



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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NOV 29 2007

Robert Arnold  
Division Administrator  
Federal Highway Administration  
Leo W. O'Brien Federal Building  
Clinton Avenue & N. Pearl Street  
Albany, New York 12207

RE: PIN 5753.58

Rated: EC 2

Dear Mr. Arnold:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (EIS) for the Peace Bridge Expansion Project, located in the City of Buffalo, New York and the Town of Fort Erie, Ontario, Canada. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The purpose of the project is to provide operational, functional and security improvements that will relieve congestion and improve the overall efficiency and functionality of the existing Peace Bridge Border Crossing Facility. Objectives of the project are to improve border crossing operational conditions, address safety deficiencies within the U.S. federal customs plaza and roads leading up to the plaza and bridge, replace the 77-year old Peace Bridge deck, relieve existing and projected congestion, eliminate the use of local surface streets by highway bound international traffic, reduce the projected travel time and related vehicle operating and ownership costs, and support the growth of trade and tourism in the region. In addition to the no action alternative, two build alternatives were retained for further consideration: 1) to maximize the use of the existing U.S. customs plaza, and 2) a shared border management option, under which the U.S. customs functions would be located on the Canadian side of the Peace Bridge. Both alternatives include the construction of a new companion bridge to the Peace Bridge. Based on our review, we offer the following comments.

#### Alternatives Analysis

While the draft EIS is thorough in its presentation of the long history of this project, it is not easily read. EPA suggests that the final EIS comply with Council of Environmental Quality regulations (CFR 1502.8) that EISs should be written to be easily understandable, and contain clear prose.

More importantly, EPA is concerned that for all intents and purposes, the document includes only one "build" alternative. As stated in the draft EIS, shared border management negotiations between Canada and the United States are at an impasse, and are unlikely to continue in the foreseeable future. Thus, the second alternative presented is not viable. While EPA understands that the shared border management may have strong stakeholder support, certainly the draft EIS could have presented another alternative to meet the project's purpose and need and objectives, whether from the original list of 59 alternatives listed in Appendix S, or a totally new alternative, such as routing all truck traffic to the Queenstown-Lewiston Bridge. EPA is also concerned that traffic management systems, congestion pricing during peak hours or preferential passage of NEXUS or FAST users, were not included in the alternatives analysis.

The preferred alternative is to construct and place a companion bridge to the south of the existing Peace Bridge. While Appendix S contains several iterations of the Final Scoping Document/Alternative Screening Report, it is not clear within the draft EIS why the preferred alternative was chosen, rather than a replacement bridge or a bridge to the north. EPA acknowledges that the screening report was prepared with stakeholder input, and applauds the extensive efforts of the City of Buffalo and the Town of Fort Erie in working with the public. However, an alternative screening report does not replace the alternatives analysis required in a NEPA document. For example, none of the screened alternatives considered air quality, water quality or sediment analyses. Nor does the version of the Scoping Document/Alternative Screening Report included in the draft EIS include Appendix J of the original dated October 29, 2007, which contained the environmental constraints mapping. Furthermore, with regard to the screening process, a structure's eligibility for the National Register of Historic Places does not immediately exclude its reconstruction or replacement.

The preferred alternative also includes a visitor center, duty free shop and a 477 space parking garage. It is these attributes of the alternative that would result in the highest impacts to the low income residential neighborhood. To minimize these effects, the document should assess alternatives that locate the visitor center elsewhere in the city (e.g., downtown). Also, we could find no information in the document that supports the need for such a large parking structure at this port of entry.

According to the draft EIS, future growth rates and traffic analysis have shown that by the year 2015, the existing bridge with a new U.S. plaza will fail to meet the stated operational parameters for westbound traffic unless "some improvements are made to the Canadian plaza capacity." Table 3-14 shows the projected 2040 east bound travel times with a companion bridge. The projections include a significant decrease when two additional truck booths are added to the Canadian Plaza. The draft EIS should contain a discussion of the likelihood of the Canadian government constructing even more additional truck or car booths, and whether more truck or passenger car booths would negate the need for a companion bridge.

