



STATE OF MICHIGAN

JENNIFER GRANHOLM
GOVERNOR

DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

MARK HOFFMAN
ACTING DIRECTOR

July 31, 2009

PATIENCE PATTERSON
U S CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON DC 20229

RE: ER09-494 Secure Border Initiative (SBI)net Detroit Project - DTM-004 Marine City Water Plant, Section 1, T3N, R16E, Marine City, St. Clair County (CBP/DHS)

Dear Ms. Patterson:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that the proposed undertaking will have an **adverse effect** on the Marine City Water Treatment Plant, appears to meet the criteria for listing in the National Register of Historic Places. Built in 1936, designated by the American Water Works Association (AWWA) as a Historic Water Landmark in 1992 (established to recognize and preserve a Water Landmark at least 50 years old that has had a direct and significant relationship with water's supply, treatment, distribution, or technological development, the Marine City Water Treatment Plant is a significant for its architecture, and as a well preserved example of a 1930's water treatment facility.

This undertaking meets the criteria of adverse effect because: *the undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association [36 CFR § 800.5(a)(1)]* Specifically, the undertaking will result in:

- The introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features.

The finding of adverse effect will prompt the Department of Homeland Security, hereinafter referred to as "Agency", to consult further to resolve the adverse effect pursuant to 36 CFR § 800.6 by proceeding with the following steps:

(1) Per 36 CFR § 800.6(a), the Agency shall continue consultation with the SHPO and other consulting parties to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties. The Agency shall submit a case study outlining these efforts for review by the SHPO.

(2) In accordance with 36 CFR § 800.6(a)(4), the Agency shall make information regarding this finding available to the public, providing the public with an opportunity to express their views on resolving adverse effects of the undertaking. Pursuant to 36 CFR § 800.11(e), copies or summaries of any views provided by consulting parties and the public shall be made available to the SHPO as part of the case study outlined in (1).

(3) The Agency shall immediately notify the Advisory Council on Historic Preservation (Advisory Council), Old Post Office Building, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, D.C. 20004, of the adverse effect finding per 36 CFR § 800.6 (a)(1). The notification to the Advisory Council should be similar to the project information submitted to this office and should include the following documentation as outlined in 36 CFR § 800.11(e).

- A description of the undertaking, specifying the federal involvement, and its area of potential effects, including photographs, maps and drawings, as necessary.
- A description of the steps taken to identify historic properties.
- A description of the affected historic properties, including information on the characteristics that qualify them for inclusion in the National Register of Historic Places.
- A description of the undertaking's effects on historic properties.
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects.
- Copies or summaries of any views provided by consulting parties and the public.

(4) The Agency shall invite the Advisory Council to participate in consultation if the undertaking will affect a National Historic Landmark, if a Programmatic Agreement will be developed as a result of the finding of adverse effect, or if the Agency wants the Advisory Council to participate in consultation. The Advisory Council will advise of its decision to participate in consultation within fifteen (15) days of receipt of this notification or other request. If the Advisory Council chooses not to participate in consultation, the Agency shall resolve the adverse effect without Advisory Council participation and pursuant to 36 CFR § 800.6(b)(1).

(5) If the Agency, the SHPO and, if applicable, the Advisory Council agree on how the adverse effects will be resolved, they shall execute a Memorandum of Agreement (MOA) pursuant to 36 CFR § 800.6(c).

(6) If the Agency and the SHPO fail to agree on the terms of the MOA, the Agency shall request the Advisory Council to join the consultation. If the Advisory Council decides to join the consultation, the Agency shall proceed in accordance with 36 CFR § 800.6(b)(2). If the Advisory Council decides not to join the consultation, the Advisory Council will notify the Agency and proceed to comment in accordance with 36 CFR § 800.7.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian

organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c).

Please note that the Section 106 process will not conclude according to 36 CFR § 800.6 “Resolution of Adverse Effects” until the consultation process is complete, an MOA is developed, executed and implemented, and, if applicable, the formal comments of the Advisory Council have been received.

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (517) 335-2720 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian D. Conway
State Historic Preservation Officer

BDC:JRH:BGG

Enclosure(s)

copy: Advisory Council on Historic Preservation

Jon and Valerie Moot
100 Meadow Lane
Grosse Pointe Farms, MI 48236
Cell: 313-205-7887
August 2, 2009

Ms. Patience E. Patterson
RPA, Director of Environmental Planning, U.S. Department of Homeland Security,
SBInet Program Management Office, U.S. Customs and Border Protection, Headquarters
1300 Pennsylvania Avenue, NW, Room 7.5C-104
Washington, D.C. 20229

Dear Ms. Patterson;

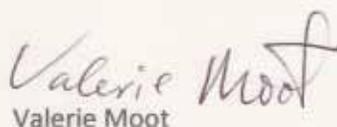
My wife and I are the owners of 4000 South Channel Dr, Harsens Island, MI, 48028 (property parcel number 74-14-847-0665-000), and we would like to comment on the potential impacts associated with the proposed siting, construction, operation and maintenance of a sensor and communications tower (Lease Number DHS-CBP-SBInet-11-09) on our property. The sensor and communications tower that will be installed on our property is part of the U.S. Customs and Border Protection's Detroit Sector's project along the St. Clair.

While we are happy to be able to provide our property to support our nation's defenses against terrorism, illegal aliens, smuggling, etc., we would like to propose the following landscaping enhancements to minimize the impact of the tower on our neighbors and the surrounding community:

- (1) Plant trees around the tower to screen it from view. We would recommend planting three 15' – 20' foot Tulip trees (*Liriodendron*) 25' – 30' from the base of the tower—one directly towards the river, one 45° to the left, and the third 45° to the left of the second to hide the tower from the river and from our neighbors down river. Tulip trees grow rapidly and are water tolerant.
- (2) Plant trees along the road where there currently are none to screen the tower from the road. We would recommend Bald Cypress (*Taxodium distichum*)—there are a number of these trees already planted along the back edge of the property. They are very water tolerant and will grow quite large over time.
- (3) Create a flower bed around the base of the tower extending out 9' from the base. In the 3' closest to the base, plant Hydrangea (*Hydrangea macrophylla*); in the middle circle from 3' – 6', plant Peonis (for example, *Paeonia lactiflora* or *Paeonia officinalis*); and in the outer circle from 6' – 9' plant Irises.

Thank you for your consideration. Note that this letter will be sent via email to DetroitComments@cbp.dhs.gov, will be faxed to (202)344-2480, Attn: Ms. Patterson, and will be sent via USPS to the address above on 08/03/09.


Jon Moot


Valerie Moot



Approximate location of the tower



Approximate location of the tower

Attention: Ms. Patterson

Director of Environmental Planning, U.S. Department of Homeland Security, SBInet Program Management Office, U.S. Customs and Border Protection, Headquarters, 1300 Pennsylvania Avenue, NW, Room 7.5C-104, Washington, D.C. 20229

Re: Customs and Border Protection (CBP)

Dear Ms. Patience E. Patterson ,

Please be advised that a security fence should be installed around the Algonac Water Department . I have lived next to the Water Department for 55 years and believe that this fence is needed for Customs Border and Security reasons.

Yours truly,



Henry J. Perkowski
1516 St. Clair River Drive
Algonac, Michigan 48001



St. Clair Library
310 S. Second Street
St. Clair, MI 48079

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Librarian,

United States (U.S.) Customs and Border Protection (CBP) requests that your library make available to the public the enclosed "*Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Proposed SBInet Detroit Sector Project, U.S. Border patrol, Detroit Sector, Michigan,*" and the associated Finding of No Significant Impact for a 30-day period. Please place a copy of this letter, the EA and FONSI in a location that facilitates public notification.

In support of the Secure Border Initiative program, the EA and FONSI identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan.

The enclosed documents are also available to the public by:

- (a) Downloading from the Internet at www.cbp.gov/sbi under the link SBI NEPA Documents for Public Review and Comment.
- (b) Emailing a written request to DetroitComments@cbp.dhs.gov.
- (c) Writing to Ms. Patience E. Patterson, RPA, Director of Environmental Planning, U.S. Department of Homeland Security, SBInet Program Management Office, U.S. Customs and Border Protection, Headquarters, 1300 Pennsylvania Avenue, NW, Room 7.5C-104, Washington, D.C. 20229
- (d) Faxing a request to (202) 344-2480, Attn: Ms. Patterson.

I appreciate your assistance with our efforts to invite public involvement in our decision making process.

Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan".

Mr. James Riordan
Executive Program Director, SBInet



Marine City Library
300 S. Parker
Marine City, MI 48039

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Mr. James Riordan
Executive Program Director, SBInet



St. Clair County Library Headquarters
210 Mc Morran Blvd.
Port Huron, MI 48060

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Mr. James Riordan
Executive Program Director, SBInet



U.S. Army Corps of Engineers- Detroit District
ATTN: Les Weigum, Chief of Environmental Analysis Branch
477 Michigan Ave
Detroit, MI 48226

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBI^{net} Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Weigum,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

The purpose of the SBI^{net} project is to maximize CBP's surveillance capabilities by providing more efficient and effective means of assessing all border activities, providing rapid detection and accurate characterization of potential threats, providing coordinated deployment of resources in the apprehension of illegal aliens, smugglers, and cross-border violators, and reducing crime in border communities and improving the quality of life and economic vitality of border regions through provision of the tools necessary for effective law enforcement.

The EA and FONSI were prepared in compliance with provision of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the U.S. Department of Homeland Security's *Management Directive 023-1, Environmental Planning Program*.

Sincerely,

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Mr. James Riordan
Executive Program Director, SBI^{net}

enclosure (3 copies)



U.S. Coast Guard
Lieutenant Commander M.D. Barner, Planning Section Chief
1240 East Ninth Street, Room 2179
Cleveland, OH 44199-2060

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Lieutenant Commander Barner,

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Mr. James Riordan
Executive Program Director, SBInet



DTE Energy
Steven C. Down, P.E.
4901 Pointe Drive
East China, MI 48054

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Down,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

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Mr. James Riordan
Executive Program Director, SBInet



Florence Washington
Supervisor - Corporate Real Estate
DTE Energy
One Energy Plaza, Suite 1821 WCB
Detroit, MI 48226

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Washington,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Mr. James Riordan
Executive Program Director, SBInet



Selfridge Air National Guard Base
ATTN: Kenneth Baker, Environmental Manager
28900 Selfridge Ave, Bldg. 127
Selfridge ANG Base, MI 48045

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Baker,

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Mr. James Riordan
Executive Program Director, SBInet



City of St. Clair
ATTN: Janice Winn
Bernard E. Kuhn Municipal Building
547 N. Carney Drive
St. Clair, MI 48079

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBI^{net} Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Winn,

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Mr. James Riordan
Executive Program Director, SBI^{net}



Marine City Water Plant
ATTN: Richard Nichols
1696 S. Parker Street
Marine City, MI 48039

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Nichols,

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Mr. James Riordan
Executive Program Director, SBInet



Port Huron City Hall
ATTN: Robert Clegg, City Engineer
100 Mc Morran Blvd.
Port Huron, MI 48060

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Clegg,

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Mr. James Riordan
Executive Program Director, SBInet



Algonac State Park
ATTN: Steven Pondo, Park Supervisor
8732 River Road
Marine City, MI 48039

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Pondo,

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Mr. James Riordan
Executive Program Director, SBInet



Idle Hour Yacht Club
ATTN: Ken Baken
7800 S. Channel Drive
Harsen's Island, MI 48001

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
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Dear Mr. Baken,

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Mr. James Riordan
Executive Program Director, SBInet



Algonac Water Filtration Plant
ATTN: Gary Trese, Superintendent
1530 Saint Clair River Drive
Algonac, MI 48001

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
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Dear Mr. Trese,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

The purpose of the SBInet project is to maximize CBP's surveillance capabilities by providing more efficient and effective means of assessing all border activities, providing rapid detection and accurate characterization of potential threats, providing coordinated deployment of resources in the apprehension of illegal aliens, smugglers, and cross-border violators, and reducing crime in border communities and improving the quality of life and economic vitality of border regions through provision of the tools necessary for effective law enforcement.

The EA and FONSI were prepared in compliance with provision of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the U.S. Department of Homeland Security's *Management Directive 023-1, Environmental Planning Program*.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Riordan".

Mr. James Riordan
Executive Program Director, SBInet



Michigan Department of Environmental Quality
Wildlife Division
ATTN: Lori Sargent
530 W. Allegan St.
Lansing, MI 48909

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Sargent,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan".

