

February 26, 2016

Admiral Paul F. Zukunft  
United States Coast Guard Commandant  
Stop 7418  
2703 Martin Luther King Jr. Avenue  
Washington, DC 20593-7418

RE: Public Notice 09a-01-16, Ambassador Bridge Enhancement Project

Dear Admiral Zukunft,

Thank you for the opportunity to provide public comment on the proposed Navigable Water Permit for the Ambassador Bridge Enhancement Project (ABEP). I respectfully request that the permit application be denied based on 33 C.F.R. § 115.05 which reads *“Especial 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.”*

On March 2, 2010, the Coast Guard returned the ABEP permit application on the ground that DIBC did not own all of the necessary property rights to construct the ABEP. The Coast Guard relied on 33 C.F.R. § 115.05 to support this action. Almost five years have passed and DIBC does not have the necessary property rights to proceed with the ABEP.

To build the Ambassador Bridge twin span, DIBC must have the legal right to construct bridge piers and maintain air rights on and over public property known as Riverside Park. DIBC does not have the legal right to use the public land for the purposes of constructing, operating and maintaining an international bridge. Federal approval of the ABEP permit should not be granted as there is doubt of the ability of the applicant to proceed with the project.

To use a public park for a non-recreation purpose, like hosting an international bridge, requires the City of Detroit to apply and receive approval for land conversion from the National Park Service (NPS) and the Michigan Department of Natural Resources (DNR). The review process for land conversion can take many years and approval is not guaranteed. In fact, the DNR has already stated in a letter to Coast Guard that they are “not likely to approve” the land conversion of Riverside Park. Federal approval of the ABEP permit should not be granted as there is doubt of the ability of the applicant to proceed with the project.

City of Detroit and DIBC entered into a Land Exchange Agreement (Agreement) on May 4, 2015 with the objective to eventually transfer a portion of the public lands known as Riverside Park to DIBC for the purposes of the ABEP. A critical component of the Agreement and the land conversion process is the exchange of similar land to replace the portion to be occupied at Riverside Park. In the land conversion process the City must prove to the NPS and DNR that the land being exchanged is at least of equal quality and value to the land at Riverside Park. The land proposed to be exchanged is the News Warehouse property which is currently occupied

and under lease until July 31, 2018. It is unknown if the current lessor will surrender and vacate the property at the end of the lease term.

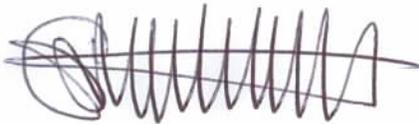
Before land conversion can be finalized, all above ground and substructures located at the News Warehouse property must be demolished and removed so as not to impede redevelopment. The timeline for demolition work on the News Warehouse site, according to the Agreement, is 120 days from when the lease ends or more specifically November 28, 2018. However, the Agreement specifically gives DIBC the option of additional time before requiring it to start demolition anticipating the need to evict the current tenant.

According to the Agreement, once demolition work is completed on the News Warehouse site, the City and DIBC will need to resolve issues and responsibilities related to any environmental remediation required at the News Warehouse site, so the land can be considered for conversion and have a future use as a public park. The Agreement specifically states that if environmental issues cannot be resolved, either the City of Detroit or DIBC can terminate the transaction. Federal approval of the ABEP permit should not be granted as there is doubt of the ability of the applicant to proceed with the project.

The Agreement between the City of Detroit and DIBC is contingent on the land conversion approval by DNR and NPS. If and when the land conversion is approved - again an approval process which may take many years - then and only then will the City be able to convey the Riverside Park property to DIBC. It is only once those conveyances are accomplished - then and only then - is DIBC in a position to use the property and air rights at Riverside Park in support of an application to obtain the Coast Guard permit.

DIBC must obtain the property rights for the land required for the proposed ABEP prior to any Coast Guard permit consideration. Based on the facts, the ABEP permit application must be denied.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregg M. Ward". The signature is stylized with a large initial "G" and a series of vertical strokes for the rest of the name.

Gregg M. Ward  
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