

From: Rashida Tajib  
To: Garneau, Allen M CIV  
Subject: [Non-DoD Source] ABEP Comments, Sugar Law Center  
Date: Thursday, February 25, 2016 4:35:11 PM  
Attachments: [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[SMBT\\_C36-16022516230.pdf](#)

February 23, 2016

Mr. Allen Garneau  
U.S Coast Guard Headquarters, Stop 7418  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593-7418  
Via email: allen.m.garneau@uscg.mil

**RE: Ambassador Bridge Enhancement Project (ABEP), Public Notice 09-01-16**

Dear Mr. Garneau,

The Ambassador Bridge Company's ABEP proposal is flawed, incomplete, and does not comply with all the federal requirements. In addition, some of the issues stated in the U.S. Coast Guard (USCG) Abeyance letter dated June 15, 2009 were not addressed by the Detroit International Bridge Company (DIBC).<sup>[1]</sup> The City of Detroit had no legal authority to transfer land ownership of Riverside Park, therefore the requirements of 33 CFR 115.05 were not met. Another critical issue is that National Environmental Policy Act (NEPA) process is flawed in this application since the ABEP is segmented to avoid full elevation to an Environmental Impact Statement (EIS). The following lists, in detail, the facts that should result in denial of the ABEP and require an EIS if ownership requirement is met.

**Land swap was illegal, violates trust fund restrictions – 33 CFR 115.05 requirement not met**

It is irresponsible for the USCG to move forward in assuming that the Bridge Company owns all the land necessary for the ABEP, especially when there is no legal document providing DIBC ownership of Riverside Park. According to 33 CFR 115.05 states "Especially care will be taken that Federal approval is not granted when there is doubt of the right of the builder to construct and utilize the bridge."

The USCG's own Letter of Abeyance admits to the restrictions on the use of Riverside Park for an international crossing. It is also critical that the USCG acknowledge the legal process required and restrictions on the land triggered by grants from the National Park Service Land Water Conservation Fund (LWCF) and the Michigan National Resources Trust Fund (MNRTF). See attached letters from the State of Michigan and the U.S. Federal Government acknowledging that the so called "land swap" is not likely to be realized. No amount of political connections or press conferences can change the law. I urge that the USCG suspend the application due to the Bridge Company's failure to meet the requirements of 33 CFR 115.05.

**Segmentation, Procedural Shortfalls amount to failure to meet NEPA requirements**

There is strong indication that ABEP is segmented and creates uncertainty over final impact on National Environmental Policy Act (NEPA) therefore USCG must not approve until fully addressed. Moreover, the information provided in the ABEP regarding air quality uses outdated data and a modeling process that falls short of what is required by the Environmental Protection Agency (EPA). The Clean Air Act (ACA) requires the EPA to update its mobile source emission models. The EPA did update their mobile source modeling to MOVES2010a in August 2010<sup>[2]</sup>. Outdated MOBILE6.2 modeling software was used instead of MOVES2010a in the ABEP application, thereby creating uncertainty of the impact of NEPA.

Secondly, the procedural shortfalls in the ABEP are serious and prevents the public the right to full protections under the law. According to Lobbying Reports filed April 17, 2009 (see attachment A & B), DIBC has been lobbying the federal government to close down Fort Street near their plaza. They are clearly segmenting the project intentionally. They are intending to expand their plaza and have excluded it from their ABEP application, avoiding the proper legal process, including an elevated EIS to be conducted. The USCG is fully aware that DIBC had attempted to segment the project with the Gateway Project which resulted in a design that did NOT include the elevated ramp along Fort Street. It is critical that USCG ensure that DIBC is not attempting to avoid following federal laws again. Statements by DIBC have indicated that they have no intention of closing down the current bridge. The company's statement that they would use the current bridge for "overflow" creates uncertainty as to whether or not it would be closed. What does overflow mean? Since the Ambassador Bridge is privately owned, how would this be enforced? The most current proof that DIBC is using the word "overflow" rather than closed is from February 14, 2014 where it was stated, "Moroun has said the original span would be used only for overflow border traffic during major events."<sup>[3]</sup> Even in previous community meetings, DIBC officials refrain from using the word replacement bridge and began using the words "second span" and "twinning" which is inconsistent with the ABEP.

**ABEP must be elevated to an EIS**

In addition to the fact that segmentation is present and the incorrect modeling process was used in this ABEP, the USCG's Letter of Abeyance sent in June 2009 correctly expressed the concerns by the U.S. Environmental Protection Agency (EPA):

*"Of note, the U.S. EPA advised the Coast Guard that it had significant concerns regarding the cumulative effects of air quality from the ABEP and ABGP; EPA specifically noted differences between the ABGP environmental documentation, how the ABGP is operating while under construction, and how it might ultimately operate when completed. The City of Windsor also documented multiple concerns, most notably concerning air quality."<sup>[4]</sup>*

Although the EPA's recent letter regarding the project is inconsistent with the concerns expressed in their letter dated April 29, 2009, it is clear that the concerns regarding cumulative effects remains and a number of uncertainty due to the incorrect modeling process and old data being used.<sup>[5]</sup>

In the EPA's own letter, it stated that they were concerned that the ABEP would exceed beyond the 6 lanes. "However, we continue to have concerns about the cumulative effects on air quality."<sup>[6]</sup> They go on to recommend that "a hot spot analysis that models the whole Ambassador Bridge/plaza system in order to evaluate cumulative effects of the Gateway and ABEP projects, including the vehicle travel links between the exit of the U.S. – bound truck plaza and the freeway system." Has this been completed? If so, was it with the incorrect modeling procedure required by the EPA?