Mr. James Riordan
Executive Program Director, SBInet

cc: Andrew Hartz
Anne Hokanson
David Dortman



Michigan Department of Environmental Quality
Land and Water Management Division
ATTN: David Dortman
27700 Donald Ct
Warren, MI 48092-2793

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Dortman,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Mr. James Riordan
Executive Program Director, SBInet

cc: Andrew Hartz
Anne Hokanson



Michigan Department of Environmental Quality
Land and Water Management Division
ATTN: Anne Hokanson
27700 Donald Ct
Warren, MI 48092-2793

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Hokanson,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan".

Mr. James Riordan
Executive Program Director, SBInet

cc: Andrew Hartz
David Dortman
Lori Sargent



Michigan Department of Environmental Quality
Land and Water Management
ATTN: Andrew Hartz
27700 Donald Ct
Warren, MI 48092-2793

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBI^{net} Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Hartz,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

The purpose of the SBI^{net} project is to maximize CBP's surveillance capabilities by providing more efficient and effective means of assessing all border activities, providing rapid detection and accurate characterization of potential threats, providing coordinated deployment of resources in the apprehension of illegal aliens, smugglers, and cross-border violators, and reducing crime in border communities and improving the quality of life and economic vitality of border regions through provision of the tools necessary for effective law enforcement.

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan".

Mr. James Riordan
Executive Program Director, SBI^{net}

cc: Anne Hokanson
David Dortman
Lori Sargent



Michigan Natural Features Inventory
ATTN: Jennifer Olson, Environmental Review
4th Floor Stevens T. Mason Building
530 W. Allegan Street
Lansing, MI 48933

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Olson,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan".

Mr. James Riordan
Executive Program Director, SBInet



Michigan Department of Natural Resources
Southfield Operations Service Center
ATTN: Timothy Payne, Management Unit Supervisor
26000 W. Eight Mile Road
Southfield, MI 48034

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Payne,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan", written over a horizontal line.

Mr. James Riordan
Executive Program Director, SBInet



U.S. Fish and Wildlife Service
East Lansing Michigan Ecological Services Field Office
ATTN: Chris Mensing, Biologist
2651 Coolidge Road
East Lansing, MI 48823

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Mensing,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan", written over a horizontal line.

Mr. James Riordan
Executive Program Director, SBInet

cc: Craig Czarnecki
Barbara Hosler



U.S. Fish and Wildlife Service
East Lansing Michigan Ecological Services Field Office
ATTN: Barbara Hosler, Project Biologist
2651 Coolidge Road
East Lansing, MI 48823

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Hosler,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Mr. James Riordan
Executive Program Director, SBInet

cc: Craig Czarnecki
Chris Mensing



U.S. Fish and Wildlife Service
East Lansing Michigan Ecological Services Field Office
ATTN: Craig Czarnecki, Field Supervisor
2651 Coolidge Road
East Lansing, MI 48823

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBI*net* Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Czarnecki,

Enclosed for your information is the above-referenced document. United States (U.S.) Customs and Border Protection (CBP) has prepared the final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan".

Mr. James Riordan
Executive Program Director, SBI*net*

Cc: Barbara Hosler
Chris Mensing



Algonac-Clay Library
2011 St. Clair River Drive
Algonac, MI 48001

Subject: Final Environmental Assessment and Finding of No Significant Impact for the
SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Librarian,

United States (U.S.) Customs and Border Protection (CBP) requests that your library make available to the public the enclosed "*Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Proposed SBInet Detroit Sector Project, U.S. Border patrol, Detroit Sector, Michigan,*" and the associated Finding of No Significant Impact for a 30-day period. Please place a copy of this letter, the EA and FONSI in a location that facilitates public notification.

In support of the Secure Border Initiative program, the EA and FONSI identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan.

The enclosed documents are also available to the public by:

- (a) Downloading from the Internet at www.cbp.gov/sbi under the link SBI NEPA Documents for Public Review and Comment.
- (b) Emailing a written request to DetroitComments@cbp.dhs.gov.
- (c) Writing to Ms. Patience E. Patterson, RPA, Director of Environmental Planning, U.S. Department of Homeland Security, SBInet Program Management Office, U.S. Customs and Border Protection, Headquarters, 1300 Pennsylvania Avenue, NW, Room 7.5C-104, Washington, D.C. 20229
- (d) Faxing a request to (202) 344-2480, Attn: Ms. Patterson.

I appreciate your assistance with our efforts to invite public involvement in our decision making process.

Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan", with a stylized flourish at the end.

Mr. James Riordan
Executive Program Director, SBInet

**Section 106 Review – Detroit US Border Patrol Sector
Tower Project – Northern Border
ER09-494
CASE STUDY**

SBI^{net} Detroit Project U.S. Border Patrol, Detroit Sector, Michigan

PROJECT LOCATION: The affected area for this project covers the St. Clair River between Lake St. Clair and Lake Huron, near the cities of Harsen’s Island, Algonac, Marine City, St. Clair, Marysville, and Port Huron, Michigan. All proposed towers are within the counties of St. Clair and Macomb, Michigan.

PURPOSE AND NEED: The purpose of the proposed project is to employ technological infrastructure capable of providing a more efficient and effective means of assessing all border activities including; rapid detection, accurate characterization of the potential threat and deployment of appropriate resources in the apprehension of illegal aliens (IA), smugglers, and other cross-border violators (CBVs). The SBI mission is to promote border security strategies that protect against and prevent terrorist attacks and other transnational crimes. Meeting this purpose would improve surveillance capabilities along the St. Clair River (approximately 35 miles) in the Detroit Sector, in this particular instance a positive security outcome for both St. Clair and Marine City, Michigan.

The Environmental Assessment (EA) was prepared in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 as amended, the Council on Environmental Quality’s (CEQ) NEPA implementing regulations at 40 Code of Federal Regulations (CFR) Part 1500, and the DHS Management Directive 023-01, Environmental Planning Program (71 Federal Register [FR] 16790). The EA was out for public review for a 30-day period from May 15 through June 15, 2009. Public comments returned (there were six in total) had no subject matter regarding viewshed concerns for the historic properties, the St. Clair Inn, St. Clair, MI and the Marine City Water Works building, Marine City, MI, or any other comments on aesthetic or visual resources. If the public were aware of these two historic properties and the possible visual impacts that would occur, the comments were not forthcoming. However, these two properties were not identified specifically in the EA.

Overall Alternatives: Other alternatives considered but rejected and not further analyzed in this project were the use of:

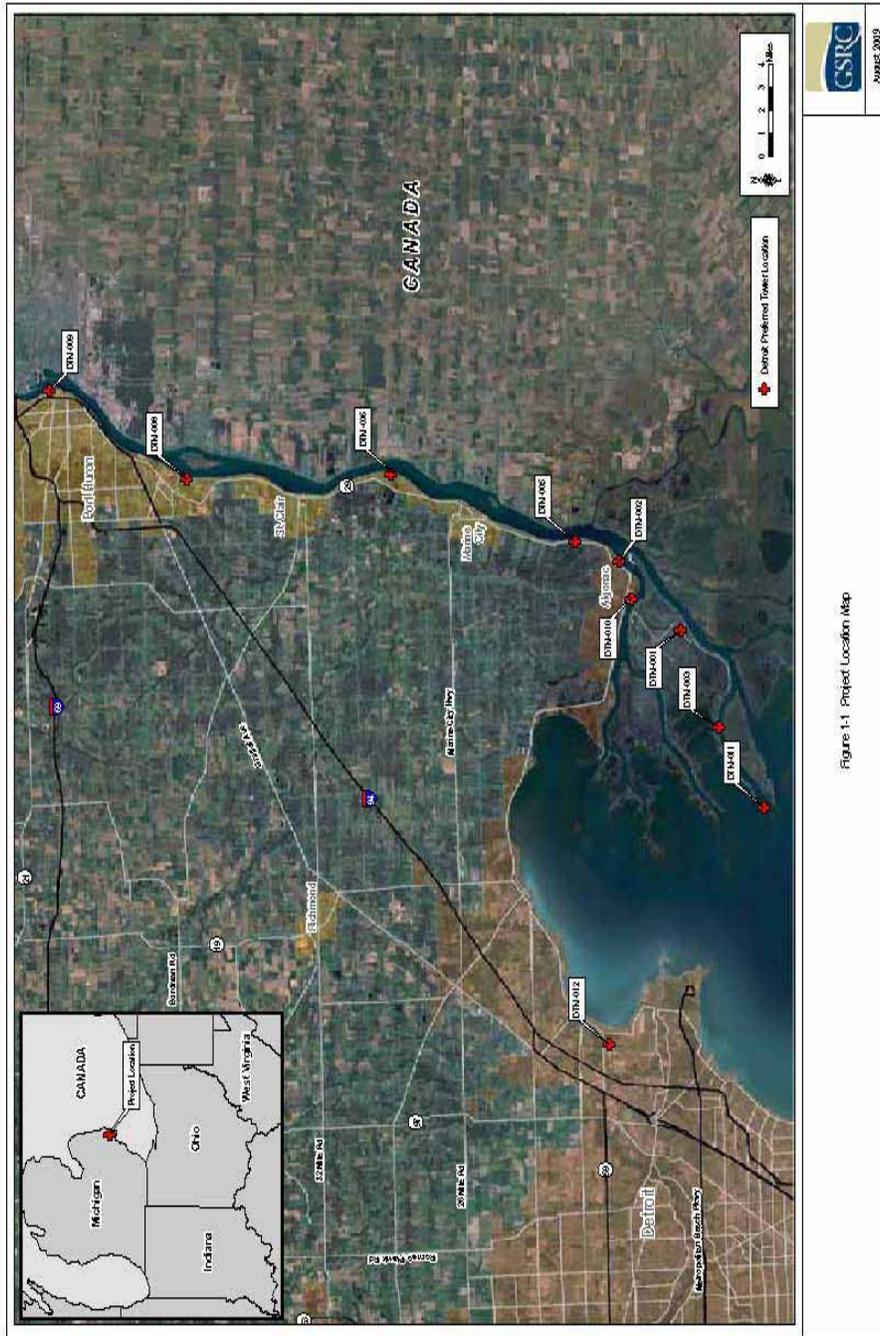
- Unmanned aircraft systems;
- Remote sensing satellites;
- Unattended ground sensor;
- Increased CBP workforce; and
- Increased aerial reconnaissance/operations.

Site Selection Criteria: The sensor and communications tower site selection process identified suitable site locations and their alternatives. Key tower site evaluation considerations took into account constructability, operability, and environmental factors. During the preliminary site surveys, sites were evaluated by CBP personnel for both sensor and communication efficiencies and overall compatibility with SBI^{net} network design and connectivity. Of the sites initially considered, 38 were eliminated as unsuitable for tower construction due to terrain or access considerations, or technical requirements that could not be met at a particular location.

The two operationally critical tower sites (DTM-007 – the St. Clair Site and DTM-004 – Marine City Water Plant) being considered here at their present locations were originally selected at other locations but could not be maintained due to outside forces and circumstances of compatibility and operability. Considerations for DTM-007, from St. Clair City Council, Chief of Police and concerned citizens required that the second selected location be changed again.

For the Marine City Water Plant the necessary line of site (LOS) could not be maintained with the originally chosen site, the trees on the south side of the Marine City Water Plant were more than 70 feet in height and eventually would encumber the LOS and make the tower non-functional from a communication standpoint. The alternate site (to be further explained below in the Marine City Water Plant section) would not be compatible with the lighthouse structure and the operability needs.

Please note the following map – it does not reflect the two towers, one in St Clair and one in Marine City. This “gap” in the surveillance coverage afforded by the two towers will result in an operational risk in the St. Clair and Marine City communities. This is a National Security issue, which could have negative consequences for both communities.

