factors through systematic, interdisciplinary approach before committing to a course of action
 - B. Required for all Federal actions including Federal Highway Administration (FHWA), and Presidential and U.S. Coast Guard permits
 - C. Procedures are set forth in CEQⁱ Regulations and, for the FHWA, in 23 CFRⁱⁱ 771. Each agency (such as; USDOJ, USDOS, and USCG) has its own NEPA procedures as well.
- II. Federal Government
- A. United States Coast Guard (USCG) – Navigation Issues *^
 1. Purpose: Protection of navigable water in the United States
 - a) Requires the NEPA process be completed
 2. Section 5 of the International Bridge Act of 1972 (33USC 535)
 - B. United States Corps of Engineers (USCE) *^
 1. Rivers and Harbors Act of 1899 – Section 10
 - a) Opportunity for public input
 - C. Executive Order 11990: Protection of Wetlands – if wetlands impacted *^
 1. Purpose: To avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.
 2. Corps of Engineers
 3. Environmental Protection Agency (EPA)
 4. Department of Environmental Quality (DEQ)
 5. Public notice opportunity
 - D. Federal Water Pollution Control Act (1972) – if waters/wetlands impacted
 1. Purpose: Restore and maintain chemical, physical, and biological integrity of the Nation's waters through prevention, reduction, and elimination of pollution.
 2. Section 404 *^
 - a) Obtain permit for dredge or fill material from USCE or state agency (DEQ), as appropriate.
 3. Section 402 *^
 - a) Permits for all other discharges are to be acquired from EPA or appropriate state agency (DEQ).
 4. Public notice opportunity
 - E. Land and Water Conservation Fund Act [Section 6(f)] ^
 1. Purpose: Preserve, develop, and assure the quality and quantity of outdoor recreation resources for present and future generations.
 2. All projects which impact recreation lands purchased or improved with land and water conservation funds.
 3. Department of the Interior (DOI)
 4. Department of Natural Resources (DNR)
 - F. U.S. Department of Transportation Act [Section 4(f)]

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1. Federal funds may not be approved for projects that use land from a significant publicly owned park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless it is determined that there is not feasible and prudent alternative to the use of land from such properties and the action includes all possible planning to minimize harm to the property resulting from such use.
- G. Native American Grave Protection and Repatriation Act ^
1. Purpose: Protect human remains and cultural material of Native American and Hawaiian Groups.
 2. DOI
 3. Bureau of Indian Affairs (BIA)
 4. Consult with Native American group
- H. Archeological Resources Protection Act of 1979 (16 USC 470) – if needed
1. Purpose: To protect archeological resources on federal or tribal lands.
 2. Could possibly come into play if the bridge or plaza is located on federal land, instead of state.
- I. Solid Waste Disposal Act *^
1. Purpose: Provide for the recovery, recycling, and environmentally safe disposal of solid wastes.
 2. EPA
- J. Title VI of the Civil Rights Act of 1964
1. FHWA
- K. Executive Order 12898: Environmental Justice
1. Purpose: Avoid Federal actions which cause disproportionately high and adverse impacts on minority and low income populations with respect to human health and the environment.
 2. FHWA
- L. Uniform Relocation Assistance and Real Property Acquisition Act
1. Purpose: To implement the Uniform Act as amended in an efficient manner; to ensure property owners of real property acquired for and persons displaced by Federal-Aid highway projects are treated fairly, consistently, and equitably; and so they will not suffer disproportionate injuries.
 2. FHWA
- M. 23 U.S.C. 109 ^
1. Purpose: Promulgate noise standards for highway traffic.
 2. All federally funded projects for the construction of a highway on new location, or the physical alteration of an existing highway, which significantly changes either the vertical or horizontal alignment or increases the number of through-traffic lanes.
 3. DIBC (?)
- N. Coastal Zone Consistency Determination ^
1. coordination with USCG permits
 2. DEQ
- O. Clean Air Act, Transportation Conformity Rule ^

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1. Purpose: To insure that transportation plans, programs and projects conform to the State's air quality implementation plans.
 2. Long Range Plan
 3. STIP
 4. EPA
 5. FHWA/Federal Transit Authority (FTA)
 6. Public input opportunity
- P. Endangered Species Act of 1973
Threatened and Endangered Species permits – if needed *^
1. Fish and Wildlife Services (FWS)
 2. DNR
- Q. Migratory Bird Treaty Act ^
1. Purpose: To protect most common wild birds found in the United States
 2. FWS
 3. DNR
- R. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) *^
1. Purpose: Provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.
 2. EPA
 3. DEQ
- S. Resource Conservation and Recovery Act of 1976 (RCRA) *^
1. Purpose: Protect human health and the environment. Prohibit open dumping. Manage solid wastes. Regulate treatment, storage, transportation, and disposal of hazardous waste.
 2. EPA
 3. DEQ
- T. International Boundary Commission (?) ^
1. DIBC?
- U. Presidential Permit *
1. U.S. State Department
 2. DIBC – assuming that a second span of the present Ambassador Bridge were selected and assuming that DIBC is the legal successor of the American Transit Company, which received the original Congressional authorization to build the Ambassador Bridge, no Presidential permit would be required.
 3. NEPA Procedures: 22 CFR Part 161.
- V. International Bridge Act of 1972, 33 USC 535
1. Authorizes non-federal compacts with Canada compacts for construction of international bridges, subject to State Department approval.*
 2. USCG
 3. Once Presidential Permit has been granted, then USCG may issue this permit.

III. State Government

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- A. Threatened and Endangered Species permits – if needed *^
 - 1. DNR

- B. Migratory Bird Treaty Act ^
 - 1. Purpose: To protect most common wild birds found in the United States
 - 2. DNR

- C. Section 106 of the National Historic Preservation Act ^
 - 1. Purpose: Protect, rehabilitate, restore, and reuse districts, sites, buildings, structures, and objects significant in American architecture, archeology, and culture.
 - 2. State Historic Preservation Officer (SHPO)
 - 3. Advisory Council on Historic Preservation (ACHP)
 - 4. Opportunity for Public input

- D. Executive Order 11988: Floodplain Management *^
 - 1. Purpose: To avoid the long- and short- term adverse impacts associated with the occupancy and modification of floodplains, and to restore and preserve the natural and beneficial values served by floodplains.
 - 2. Applicability: All construction of Federal or Federally-Aided buildings, structures, roads, or facilities which encroach upon or affect the base floodplain.
 - 3. Federal Emergency Management Agency (FEMA)
 - 4. DEQ

IV. Local Government

- A. City Building Permit *^
- B. Occupancy Permit *^
- C. Mining Permit *^
 - 1. salt mines
 - 2. mineral rights
- D. Noise Ordinances ^

V. Air Clearance *^

- A. Bridge Tower Heights
- B. Air traffic concerns from local airports
- C. Federal Aviation Administration (FAA)

ⁱ Council on Environmental Quality

ⁱⁱ Code of Federal Regulations

^ Required by DIBC

* Permit required