## Water Quality

The preferred alternative would cause the permanent loss of up to 1500 square meters of aquatic habitat in the Niagara River. A mitigation plan for this loss of habitat should be included in the final EIS. Also, all reasonably foreseeable construction impacts to water quality should be analyzed, such as the use of jack-up barges and temporary berthing areas for marine equipment.

## Wildlife and Aquatic Resources

The document states on page 300, "It is not believed that the siting of a bridge south of the existing Peace Bridge structure would impact the New York State Department of State designated significant habitat known as North Buffalo Harbor." All possible project impacts to this significant habitat should be analyzed before the preparation of the final EIS. Maps of the area and letters of consultation with state and federal resource agencies should also be included in the final EIS.

While the Public Bridge Design Jury has chosen a two tower cable-stay bridge, the draft EIS indicates that this design poses an increased collision risk for passerines, gulls and waterfowl. A bridge with a lower profile would be less damaging to the bird populations in this important flyway, and therefore should be considered.

## Air Quality

EPA is concerned about the potential diesel particulate matter (PM) impacts to sensitive subgroups (such as children) during construction. Project analyses need to provide construction-phase impacts. The emissions estimates, which use estimated dollar cost of construction as a surrogate, do not provide sufficient information to assess the maximum impact locations and populations. Appendix C, which describes proposed staging during construction, shows plans to reroute traffic along Porter Avenue to Niagara Street during several stages of the construction. A public school, PS 3, is near the intersection of Porter and Niagara. The draft EIS lists the Annual Average Daily Traffic on Niagara Street as 20,000 vehicles per day (page 46). During construction these levels appear likely to more than double. The draft EIS should acknowledge that construction-phase rerouting of traffic per DEIS Appendix C for the preferred alternative would result in higher mobile source pollutant impacts at near-roadway, sensitive receptor locations such as PS 3. EPA encourages the avoidance and minimization of increases in exposures that might already be high for children, or other sensitive populations.

Measures such as lower-sulfur fuel exhaust retrofit technology, alternative fuels, and/or operational limitations were listed as examples of what might be implemented for this project. EPA strongly recommends these measures to reduce PM emissions regardless of quantified levels of emissions also offers the following additional recommendations: (1) maintain and tune engines, perform inspections; (2) require newer diesel equipment; (3)

reduce heavy equipment trips: (4) reduce heavy equipment idling; and (5) avoid or minimize the siting of laydown areas near residences and sensitive receptors.

### Cumulative Impacts

The Mid-Peninsula Highway Project is now known as the Niagara-GTA Trade Corridor, and a Planning and EA Study was released in June 2007. This should be corrected throughout the document, and included in the cumulative impacts analysis.

### Additional comments

1. There are no maps showing the other regional bridge crossings to Canada.
2. Add BFEPPA, BSA and RCP to the list of acronyms as they are used throughout the EIS
3. The Permit /Approvals list on page 16 should include a brief description of each permit and whether the permit action has been completed (similar to the listing in Appendix S, page 34).
4. Page 281 – The answer to Policy 23 states that the existing Peace Bridge is listed on the State and National Registers of Historic Places. In fact, the Peace Bridge has been found to be eligible for those lists, but has not yet been listed.
5. Page 464 – The sentence "Reducing the noise impacts on receptors from 80 to 27," needs clarification.

Based on our review, we believe that other reasonable alternatives having fewer environmental impacts than the preferred alternative, should be analyzed in the draft EIS. We have therefore assigned the proposed project and draft EIS a rating of EC-2, Environmental Concerns - Insufficient Information.

Thank you for the opportunity to comment. If you have any questions on these comments, please contact Lingard Knutson, of my staff, at (212) 637-3747.

Sincerely yours,



John Filippelli, Chief  
Strategic Planning Multi-Media Programs Branch