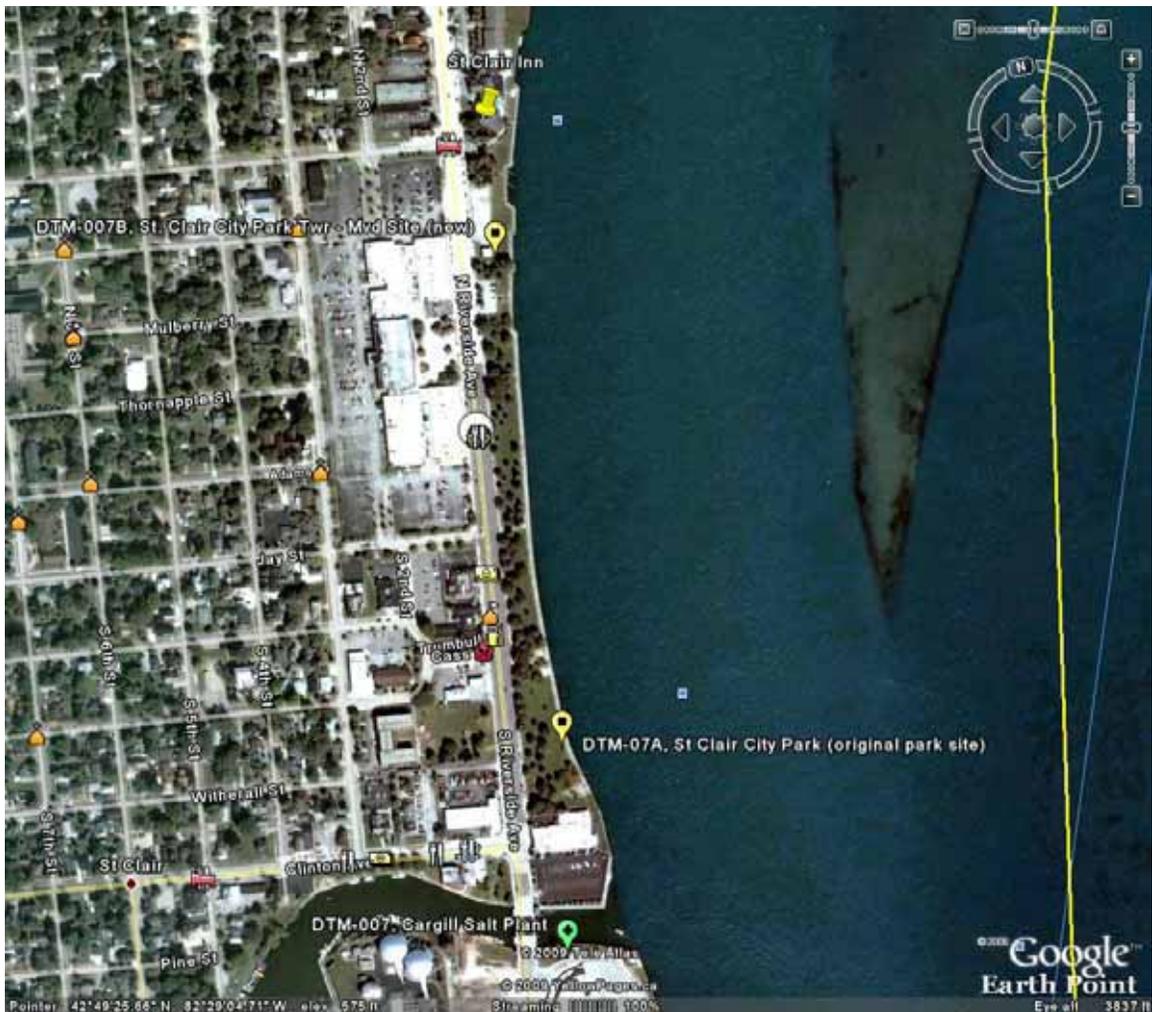


Case Study – St. Clair Inn – St. Clair, Michigan

500 N Riverside Ave
Saint Clair, MI 48079

The St. Clair Inn was added to the National Register of Historic Places in 1995. Since the construction of the Inn in 1926, the St. Clair Inn has been an integral part of the St. Clair community.

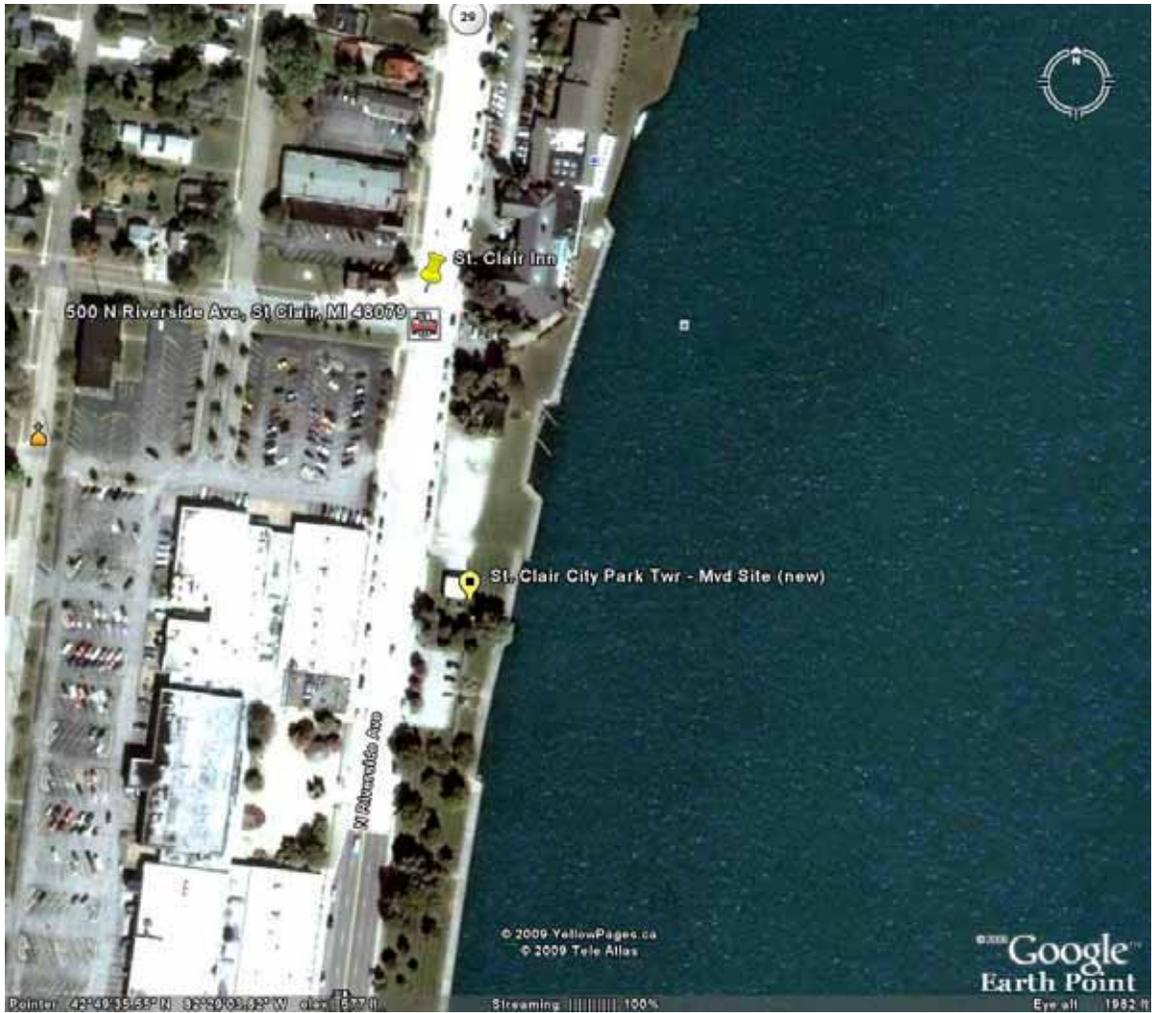
The originally chosen location of DTM-007 tower was much further south on the St. Clair River (See photograph below). The viewshed from the St. Clair Inn of the 80-foot tower would have been obscured by trees along the river, buildings and a distance of over



a half mile. The first selected tower site was the Cargill Salt Plant shown above (green bubble). The property owner and CBP could not come to agreement and another site was sought.



The second site selection (shown above as DTM-07A) was to the north of the original selection. The viewshed from the St. Clair Inn of the 80-foot tower would have been obscured by trees along the river, buildings and a distance of .4 miles. Detroit Sector Border Patrol and the Detroit team were notified by the Chairman of the City Council, the Chief of Police and concerned citizens that the second alternative location was unacceptable and they proposed their own alternate location in St. Clair City Park just southeast of the water intake pump building and to the north, northeast of the emergency alert tower (See photographs below). This present site was mandated by the City Council.



The tower site designated by the City of St. Clair on City Park land is approximately 400 feet from the southern side of a structure to the south of the St. Clair Inn. The placement of the tower at that particular site allows for the LOS north to DTM-008 and south the DTM-006 (a vital communications relay and includes optimum constructability and operability), this third alternative site for this tower is the site sanctioned by the City.



View of the south side of a structure to the south the St. Clair Inn from Riverside Street; tower would be to the right of the photo.



View looking south from a building to the south of the St. Clair Inn – tower location to the left (east and north) of the existing tower – light colored lathe in the photo.



Hypothetical Monopole in place – view looking south is less than 200 feet from the monopole. The base of the monopole is 51” in diameter.



Hypothetical monopole in place – view south from the boardwalk at the back of the St. Clair Inn. Please note the industrial plant also in the same viewshed.

If the public and the City Council were aware of this NRHP-listed historic property and the possible visual impacts that would occur, the comments were not forthcoming. City Council mandated this site. However, this property was not identified specifically in the EA.

The benefit of the placement of the tower at this location is that the City of St. Clair will receive monies in the form of an extended lease of this property and will gain monetarily and also from a security standpoint. Should this tower be omitted there would be a gap in the surveillance coverage and due to that gap the coverage for the Border Patrol. St. Clair will be the recipient of a “funneling” of illegal traffic due to no controls other than patrols in those areas. This will result in an operational risk in the St. Clair area. This is a National Security issue, which will have negative consequences for the St. Clair community. Thus the beneficial effects of the tower in this mandated location is that of funds to city coffers and security and a drop in local crime in the immediate area. Again, present placement of the tower will contribute to the reduction of crime in this border community and improve the quality of life and economic vitality of this border region through provision of the tools necessary for effective law enforcement.

**Case Study – Marine City Water Works Plant, Marine City, Michigan
229 South Water St.
Marine City, Michigan 48039-1693**

One of the original sitings for the tower DTM-004 was south of the Marine City Water Works Plant and within the area of the Marine City Lighthouse. The first selected area was south of the Water Works building but north of the Lighthouse. However, trees in excess of 70 feet in the immediate area precluded this option due to a lack of Line of Sight (LOS). Upon finding that the lighthouse was not eligible for the NRHP, it was considered as a second alternative site for the placement of cameras and other equipment necessary for the project.

Marine City Lighthouse (Originally Peche [Peach] Island Rear Range Light) The Peche Island Rear Range Light was built of cast iron in 1908 to mark the narrow passage from Lake St. Clair to the Detroit River and guarded the reef for some 75 years. It was never manned. In 1926 the height was raised to 66 feet and with that additional height the tower protected the passage until September 23, 1983, when it was scheduled for decommission and destruction. Learning of the plan to demolish the tower, a rescue effort was begun by Marine City, Michigan to relocate it to a site in the city's Waterworks Park. The tower's weight is 35 tons, the height - 66 feet and the diameter is 14 feet at the base.

However, it was determined that the lighthouse was only 66 feet high. The site survey team visited Marine City, MI on November 18, 2008 for RVSS site locations. The lighthouse pictured below was determined unsatisfactory for four main reasons.

1. Cameras would have to be mounted on the outside of the lighthouse in order to effectively pan/tilt/zoom. The lighthouse would no longer look like a lighthouse since the cameras would noticeably change the profile of the lighthouse. If mounted inside, they would be less notable but would not be able to pan/tilt/zoom. Fixed cameras were not considered operationally viable.
2. Microwave communication dishes would further change the profile of the lighthouse and would not be mounted high enough to clear the immediate 70' trees. The lighthouse is obscured by trees on both sides and relay from north and south locations would need to be re-routed.
3. 66-foot height of the lighthouse was considered unsatisfactory for operational view sheds looking north and south since trees in the immediate area were in excess of 70 feet.
4. Structural analysis and modification to the cast iron lighthouse was considered risky and would permanently alter the look of the lighthouse.



