

U.S. Department of
Homeland Security

United States
Coast Guard



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16590
March 2, 2010

Mr. Dan Stamper, President
Ambassador Bridge
Detroit International Bridge Company
12225 Stephens Road
Warren, MI 48089

Dear Mr. Stamper:

This letter refers to DIBC's application for a Coast Guard bridge permit for the proposed Ambassador Bridge Enhancement Project (ABEP) across the Detroit River between Detroit, Michigan, and Windsor, Ontario, Canada.

By letter dated June 15, 2009, the Coast Guard outlined the rationale behind putting all ABEP National Environmental Policy Act (NEPA) work into abeyance, along with all processing of the permit application and any decision to issue or deny a permit. Since that time, despite several meetings between the Coast Guard and DIBC and its counsel, including a mid-November 2009 meeting hosted by DHS Chief of Staff Jan Leshner, there has been no movement by DIBC or other involved entities on those issues which resulted in the abeyance.

The Coast Guard advised DIBC on several occasions that 33 CFR 115.05 prohibits the Coast Guard from issuing a bridge permit when there is doubt as to the right of the builder to construct and utilize a bridge. In fact, it is Coast Guard policy to not even accept permit applications unless and until all property rights issues have been resolved. In this case, the Coast Guard accepted the application in June 2006 and continued to process it in the intervening 3.5 years in a good-faith effort, because of repeated DIBC assurances that acquisition of property rights was imminent. The Coast Guard has received no credible indication that the property rights issue is any closer to being resolved now, than it was over three years ago. Moreover, the results of recent cases in Michigan courts, coupled with Detroit City Council declarations, underscore the Coast Guard's conclusion that DIBC is not likely to obtain the necessary property rights in the near future. As you know, those critical property rights are held by the City of Detroit, not DIBC. The City of Detroit has assured the Coast Guard that they have not, and likely will not, convey these rights to DIBC.

The Coast Guard has determined that the ABEP permit application remains incomplete, after 3.5 years, and is returning it to DIBC. If DIBC wishes to resubmit the application at some future date, the resubmission should demonstrate that sufficient legal authority to build the proposed bridge exists, which includes definitive proof of resolution of the property rights issue. To be clear, however, before the NEPA process can go forward, the property issue and all outstanding issues detailed in the abeyance letter dated June 15, 2009, must be resolved.

The Coast Guard remains willing to review any complete application, if and when it is submitted.

Sincerely,

A handwritten signature in black ink that reads "Hala Elgaaly".

Hala Elgaaly, P.E.
Administrator, Bridge Program
U. S. Coast Guard
By direction of the Commandant

Enclosures: (1) USCG ltr to DIBC dated June 15, 2009

Copy: CGD9(dpb)
CG-0942