Further, this is an international crossing that has long term impacts on the air quality of the host community which already endures one of the worst air quality in Michigan. This project will operate for 100 years or more and its impact on our health and environment is dangerous if not mitigated properly. A project of this scope and magnitude deserves the scrutiny of an EIS.

It is critical that USCG also recognizes the fact that the area for the project is out of compliance with the Clean Air Act for sulfur dioxide. The zip code where the Ambassador Bridge is located, has one of the highest rates of persistent asthma for children covered by Medicaid.<sup>[7]</sup> Emissions from mobile sources, especially truck diesel exhaust, contribute to the amount of particulate matter in the air.<sup>[8]</sup> The stretch of bridge between Detroit and Windsor, Ontario is the busiest international crossing for commercial vehicles with nearly 13,000 trucks every day.<sup>[9]</sup> An increasingly large body of evidence indicates that traffic-related exposures and residential proximity to vehicular traffic<sup>[10]</sup> are associated with increased respiratory conditions and symptoms in children, including asthma<sup>[11]</sup> wheezing, recurrent respiratory illnesses<sup>[12]</sup>, and hospital admissions for asthma.<sup>[13]</sup> An international crossing in a neighborhood with already high rates of asthma should motivate the USCG to do its due diligence with this application.

**ABEP is not complete, denial is needed**

I am urging that the USCG to deny the Ambassador Bridge Enhancement Project (Public Notice 09-01-16) application. The USCG has a duty to ensure that the application is complete with all the necessary information needed to make the proper decision. The DIBC's past actions must be weighed with consideration of this application. This is a company that claimed they owned all the property for a new bridge the last time they applied, they started building their new bridge without proper approval, they gutted a state interchange project and their owner had to go to jail before Gateway had to be completed by the State of Michigan. They have proven over and over again that they like to take short cuts and seek only to benefit their profit margins. USCG must make sure that no company tries to avoid the law.

DIBC does not own all the property necessary for their new bridge as required by federal law.

I urge USCG to do its due diligence and protect the public by denying the ABEP.

Sincerely,

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<sup>[1]</sup> USCG Letter of Abeyance, June 15, 2009 <http://tollroadsnews.com/sites/default/files/USCG-AmbBr.pdf>

<sup>[2]</sup> EPA Releases MOVES2010a Mobile Source Emissions Model Update <http://www3.epa.gov/otaq/models/moves/MOVES2010a/420f10050.pdf>

<sup>[3]</sup> <http://www.craigslist.com/article/20140214/NEWS/140219921/canadian-government-2nd-moroun-bridge-wont-harm-environment>

<sup>[4]</sup> USCG Letter of Abeyance, June 15, 2009 <http://tollroadsnews.com/sites/default/files/USCG-AmbBr.pdf>

<sup>[5]</sup> See April 29, 2009 EPA letter by Alan Walts attached to the Letter of Abeyance, <http://tollroadsnews.com/sites/default/files/USCG-AmbBr.pdf>

<sup>[6]</sup> See above

<sup>[7]</sup> Wasilevich EA, Lyon-Callo S, Rafferty A, Dombkowski K. "Detroit – The Epicenter of Asthma Burden." Epidemiology of Asthma in Michigan. Bureau of Epidemiology, MI Department of Community Health, 2008.

<sup>[8]</sup> Agency for Toxic Substances and Disease Registry. Your Child's Environmental Health: How the Body Works: Differences Between Adults and Children. [https://michigan.gov/documents/ATSDRChildrens\\_Health\\_handouts\\_FS\\_15597\\_7.pdf](https://michigan.gov/documents/ATSDRChildrens_Health_handouts_FS_15597_7.pdf)

<sup>[9]</sup> Southeast Michigan Council of Governments, SEMCOG Information, The Ambassador Bridge, [www.semco.org/WorkArea/downloadasset.aspx?id=5369](http://www.semco.org/WorkArea/downloadasset.aspx?id=5369)

<sup>[10]</sup> Clear Air Task Force. 2007. "No escape from diesel exhaust: how to reduce commuter exposure." [http://www.catf.us/resources/publications/files/No\\_Escape\\_from\\_Diesel\\_Exhaust.pdf](http://www.catf.us/resources/publications/files/No_Escape_from_Diesel_Exhaust.pdf)

<sup>[11]</sup> <http://www3.epa.gov/region1/eco/airtox/diesel.html>

<sup>[12]</sup> Clear Air Task Force. 2007. "No escape from diesel exhaust: how to reduce commuter exposure." [http://www.catf.us/resources/publications/files/No\\_Escape\\_from\\_Diesel\\_Exhaust.pdf](http://www.catf.us/resources/publications/files/No_Escape_from_Diesel_Exhaust.pdf)

<sup>[13]</sup> EPA (Environmental Protection Agency). 2014. Integrated science assessment for particulate matter, health criteria, final report. <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?id=216546#Download>