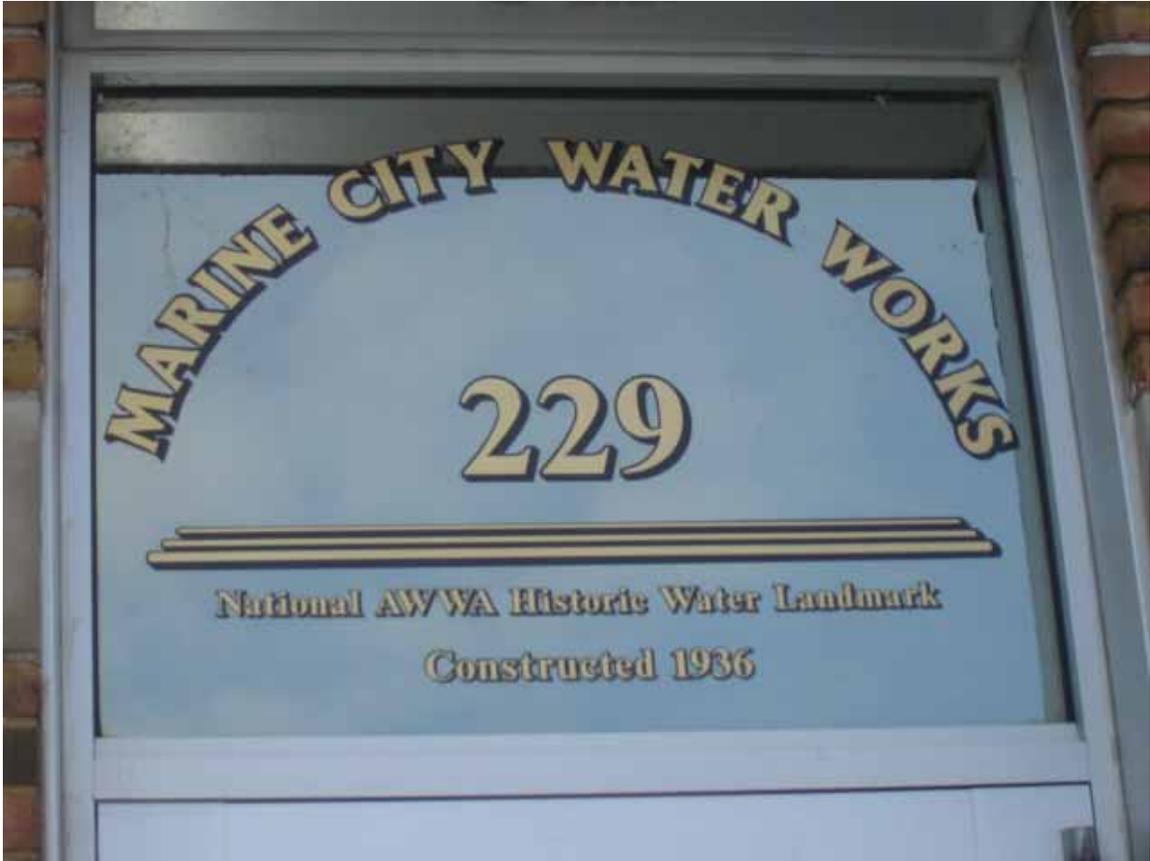
Marine City Lighthouse – originally the Peche Island Rear Range Light



The Marine City Water Works Plant is located at 229 S. Water Street, Marine City, MI. It was constructed in 1936. The Water Works has been determined eligible for the Register.

In speaking with personnel working at the plant it was confirmed that the building is not on the NRHP (that they are aware of), and that their only “historic” designation is from the American Water Works Association. The building was upgraded in 1983 and again in 2007. It appears that windows and doors have been modified. The interiors have been upgraded to maintain current water treatment standards, personnel at the building believe that the building, as it is currently would not meet the eligibility criteria.

See photographs below of Marine City Water Works.



Transom of Front Door of the Water Works.



Marine City Water Works – oblique view looking WNW



Marine City Water Works – oblique view looking ENE.



View of north side of plant with tower placement just to the left of the end of the building (in the picture) – Looking SW. This is the third alternative and the last one to meet the operability and constructability requirements and to have appropriate Line of Sight for towers to the north and south of this placement.



North side of plant view looking south, tower placement at orange lathes in the left of the picture.



Hypothetical monopole in place, view looking south from behind apartment building and its parking lot.



Hypothetical view of North side of Water Works building larger trees closer to the street and will not impede LOS for radar and cameras – view looking east.

The Environmental Assessment that was presented for public review for a 30-day period (May 15 - June 15, 2009) returned no comments regarding viewshed concerns for the historic property, the Marine City Water Works building. If the public were aware of this eligible historic property and the possible visual impacts that would occur, the comments were not forthcoming. However, this property was not identified specifically in the EA.

City officials took no exception to an 80-foot monopole installation north of the Marine City Water Works Plant. In December of 2008 the City Council approved the placement of the tower next to the Marine City Water Plant. On July 16, 2009, the City Council passed a unanimous vote to sign the lease of the property to CBP.

Marine City, MI will benefit from the placement of the tower due to the fact that they are leasing the property to Customs and Border Protection and that extended lease will put money in the city coffers.

There is an additional benefit to the tower being placed in its present proposed position: Should this tower be omitted there would be a gap in the surveillance coverage and due to that gap the coverage for the Border Patrol. Marine City will be the recipient of a “funneling” of illegal traffic due to no controls other than patrols in those areas. This will result in an operational risk in the Marine City area. This is a National Security issue, which will have negative consequences for Marine City. Present placement of the tower will contribute to the reduction of crime in this border community and improve the quality of life and economic vitality of this border region through provision of the tools necessary for effective law enforcement.

The following two letters contain statements from the City of Marine City and the City of St. Clair regarding the properties upon which the towers will stand. They have committed to having the towers in their presently proposed locations.



August 14, 2009

Martha MacFarlane-Faes
Michigan State Office of Historic Preservation
C/O Michigan Historical Center
P.O. Box 30740
702 W. Kalamazoo Street
Lansing, Michigan 48909

RE: Proposed Border Camera Project-Palmer Park, St. Clair, Michigan

Dear Ms. MacFarlane-Faes:

This letter is drafted in regards to the proposed Northern Secure Border Initiative camera project.

In early 2009, the City of St. Clair began discussions with the U.S. Department of Homeland Security and U.S. Customs and Border Protection Agency relating to the proposed placement of a border camera within the City of St. Clair. At this time, several locations were presented as possible sites for the camera project. Following careful review, the City of St. Clair took into consideration all of the proposed locations and determined that the most suitable location for the camera would be in the northern-most portion of Palmer Park.

The City-owned Palmer Park is located along the banks of the St. Clair River in downtown St. Clair. This location was chosen as the preferred location for several reasons, of which most important was that this location was the most non-intrusive to surrounding architectural and historical properties, as well as other aesthetic considerations.

The proposed location sits within 20 feet of our municipal raw-water pumping station and adjacent to a municipal radio and siren tower. The location is among several trees and existing landscaping which shield the tower. An on-site inspection of the proposed location was also conducted by all involved parties to review possible visual obstructions from the park and neighboring properties. During this inspection, it was noted that the proposed location was located outside the line of vision from the lodging and dining areas of the St. Clair Inn and Voyageur Restaurant located nearby.

I understand that concern has been raised regarding the proximity to the nearby historic St. Clair Inn. Again, the Inn and surrounding properties were taken into consideration in the planning process. The proposed camera location sits in an area

where current visual impairments already exist (pump building, trees, etc). This area is also located within a 'pocket' area of the St. Clair River where the land is recessed slightly and beyond a curve in the river itself which places the location away from sensitive property locations. In addition, the location is at the south end of the St. Clair Inn which serves as a service area to the Inn. This area is obstructed visually by landscaping, parking and service and mechanical equipment. In addition, a second commercial building is located between the proposed camera tower and the St. Clair Inn.

The City of St. Clair strongly believes that the proposed camera location is not an impairment or obstruction to Palmer Park or other nearby structures, including the St. Clair Inn. Additional steps have also been taken to require ground landscaping, plantings, and fencing to provide an aesthetic screen to the lower six feet of the tower itself.

Please do not hesitate to contact me with any questions relating to this matter. I may be reached by calling the City of St. Clair Municipal Offices at 810-329-7121.

Respectfully,



Scott A. Adkins,
City Superintendent

Cc: Gregory Lambert, U.S. Border Patrol
Robin Hill, U.S. Border Patrol
Chief Richard Jefferson, St. Clair Police Dept.



CITY OF MARINE CITY

303 S. Water Street
MARINE CITY, MICHIGAN 48039
(810) 765-8846 • Fax (810) 765-4010

August 14, 2009

Martha MacFarlane-Faes
State Historic Preservation Office
P.O. Box 30740
702 W. Kalamazoo St
Lansing, MI 48909-8240

Ms MacFarlane-Faes,

This letter is in regards to the environmental impact study requested by the Department of Home Land Security for the installation of a camera tower in Marine City near 229 S Water Street. This is the location of Marine City's currently functioning water treatment plant. The tower location is next to the plant on a different piece of property to avoid interference with underground storage tanks and venting systems currently installed. The building has gone through many upgrades to comply with MDEQ standards since it was built in 1936 so that it could continue to produce drinking water.

These have included:

1. Expansion of the building for water filtration clear wells
2. Perimeter security fencing to meet MDEQ standards
3. Installation of a standby generator system and fencing on the South side of the building to meet MDEQ standards
4. Replacement of windows and doors to meet MDEQ requirements
5. MIOHSA safety railings and catwalks as required inside and outside
6. Special communication antennas and satellite dishes
7. Addition of new above ground pumping and valve systems

The location of the HLS camera tower on the property to the North of the water treatment plant will not have an impact on its historic value. The true historic value is that Marine City has been able to provide fresh, safe drinking water from the same location for over 60 years.

The Marine City Commission voted unanimously to provide the current location to HLS for the camera tower because they felt it was an ideal location to support the activities around our international boarding crossing. I hope this clarifies the City's position on this matter. If you require additional information please contact me at your convenience.

John M Gabor
City Manager – Marine City

"In The Heart of Blue Water District"



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

MARK HOFFMAN
ACTING DIRECTOR

September 8, 2009

PATIENCE PATTERSON
U S CUSTOMS AND BORDER PROTECTION
DEPARTMENT OF HOMELAND SECURITY
WASHINGTON DC 20229

RE: ER09-494 Secure Border Initiative (SBI)net Detroit Projects - DTM-004 Marine City Water Plant, Section 1, T3N, R16E, Marine City, St. Clair County; and DTM-007 St. Clair City Park, T5N, R16E, City of St. Clair, St. Clair County (CBP/DHS)

Dear Ms. Patterson:

Under the authority of Section 106 of the National Historic Preservation Act of 1966 as amended, we have reviewed the case study detailing the alternatives considered for the above-referenced projects. We accept the need for these projects. In order to complete the Section 106 process, we will need to complete a Memorandum of Agreement (MOA).

If you have any questions, please contact Martha MacFarlane Faes, Environmental Review Coordinator, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding these undertakings.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian D. Conway
State Historic Preservation Officer

BDC:BGG

copy: **Gregory Lambert**, DHS/CBP
Scott Adkins, City of St. Clair
John Gabor, Marine City



St. Clair Inn

September 11, 2009

Mr. Gregory Lambert, Special Operations Supervisor
Dept. of Homeland Security, U.S. Customs & Border Protection
United States Border Patrol
P.O. Box 450040
26000 South St. Bldg. 1516
Shelfridge ANGB, MI 48045-0040

Dear Mr. Lambert:

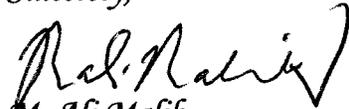
This letter is in reference to our meeting on Wednesday, September 2, 2009 in regards to placing a Homeland Security Tower on the site of the Palmer Park area.

You were very thorough in explaining the mitigating factors for the line of sight issues for the St. Clair Inn as well as the suggested landscaping and the location of the tower. We feel that you have sufficiently met the needs for placing this tower on that property. Please reference your document "Visio-St. Clair Park Landscaping Concept. Rev 1".

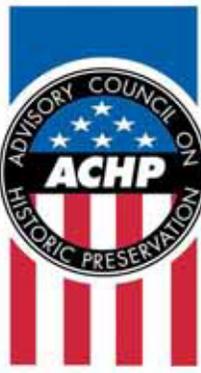
Once the mitigating factors have been completed the St. Clair Inn will have an unaffected view of the St. Clair River. In addition, the surrounding additional landscaping at the tower and the City of St. Clair Park, will improve the beauty of both areas.

We are in full support of Homeland Security to secure our borders.

Sincerely,



M. Ali Malik
General Manager
St. Clair Inn, LLC



Preserving America's Heritage

September 21, 2009

James Riordan
Executive Director, *SBI**net*
U.S. Department of Homeland Security
U.S. Customs and Border Protection
Washington, DC 20229

Ref: The Secure Border Initiative; *SBI**net* Detroit Project US Border Patrol
Detroit Sector, Michigan

Dear Mr. Riordan:

On September 4, 2009, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Michigan State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Martha Catlin at 202 606-8529 or mcatlin@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



U.S. Customs and
Border Protection

U.S. Fish and Wildlife Service
East Lansing Michigan Ecological Services Field Office
ATTN: Craig Czarnecki, Field Supervisor
2651 Coolidge Road
East Lansing, MI 48823

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBlnet*
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Czarnecki,

Enclosed for your review and comment is the above-referenced document. The 30-day review period begins on September 30, 2009. United States Customs and Border Protection (CBP) has prepared the draft Supplemental Environmental Assessment (SEA) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

The purpose of the Proposed Action is to maximize CBP's surveillance capabilities by providing more efficient and effective means of assessing all border activities, providing rapid detection and accurate characterization of potential threats, providing coordinated deployment of resources in the apprehension of illegal aliens, smugglers, and cross-border violators, and reducing crime in border communities and improving the quality of life and economic vitality of border regions through provision of the tools necessary for effective law enforcement.

The draft SEA was prepared in compliance with provision of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the U.S. Department of Homeland Security's *Management Directive 023-1, Environmental Planning Program*.

CBP invites your participation in this public process. Comments must be received by October 30, 2009. When submitting your comments, please include name and address, and identify comments as intended for the Detroit Sector SEA and draft Finding of No Significant Impact (FONSI) document. Comments on the enclosed documents, or questions about them, can be submitted by:

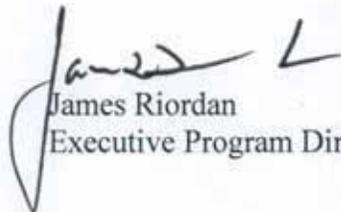
(a) E-mail to: DetroitComments@cbp.dhs.gov

(b) Mail to: Ms. Patience E. Patterson, RPA, Director of Environmental Planning,
U.S. Customs and Border Protection, Secure Border Initiative, 1901 South Bell
Street, 6th Floor, Arlington, VA 20598.

(c) Fax to: (571) 468-7390, Attn: Ms. Patterson

Your prompt attention to this request is greatly appreciated. If you have any questions,
please contact Ms. Patterson via e-mail or the postal address listed above.

Sincerely,



James Riordan
Executive Program Director, SBI*net*

Cc: Barbara Hosler
Chris Mensing



U.S. Customs and
Border Protection

U.S. Fish and Wildlife Service
East Lansing Michigan Ecological Services Field Office
ATTN: Barbara Hosler, Project Biologist
2651 Coolidge Road
East Lansing, MI 48823

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI*net
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Hosler,

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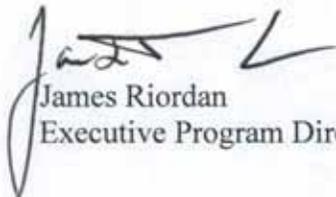
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U.S. Customs and Border Protection, Secure Border Initiative, 1901 South Bell
Street, 6th Floor, Arlington, VA 20598.

(c) Fax to: (571) 468-7390, Attn: Ms. Patterson

Your prompt attention to this request is greatly appreciated. If you have any questions,
please contact Ms. Patterson via e-mail or the postal address listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan", with a large, sweeping flourish extending to the right.

James Riordan
Executive Program Director, *SBI*net

cc: Craig Czarnecki
Chris Mensing



U.S. Customs and
Border Protection

U.S. Fish and Wildlife Service
East Lansing Michigan Ecological Services Field Office
ATTN: Chris Mensing, Biologist
2651 Coolidge Road
East Lansing, MI 48823

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI*net
Detroit Project, U.S. Border Patrol Detroit Sector

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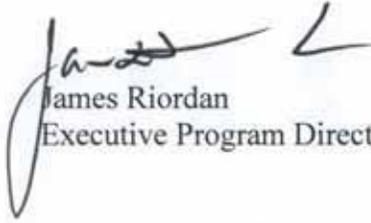
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Sincerely,

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James Riordan
Executive Program Director, *SBI*net

cc: Craig Czarnecki
Barbara Hosler



Michigan Department of Natural Resources
Southfield Operations Service Center
ATTN: Timothy Payne, Management Unit Supervisor
26000 W. Eight Mile Road
Southfield, MI 48034

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI*net
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Payne,

Enclosed for your review and comment is the above-referenced document. The 30-day review period begins on September 30, 2009. United States Customs and Border Protection (CBP) has prepared the draft Supplemental Environmental Assessment (SEA) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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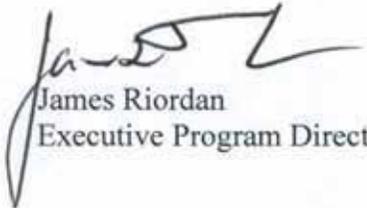
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U.S. Customs and Border Protection, Secure Border Initiative, 1901 South Bell
Street, 6th Floor, Arlington, VA 20598.

(c) Fax to: (571) 468-7390, Attn: Ms. Patterson

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Sincerely,

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James Riordan
Executive Program Director, *SBI*net



Michigan Natural Features Inventory
ATTN: Jennifer Olson, Environmental Review
4th Floor Stevens T. Mason Building
530 W. Allegan Street
Lansing, MI 48933

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI_{net}*
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Olson,

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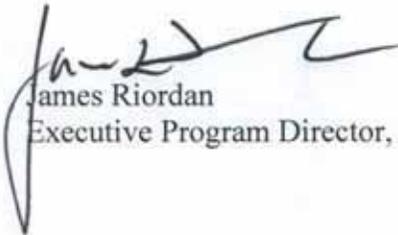
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U.S. Customs and Border Protection, Secure Border Initiative, 1901 South Bell
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(c) Fax to: (571) 468-7390, Attn: Ms. Patterson

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please contact Ms. Patterson via e-mail or the postal address listed above.

Sincerely,



James Riordan
Executive Program Director, *SBI*net



U.S. Customs and
Border Protection

Michigan Department of Environmental Quality
Land and Water Management
ATTN: Andrew Hartz
27700 Donald Ct
Warren, MI 48092-2793

Subject: Draft Supplemental Environmental Assessment (SEA) for the SBInet
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Hartz,

Enclosed for your review and comment is the above-referenced document. The 30-day review period begins on September 30, 2009. United States Customs and Border Protection (CBP) has prepared the draft Supplemental Environmental Assessment (SEA) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Sincerely,



James Riordan
Executive Program Director, *SBI*net

cc: Anne Hokanson
David Dortman
Lori Sargent



Michigan Department of Environmental Quality
Land and Water Management Division
ATTN: Anne Hokanson
27700 Donald Ct
Warren, MI 48092-2793

Subject: Draft Supplemental Environmental Assessment (SEA) for the SBInet
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Hokanson,

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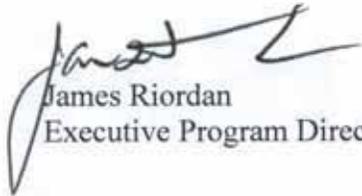
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Sincerely,

A handwritten signature in black ink, appearing to read "James Riordan", with a stylized flourish at the end.

James Riordan
Executive Program Director, *SBI*net

cc: Andrew Hartz
David Dortman
Lori Sargent



U.S. Customs and
Border Protection

Michigan Department of Environmental Quality
Land and Water Management Division
ATTN: David Dortman
27700 Donald Ct
Warren, MI 48092-2793

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI*net
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Dortman,

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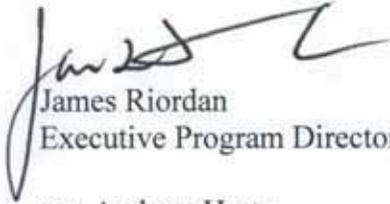
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Sincerely,



James Riordan
Executive Program Director, SBI*net*

cc: Andrew Hartz
Anne Hokanson



U.S. Customs and
Border Protection

Michigan Department of Environmental Quality
Wildlife Division
ATTN: Lori Sargent
530 W. Allegan St.
Lansing, MI 48909

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI*net
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Sargent,

Enclosed for your review and comment is the above-referenced document. The 30-day review period begins on September 30, 2009. United States Customs and Border Protection (CBP) has prepared the draft Supplemental Environmental Assessment (SEA) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

The purpose of the Proposed Action is to maximize CBP's surveillance capabilities by providing more efficient and effective means of assessing all border activities, providing rapid detection and accurate characterization of potential threats, providing coordinated deployment of resources in the apprehension of illegal aliens, smugglers, and cross-border violators, and reducing crime in border communities and improving the quality of life and economic vitality of border regions through provision of the tools necessary for effective law enforcement.

The draft SEA was prepared in compliance with provision of the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S. Code 4321, et seq.), the Council on Environmental Quality's NEPA implementing regulations at 40 Code of Federal Regulations Part 1500 et seq., and the U.S. Department of Homeland Security's *Management Directive 023-1, Environmental Planning Program*.

CBP invites your participation in this public process. Comments must be received by October 30, 2009. When submitting your comments, please include name and address, and identify comments as intended for the Detroit Sector SEA and draft Finding of No Significant Impact (FONSI) document. Comments on the enclosed documents, or questions about them, can be submitted by:

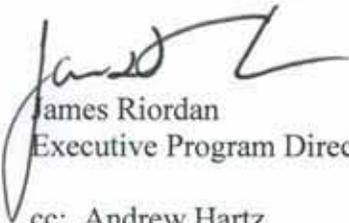
(a) E-mail to: DetroitComments@cbp.dhs.gov

(b) Mail to: Ms. Patience E. Patterson, RPA, Director of Environmental Planning,
U.S. Customs and Border Protection, Secure Border Initiative, 1901 South Bell
Street, 6th Floor, Arlington, VA 20598.

(c) Fax to: (571) 468-7390, Attn: Ms. Patterson

Your prompt attention to this request is greatly appreciated. If you have any questions,
please contact Ms. Patterson via e-mail or the postal address listed above.

Sincerely,



James Riordan
Executive Program Director, SBInet

cc: Andrew Hartz
Anne Hokanson
David Dortman



Marine City Water Plant
ATTN: Richard Nichols
1696 S. Parker Street
Marine City, MI 48039

Subject: Draft Supplemental Environmental Assessment (SEA) for the SBI^{net}
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Mr. Nichols,

Enclosed for your review and comment is the above-referenced document. The 30-day review period begins on September 30, 2009. United States Customs and Border Protection (CBP) has prepared the draft Supplemental Environmental Assessment (SEA) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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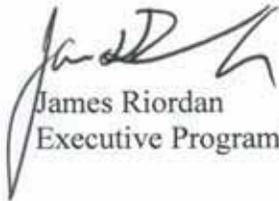
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James Riordan
Executive Program Director, SBInet



U.S. Customs and
Border Protection

City of St. Clair
ATTN: Janice Winn
Bernard E. Kuhn Municipal Building
547 N. Carney Drive
St. Clair, MI 48079

Subject: Draft Supplemental Environmental Assessment (SEA) for the *SBI*net
Detroit Project, U.S. Border Patrol Detroit Sector

Dear Ms. Winn,

Enclosed for your review and comment is the above-referenced document. The 30-day review period begins on September 30, 2009. United States Customs and Border Protection (CBP) has prepared the draft Supplemental Environmental Assessment (SEA) to identify and assess the potential impacts associated with the proposed siting, construction, operation and maintenance of sensor and communications towers and their associated access roads along approximately 35 miles of the St. Clair River within the Detroit Sector, Michigan (the Proposed Action).

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Street, 6th Floor, Arlington, VA 20598.

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Sincerely,

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James Riordan
Executive Program Director, *SBI*net



St. Clair County Library Headquarters
210 Mc Morran Blvd.
Port Huron, MI 48060

Subject: Draft Supplemental Environmental Assessment for the SBI*net* Detroit
Project, U.S. Border Patrol Detroit Sector

Dear Librarian,

United States Customs and Border Protection (CBP) requests that your library make available to the public the enclosed "*Draft Supplemental Environmental Assessment for the Proposed SBI*net* Detroit Sector Project, U.S. Border Patrol, Detroit Sector, Michigan,*" and the associated Draft Finding of No Significant Impact for a 30-day public review period. Please place a copy of this letter and the draft Supplemental Environmental Assessment (SEA) in a location that facilitates public review. The public comment period begins September 30, 2009 and all comments must be received no later than October 30, 2009.

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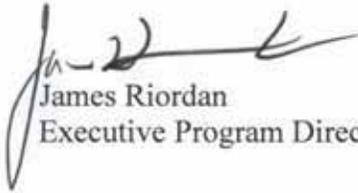
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James Riordan
Executive Program Director, *SBI*net



Marine City Library
300 S. Parker
Marine City, MI 48039

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Project, U.S. Border Patrol Detroit Sector

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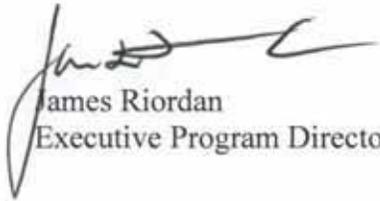
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James Riordan
Executive Program Director, *SBI*net



St. Clair Library
310 S. Second Street
St. Clair, MI 48079

Subject: Draft Supplemental Environmental Assessment for the SBInet Detroit Project, U.S. Border Patrol Detroit Sector

Dear Librarian,

United States Customs and Border Protection (CBP) requests that your library make available to the public the enclosed "*Draft Supplemental Environmental Assessment for the Proposed SBInet Detroit Sector Project, U.S. Border patrol, Detroit Sector, Michigan,*" and the associated Draft Finding of No Significant Impact for a 30-day public review period. Please place a copy of this letter and the draft Supplemental Environmental Assessment (SEA) in a location that facilitates public review. The public comment period begins September 30, 2009 and all comments must be received no later than October 30, 2009.

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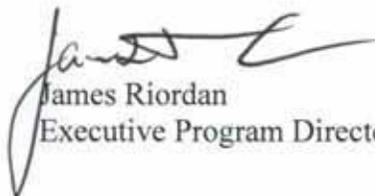
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James Riordan
Executive Program Director, SBInet



Algonac-Clay Library
2011 St. Clair River Drive
Algonac, MI 48001

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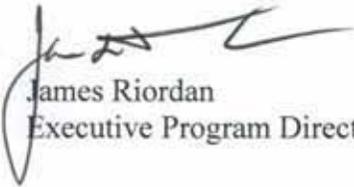
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James Riordan
Executive Program Director, *SBI*net

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

COUNTY OF WAYNE

CITY OF DETROIT

I, Blair Parkman, being duly sworn on oath say he/she is and during all times herein stated has been the publisher of the publisher's designated agent in charge of the publication known as

The Detroit News and Detroit Free Press

And has full knowledge of the facts herein stated as follows:

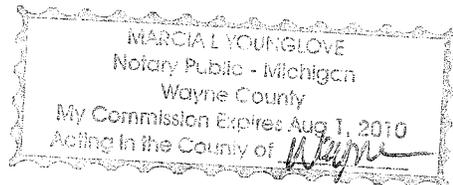
The advertisement for Gulf South Research Corp was distributed to Publisher's full circulation on the 30th day of September, 2009.

By: *Blair Parkman*

Subscribed and sworn to before me
this 6th day of October, 2009.

Notary Seal:

Marcia L Younglove
Notary Public



LEGAL NOTICE/
BIDS/PROPOSALS

LEGAL NOTICE/
BIDS/PROPOSALS

LEGAL NOTICE/
BIDS/PROPOSALS

**NOTICE OF AVAILABILITY
DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (SEA) AND
DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR THE
PROPOSED SBINET DETROIT PROJECT, DETROIT SECTOR, MICHIGAN**

U.S. Customs and Border Protection (CBP), a component of the Department of Homeland Security (DHS), announces the availability of the draft SEA and draft FONSI for the proposed SBinet Detroit Project. Pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (U.S.C.) 4321 et seq., CBP has prepared the draft SEA and draft FONSI to identify and assess the potential impacts associated with the proposed siting, construction, operation, and maintenance of sensor and communications towers, supporting infrastructure components, and technological improvements to existing facilities within the Detroit Sector. The location for the Proposed Action, which is known as the "SBinet Detroit Project," is an approximately 35-mile corridor along the St. Clair River (U.S.-Canada International Border) within Detroit Sector, Michigan.

The draft SEA and draft FONSI were prepared in accordance with CBP's obligations under NEPA, the Council on Environmental Quality (CEQ) implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500-1508, and DHS Management Directive 023-01 (Environmental Planning Program). Copies of the Detroit Project draft SEA and draft FONSI can be downloaded from the project website at www.cbp.gov/sbi under the link SBI NEPA Documents for Public Review and Comment. Additionally, copies are available in the following libraries for public review:

- | | |
|--|--|
| St. Clair County Library Headquarters
210 McMorrin Blvd. 300 S. Parker
Port Huron, Michigan 48060
(810) 987-7323 | Marine City Library
300 S. Parker
Marine City, Michigan 48039
(810) 765-5233 |
| St. Clair Library
310 S. Second Street
St. Clair, Michigan 48079
(810) 329-3951 | Algonac-Clay Library
2011 St. Clair River Drive
Algonac, Michigan 48001
(810) 794-4471 |

CBP invites public participation in the NEPA process. The public may participate by reviewing and submitting comments on the draft SEA and draft FONSI. The public may submit comments by one of three methods described below. CBP will consider all applicable and pertinent comments submitted during the public comment period, and subsequently will prepare the final SEA. CBP will announce the availability of the final SEA and FONSI.

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- (2) By mail to: Ms. Patience E. Patterson, RPA, Director of Environmental Planning, SBinet Program Management Office, U.S. Customs and Border Protection, 1901 South Bell Street, 6th Floor, Arlington, VA 20538.
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When submitting comments, please include your name and address, and identify your comments as being for the SBinet Detroit draft SEA and draft FONSI. To request a hard copy of the draft SEA, please use one of the aforementioned contact methods.

1976-RE4-01

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

COUNTY OF WAYNE

CITY OF DETROIT

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The Detroit News and Detroit Free Press

And has full knowledge of the facts herein stated as follows:

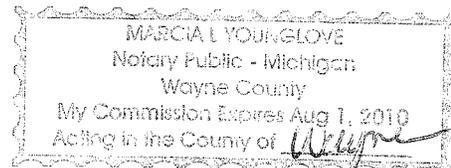
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By: *Blair Parkman*

Subscribed and sworn to before me
this 6th day of October, 2009.

Notary Seal:

Marcia L Younglove
Notary Public



10/01/2009

File for relief under the Code. 248-330-7971 24/7. Detroit 1,800,559,9301 Atty. Stuart Rudick at Law Crim. Traffic, Divorce OWI Free Advice 248,549,3485

27K, l of a r 0 Troy 0 mi. 995 -8982 995 Troy 3TON la-5p hard thing it aster. ras. thes. IRE AT JET.COM -2-3-4 18950 & rd. arage ust at / furni- cily,MI E SALE S of oidge ET 3a-4p. Please ion. rounds, fin. .com

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070884-0

AFFIDAVIT OF PUBLICATION
COMMUNITY NEWSPAPERS, INC.
120 E. Lenawee.
Lansing, MI 48919
State of Michigan, County of Ingham

IN THE MATTER OF: NOTICE

GULF SOUTH RESEARCH

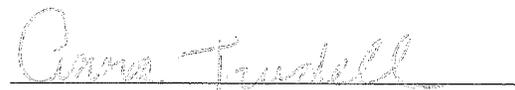
Anna Trudell

Being duly sworn, says that he/she is authorized by the publisher of Gannett Newspapers, to swear that a certain notice, a copy of which is annexed here to, was published in the following publication:

1. Published in the English language for the dissemination of general and/or legal news, and
2. Has a bonfide list of paying customers or has been published at least once a week in the same community without interruption for at least 2 years, and
3. Has been established, published and circulated at least once a week without interruption for at least one (1) year in the community where the publication is to occur.

PORT HURON TIMES HERALD

9/30/09-10/1/09



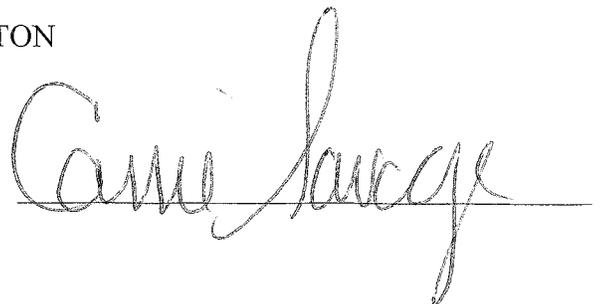
Anna Trudell

SUBSCRIBED AND SWORN TO BEFORE ME THIS 1ST

DAY OF OCTOBER, 2009

CARRIE A. SAVAGE
NOTARY PUBLIC, STATE OF MICHIGAN, COUNTY OF EATON
MY COMMISSION EXPIRES: SEPTEMBER 4, 2014
ACTING IN THE COUNTY OF INGHAM

PT-760556



NOTICE OF AVAILABILITY

**DRAFT SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (SEA) AND DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR THE PROPOSED SBINET DETROIT PROJECT,
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Algonac, Michigan 48001
(810) 794-4471

CBP invites public participation in the NEPA process. The public may participate by reviewing and submitting comments on the draft SEA and draft FONSI. The public may submit comments by one of three methods described below. CBP will consider all applicable and pertinent comments submitted during the public comment period, and subsequently will prepare the final SEA. CBP will announce the availability of the final SEA and FONSI.

Comments on the draft SEA and draft FONSI should be received no later than October 30, 2009. Please use only one of the following methods:

- (1) By Email to: DetroitComments@cbp.dhs.gov
- (2) By mail to: Ms. Patience E. Patterson, RPA, Director of Environmental Planning, SBInet Program Management Office, U.S. Customs and Border Protection, 1901 South Bell Street, 6th Floor, Arlington, VA 20598.
- (3) By fax to: (571) 468-7390.

When submitting comments, please include your name and address, and identify your comments as being for the SBInet Detroit draft SEA and draft FONSI. To request a hard copy of the draft SEA, please use one of the aforementioned contact methods.

Maria Reid

From: PATTERSON, PATIENCE E [patience.patterson@dhs.gov] on behalf of DETROIT COMMENTS [DetroitCOMMENTS@dhs.gov]
Sent: Wednesday, October 14, 2009 10:24 AM
To: Maria Reid; Moblely, Jack E SWF
Subject: FW: Detroit Sector SEA

Maria,
This in the e-mailbox for Detroit.
Paddie

-----Original Message-----

From: Barbara_Hosler@fws.gov [mailto:Barbara_Hosler@fws.gov]
Sent: Tuesday, October 13, 2009 11:20 AM
To: DETROIT COMMENTS
Subject: Detroit Sector SEA

We have reviewed the Draft Supplemental Environmental Assessment for the Proposed SBInet Detroit Project and have no comments at this time.

We appreciate the opportunity to review the subject document.

Sincerely,

Barbara Hosler
U.S. Fish & Wildlife Service
East Lansing Field Office
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823
517/351-6326 (phone)
517/351-1443 (fax)
barbara_hosler@fws.gov

**MEMORANDUM OF AGREEMENT
BETWEEN U.S. CUSTOMS AND BORDER PROTECTION AND THE
MICHIGAN STATE HISTORIC PRESERVATION OFFICER
SUBMITTED TO THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
PURSUANT TO 36 CFR PART 800.6
REGARDING THE CONSTRUCTION OF SECURE BORDER INITIATIVE
COMMUNICATIONS TOWERS IN
THE CITIES OF ST. CLAIR AND MARINE CITY, ST CLAIR COUNTY MICHIGAN**

WHEREAS, Customs and Border Protection (CBP) proposes construct, install, operate, and maintain a system of sensor and communication towers, which include associated access roads, communications components, and a combination of sensor and communication components on towers and existing structures within the U.S. Border Patrol (USBP) Detroit Sector in northeast Michigan; and

WHEREAS, CBP has determined these actions constitute an Undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Part 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, CBP has consulted with the State Historic Preservation Officer (SHPO) as required under Section 106 of the NHPA; and

WHEREAS, CBP has determined that two towers of the Detroit SBInet tower project will have an adverse effect (as defined in 36 CFR Part 800.5(a)(1)) on the St. Clair Inn, City of St. Clair, St. Clair County, which listed in the National Register of Historic Places (the Register); and the Marine City Water Plant, Marine City, St. Clair County, which appears to meet the criteria for listing in the National Register of Historic Places; and

WHEREAS, CBP has invited the Advisory Council on Historic Preservation (ACHP) to participate in this consultation pursuant to 36 CFR Part 800.6(a)(1)(i) and 800.14(b), and the ACHP has elected not to participate; and

WHEREAS, the cities of St. Clair and Marine City have participated in the consultation, and both cities have been invited to concur in this Memorandum of Agreement;

NOW THEREFORE, CBP and the Michigan SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations to account for the effect of the Undertaking on historic properties.

STIPULATIONS

CBP will ensure that the following measures are carried out:

I. TOWER SCREENING (City of St. Clair Site)

The CBP agrees to install a series of plantings/landscaping around the DTM-007 tower and south of the St. Clair Inn, in accordance with plans developed in consultation with the City of St. Clair and the St. Clair Inn, as described in **Appendix A**.

II. DOCUMENTATION (Marine City Site)

A. CBP shall coordinate the preparation of historic documentation for the Marine City Water Plant in accordance with the SHPO *Documentation Guidelines (Appendix B)*, which shall be submitted to the SHPO for review and approval. The historic documentation shall provide the basis for completing a nomination of the Marine City Water Plant for listing in the National Register of Historic Places. By concurrence with this agreement, the City of Marine City consents to the nomination of the Marine City Water Plant. The nomination shall meet the standards and requirements of the NRHP and the Michigan SHPO. Final products shall include the following:

1. Two original copies of the nomination form
2. Photographs
3. Site Plan
4. One set of 35mm color slides
5. Copies of all research materials

B. The National Register nomination shall be developed by or developed under the direct supervision of a person or persons who meet, at a minimum, the professional qualifications standards for architectural history in the Secretary of the Interior's *Standards and Guidelines* (48 FR 44738-39).

C. Unless otherwise agreed to by the SHPO, CBP shall ensure that all written materials compiled pursuant to this stipulation are completed and approved by the SHPO.

III. TOWER MANAGEMENT

A. CBP shall inform their heirs and assigns or future owners of the Towers of the provisions of this MOA.

B. Any modifications to the Towers that may affect the height and/or footprint subsequent to the presently approved plans shall be reviewed and approved by the Michigan SHPO prior to installation.

C. If the Towers become obsolete and unnecessary for their intended purposes, CBP shall remove the towers after 180 consecutive days of cessation of operations and notify the Michigan SHPO in writing of this action.

V. AMENDMENT

CBP or the SHPO may propose to the other parties that this MOA be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.6(c)(7) to consider such an amendment.

VI. DISPUTE RESOLUTION

Should any signatory to this agreement object within thirty (30) days to any of the proposed actions pursuant to this agreement, the CBP shall consult with the objecting party to resolve the objection. If the CBP determines that the objection cannot be resolved pursuant to 36 CFR Part 800.7(b), the CBP shall forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council). Within forty-five (45) days after receipt of all pertinent documentation, the Council will either:

- A. Provide CBP with recommendations, which CBP will take into account in reaching a final decision regarding the dispute (36 CFR Part 800.7(b)); or
- B. Notify CBP that it will comment pursuant to 36 CFR Part 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the head of CBP in accordance with 36 CFR Part 800.7 (c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. CBP's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

VII. TERMINATION

- A. If CBP determines that it cannot implement the terms of this MOA, or if the SHPO determines that the MOA is not being properly implemented, the CBP or SHPO may propose to the other parties to this MOA that it be terminated.
- B. The party proposing to terminate this MOA shall so notify the other parties to this MOA, explaining the reasons for termination and affording them at least sixty (60) days to consult and seek alternatives to termination. The parties shall then consult.
- C. Should such consultation fail, CBP or SHPO may terminate this MOA by so notifying all parties.
- D. Should this MOA be terminated, CBP shall either:
 - 1. Consult in accordance with 36 CFR Part 800.6 to develop a new MOA
 - 2. Request the comments of the Council pursuant to 36 CFR 800.7.

Execution of this Memorandum of Agreement by Customs and Border Protection and the Michigan SHPO, its subsequent acceptance by the Council, and implementation of its terms, evidence that CBP has afforded the Council an opportunity to comment on this Undertaking and its effects on historic properties, and that CBP has taken into account the effects of the Undertaking on historic properties.

**EXECUTIVE DIRECTOR, FACILITIES MANAGEMENT AND ENGINEERING
U.S. CUSTOMS AND BORDER PROTECTION**

By:  _____ Date: 6 Nov 09
Gregory L. Giddens, Executive Director

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

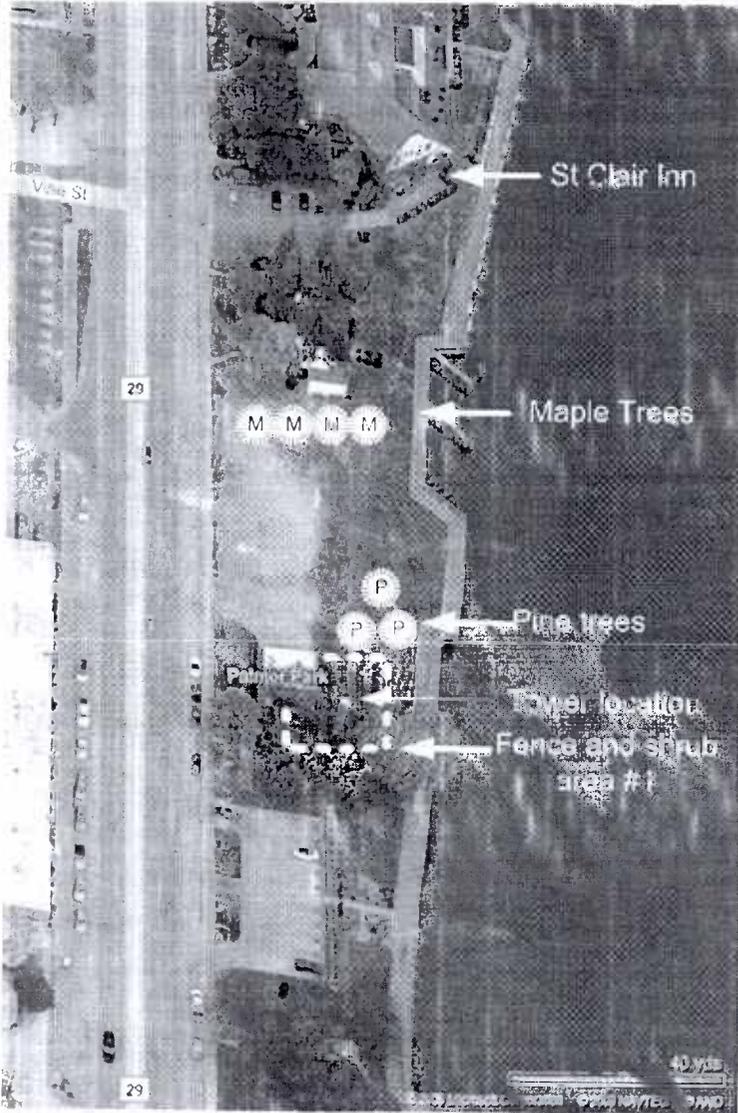
By:  _____ Date: 10/30/09
Brian D. Conway, Michigan SHPO

Concur:

By:  _____ Date: 11-3-09
City of St. Clair

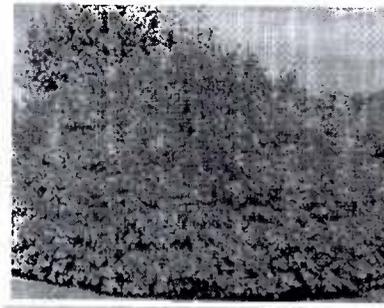
By:  _____ Date: 11-3-09
City of Marine City

Appendix A

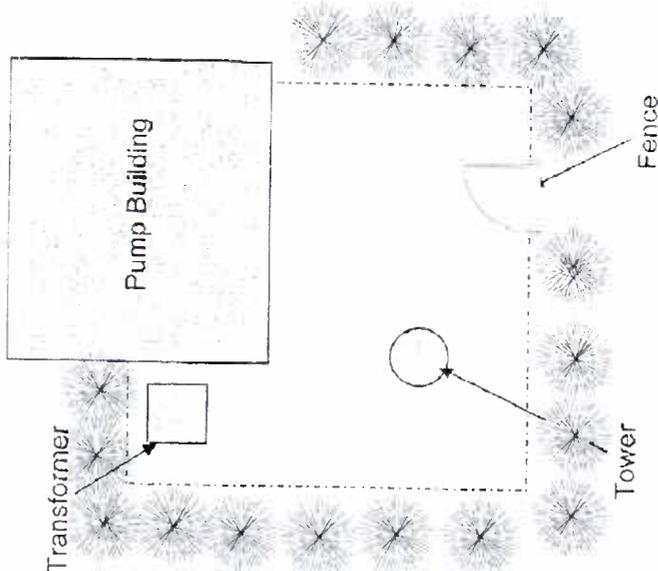


Landscape Notes

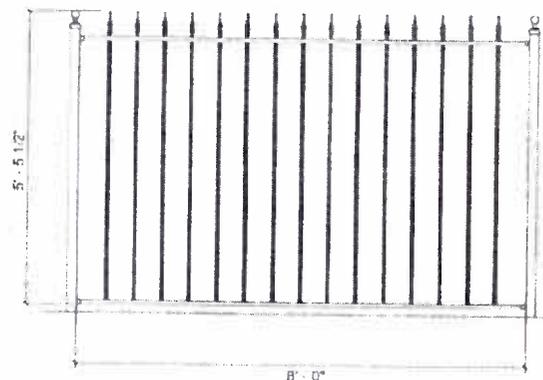
Recommend "Burning Bush" *Euonymus alata*; Detail A
 Spaced 6' apart to match shrubs currently surrounding the transformer on the south side of the Water Intake; Detail B.
 Quickly grows to 7'-8' and will obscure lower portion of site and ground equipment
 Shrubs to be planted outside the ornamental fence surrounding the tower site and transformer; Detail C.
 Gate on river side will not be blocked by shrubs
 Recommend plant 3 pine trees, spaced 20' apart, to match pine trees on the south side of pump house. Trees will provide long term height and diffuse the site view from St Clair Inn.
 Plant 4 red maple trees (spaced 20' apart) along the border of the St Clair Inn; line of trees extends within 15' of sidewalk and the boardwalk



Detail A - Burning Bush Image



Detail B - Fence and Shrub Layout



Detail C -Arche Ornamental Wrought Iron Fence Detail

Appendix B

MICHIGAN STATE HISTORIC PRESERVATION OFFICE DOCUMENTATION GUIDELINES

The following guidelines provide instruction for producing permanent documentation of historic properties. Following submittal to the State Historic Preservation Office, the photos produced will be transferred to the State Archives, where they will be maintained and made available to the public for research purposes. In many cases, this documentation will constitute the only visual public record of a resource. It is therefore important that reports, drawings and photographs adequately depict the salient visual characteristics of the resource, and that they be produced using archivally stable materials and procedures.

The specifications outlined in this memorandum are intended to ensure that the material will be of high quality and remain in usable condition for many years to come. The guidelines were adapted from those used for submitting nominations to the National Register of Historic Places, as described in **National Register Bulletin 16: Guidelines for Completing National Register of Historic Places Forms**. The complete text of this and other National Register Bulletins may be found on the web at <http://www.cr.nps.gov/nr/publications/bulletins.htm>.

I. REPORTS - GENERAL INSTRUCTIONS

Reports should be printed on archival paper and be 8½ by 11 inches in size.

II. DESCRIPTIVE AND HISTORICAL NARRATIVES

The report should contain a descriptive and historical narrative about the resource(s). The descriptive overview should concisely but thoroughly describe the resource, including discussion of its site and setting; overall design and form, dimensions, structural character, materials, decorative or other details, and alterations. The historical narrative should provide an account of the resource's history and explain its significance in terms of the national register criteria (information about the criteria for listing a resource in the national register may be found on the web at <http://www.cr.nps.gov/nr/listing.htm>). Published and unpublished sources should be used as needed to document the resource's significance. For bridges and public structures, public records and newspapers should be used for information concerning the historical background and construction of the resource and to identify those involved in its design and construction. All sources of information (including author, title, publisher, date of publication, volume and page number) should be listed in a bibliography.

III. DRAWINGS - GENERAL INSTRUCTIONS

Drawings should be drawn or printed on archival paper and folded to fit an archival folder approximately 8½ by 11 inches. Use coding, crosshatching, numbering, transparent overlays, or other standard graphic techniques to indicate the information. Do not use color because it can not be reproduced by microfilming or photocopying. Drawings should be used to document the existing condition of the resource, the evolution of a resource, alterations to a building or complex of buildings, floor plans of interior spaces. - Site plans should have a graphic north arrow and include locations and types of trees, shrubs and planting beds. All architectural and site plans should include dimensions indicating the overall size of buildings, sizes of major interior spaces and distances between major site features. If original drawings of the resource(s) exist, add a graphic scale the drawings and reproduce them to fit on 8½ by 11 inch archival paper. Photographic reductions are permissible provided they meet the photographic requirements specified in these guidelines.

IV. PHOTOGRAPHS - GENERAL INSTRUCTIONS

PHOTOGRAPHS

Provide clear and descriptive black and white photographs, two originals of each view. The photographs must be crisply focused in all areas, correctly exposed, and free of any substantial perspective distortion.

Photographs must be:

- High in quality in relation to composition, clarity, and exposure.
- 3 1/2" x 5" up to 8" by 10" in size. We prefer the 5" X 7" size.
- Properly labeled (SEE NEXT PAGE).
- UNMOUNTED. Do not glue or otherwise attach photographs to another surface. Mounted photographs are not accepted.

Border:

Photographs printed on papers which will not accept pencil marks should have a white border at least 1/4" wide for labeling. If fiber-based paper is used, no border is necessary.

Photographs may be provided in **EITHER** of the following formats:

Black and white photographs from standard photography

OR

Black and white photographs made from electronic images

Requirements for black and white prints from standard photography. They must be:

- Printed from 35 mm or larger **black and white** negatives. Black and white prints made from color negatives will not be accepted. We recommend using only Kodak Plus-X 125, Kodak T-Max 100 or 400, or Kodak Tri-X 320 or 400 black and white film, as they are specifically made for processing and printing true black and white images. These types of film can generally be found only at specialty camera shops.
- Printed using a chemical process designed **only** for black and white film. This can usually be done only by a specialty camera shop or photographic studio. Photos processed with chromogenic processing (C-41) **are not acceptable**.
- Printed **only** on paper intended for black and white printing. Photographs printed on paper designed for color printing **will not be accepted**. Fiber-based or resin-coated papers that have been professionally processed in trays are preferred. Resin-coated papers that have been automatically processed are acceptable only if they contain no evidence of residual chemicals, fading, or yellowing. Use double- or medium-weight paper having a standard finish (matte, glossy, satin). The proper printing paper generally cannot be obtained through photo processes other than those used by a professional printer/camera shop.
- Properly processed and thoroughly washed; see directly above.

Photo labeling for black and white prints from standard photography:

ADHESIVE LABELS OF ANY KIND AND INK LABELING EXTENDING ACROSS THE BACK OF THE PRINT ARE NOT ACCEPTABLE AND PRINTS SO LABELED WILL BE REJECTED.

The preferred way to label photographs is to print lightly in pencil in the upper left corner of the back of each photograph the following information:

1. Historic name of property, or, for districts, the name of the building or street address followed by the name of the district.
2. Township or municipal unit, county, and state where the property is located.
3. Name of photographer.
4. Date of photograph.
5. Location of original negative—the name and mailing address of the person, firm, or organization holding the negatives. If the negatives will be on file at the Michigan Historical Center, list “MHC.”
6. Brief description of view indicating façade(s), side of street, etc. shown (“North and east façades” or “200 block of S. Washington, east side”).

7. Photograph number. For districts, use this number to identify the vantage point on a sketch map.

An alternative labeling method is to provide a continuation sheet with the nomination. To do this, label the photos by name of property, town, county, state, and photograph number (items 1, 2, and 7). List the remaining information (items 3-6) on a continuation sheet, identifying each photograph by number. Information common to all photographs, such as the photographer's name, may be listed at the top of the page.

To label photographs printed on paper that will not accept pencil marks, print with a permanent audio-visual marking pen or pencil the name and location of the property and number of photograph in the lower front border, being careful to avoid marking the printed surface. If there is no border, this information may be printed—as small as possible—in the lower right on the back of the photo.

Requirements for black and white prints made from electronic images.

Electronic Image Standard:

The size of each image must be 1600 X 1200 pixels at 300 ppi (pixels per inch) or larger. Images that do not meet that standard will not be accepted. It is recommended that digital images be saved in 8-bit (or larger) color format, which provides maximum detail even when printed in black-and-white format.

Provide the following:

- Two sets of black and white prints printed using ultraviolet pigmented inks and printed on paper designed for UV pigmented inks. The photos may be 3 ½ X 5" up to 8 X 10" in size (the SHPO prefers 5 X 7s). The National Register Photo Policy Expansion (page 6) lists specific ink and paper combinations meeting their requirements. If you do not use the listed inks and papers, you will need to provide the SHPO with documentation from some acceptable source outside of the products' manufacturers that the ink and paper meets the required standard. The SHPO **will not accept** photographs unless it is clear that they meet the national register standard. Use the alternate method of labeling the photographs set forth above under black and white prints from standard photography (see below).
- Two CD-Rs, each containing electronic images for the views used. One will be submitted to the national register along with one set of the prints, the other housed at the SHPO along with the second set of prints. **The electronic images must be saved as .TIF files (not .jpeg) on CD-R media. Use uncompressed .TIF file format, in keeping with guidance on digital photographic records issued by the U. S. National Archives and Records Administration.** Name the images for the property, county, and state and number them (i.e. MI_Marquette_Vista01.tif, MI_Marquette_Vista02.tif for views of the Vista Theater in Negaunee, Marquette County) so that the image files will be organized on the CD-R in the order in which the images should appear as prints and in the review board presentation – that is, general exterior views first followed by interior views in logical walk-through order or, for districts, general streetscape views followed by any views of specific properties or features.

Label both CD-Rs with the name of the property, county, and state (“Vista Theater, Marquette Co., MI”).

- For a district or other property for which one or more maps are being provided as part of the nomination, provide one image of each map on one of the CD-Rs, to be used as part of the presentation to the review board. These images should follow the instructions above as to format and naming and, because they will be shown first in the review board presentation, should be designated with the lowest numbers.
- Identification list of the photo images on the CD-R. When submitting photographs made from electronic images, use a national register continuation sheet to provide a photo list. List the name of the photographer and the date when the views were shot. Then list the specifics – obtained from your processor – as to the processing system, inks, and paper used for printing the photos (for example, “Epson 7600 with Epson Ultra Chrome inks and Epson Premium Gloss Paper”). Follow this with a list of the photos that includes, for each view, a brief description of the view indicating façade(s), side of street, etc., shown (“North and east façades” or “200 block of S. Washington, east side”) and the image file designation.

Can't Find Processing That Meets National Register Requirements?

Because the SHPO recognizes that obtaining prints from electronic images that will meet national register standards may be difficult for some applicants, the SHPO will refer applicants to a processor in Lansing who can provide prints meeting the standard.

COLOR ELECTRONIC IMAGES FOR THE PRESENTATION TO THE REVIEW BOARD (Slides are no longer accepted):

If you provide electronic images for the nomination photographs, you will not need to provide any additional images.

If you provided black and white prints from standard photography, you will need to provide electronic images in color of views approximately duplicating the black and white print views. For a district or other property for which one or more maps are being provided as part of the nomination, provide one image of each map. Images must be correctly exposed, so that roofs and other features of the property are clearly visible, and free of substantial perspective distortion. For the images the final resolution should be at least 150 ppi and the file should be saved in .TIF format (not .jpeg). Use uncompressed .TIF file format. Name the images for the property and number them (i.e. Vista01.tif, Vista02.tif for views of the Vista Theater) so that the image files will be organized on the CD-R in the order in which the images should appear in the review board presentation – that is, general exterior views first followed by interior views in logical walk-through order or, for districts, general streetscape views followed by any views of specific properties or features. Label the CD-R with the name of the property. For a district or other property for which one or more maps are being provided as part of the nomination, provide one image of each map on the CD-R, to be used as part of the presentation to the review board. These images should follow the instructions above as to format and naming and, because they will be shown first in the review board presentation, should be designated with the lowest numbers.

In addition, provide 10 original paper printouts (not photocopies) of each image – the largest image possible on 8 ½ x 11-inch paper without cropping the image – to be used in the nomination packets sent out to the review board members before the meeting. Black and white or color printouts are acceptable.

RIGHTS TO PHOTOGRAPHS AND ELECTRONIC IMAGES

The final, accepted versions of photographs and images provided for national register nominations become the property of the Michigan Historical Center and will not be returned. The Michigan Historical Center accepts all photographs and images only on the condition that the Center has full right to use such accepted photographs and images for reports, presentations, or other purposes as it sees fit. One original set of nomination photographs will be submitted to the National Park Service as part of the nomination materials. Photographs submitted to the National Park Service will become the service's property and may also be used by them as they see fit (see the National Register Photo Policy Expansion, page 3). Applicants for national register designation are responsible for ensuring that the photographers they use understand and accept these conditions for use of their photographs.

IF YOU HAVE QUESTIONS

Contact: Robert O. Christensen, National Register Coordinator
State Historic Preservation Office
Michigan Historical Center
Department of History, Arts & Libraries
702 W. Kalamazoo St., P.O. Box 30740
Lansing, MI 48909-8240
Phone: 517/335-2719
E-mail: ChristensenRO@Michigan.gov

Submit clear and descriptive black and white photographs and negatives in acid-free envelopes. Photographs should provide a clear visual representation of the historic integrity and significant features of the resource. The

number of photographs needed will vary according to the project and the nature of the resource. The attached article by David Ames, *A Primer on Architectural Photography and the Photo Documentation of Historic Structures* (Vernacular Architecture Forum News, no date) provides helpful information for photographing buildings and structures. This article is available on the web at <http://www.vernaculararchitecture.org/IFeatures/photography/article.htm>.

GUIDELINES FOR PHOTOGRAPHIC COVERAGE

The number of photographic views required depends on the size and complexity of the resource. Submit as many photographs as needed to depict the current condition and significant aspects of the resource. When available, prints of historic photographs may supplement documentation.

Buildings, Structures and Objects

- Submit one or more views to show the principal facades and the environment or setting in which the resource is located;
- Additions, alterations, intrusions, and dependencies should appear in the photographs;
- Include views of interiors, outbuildings, landscaping, or unusual details if the significance of the resource is entirely or in part based on them.

Historic and Archaeological Sites

- Submit one or more photographs to depict the condition of the site and any aboveground or surface features and disturbances;
- If they are relevant to the site's significance, include drawings or photographs that illustrate artifacts that have been removed from the site;
- At least one photograph should show the physical environment and configuration of the land making up the site.

BASIC REQUIREMENTS

Photographs must be:

- at least 5 x 7 inches, preferably 8 x 10 inches, unmounted (do not affix the photographs to paper, cards, or any other material); photographs with borders are preferred;
- printed on double or medium-weight black-and-white paper having a matte, glossy, or satin finish; fiber-based papers are preferred; resin-coated papers that have been processed automatically will be accepted provided they have been properly processed and thoroughly washed; we recommend the use of a hypo-clearing or neutralizing agent, and toning in selenium or sepia to extend the useful life of the photographs;
- submitted in acid free envelopes; the envelopes should be labeled in pencil (see labeling instructions below).

ENVELOPE LABELING INSTRUCTIONS

Neatly print the following information on the upper right corner of the envelope in soft **lead pencil**:

1. Name of the resource;
2. Street Address, township, county, and state where the resource is located;
3. Name of photographer;
4. Date of photograph;
5. Description of view indicating direction of camera;
6. Photograph number.

Do not use adhesive labels for this information.

NEGATIVE SUBMISSION INSTRUCTIONS

The negatives must be submitted with the prints. Each strip of negatives should be submitted in acid free envelopes that have the following information submitted in soft lead pencil in the upper right corner of the envelope.

1. Name of the resource;
2. Name of the photographer;
3. Date of photograph;
4. Negative numbers

V. ADDITIONAL ITEMS

In addition to the items described in these guidelines, the SHPO may request additional documentation, depending on the nature and, significance of a particular resource.

If you have any questions, please contact the Environmental Review Coordinator at 517-335-2721.

State Historic Preservation Office
Michigan Historical Center
702 West Kalamazoo Street
PO Box 30740
Lansing, MI 48909-8240