



United States Department of the Interior  
NATIONAL PARK SERVICE  
Interior Regions 3, 4, 5  
601 Riverfront Drive  
Omaha, NE 68102



## **FINDING OF NO SIGNIFICANT IMPACT**

### **Partial Conversion Pursuant to the Land and Water Conservation Fund at Riverside Park in Detroit, Michigan**

**September 2020**

This Finding of No Significant Impact (FONSI) documents the decision of the National Park Service (NPS) to adopt the proposed conversion alternative from the 2009 Final Environmental Assessment (2009 FEA) of the Ambassador Bridge Enhancement Project (ABEP) prepared for the U.S. Coast Guard and the 2015 Reevaluation – Environmental Assessment (2015 REA), Ambassador Bridge Enhancement Project. The foundation footer of the preferred alternative for a new six lane cable-stayed bridge caused the city of Detroit (City) to work with the Michigan Department of Natural Resources (MDNR) to request a conversion at Riverside Park in Detroit, Michigan. Approximately 3.7 acres from the northeastern side of Riverside Park will be removed from the Land and Water Conservation Fund (LWCF) for non-recreational use, while 4.8 acres of adjacent land to the southwest will be developed and added to the remaining park. As a result of this conversion approval, the whole reconfigured 29.1-acre park will be subject to the provisions of LWCF.

In 1965, Congress signed the LWCF Act into law (now codified at 54 U.S.C. §200305) for the purpose of establishing and protecting a public outdoor recreation estate for the health and vitality of the American people and our visitors. In Michigan, the Director of the MDNR was appointed by the Governor as the LWCF State Liaison Officer.

According to the LWCF Act, no property acquired or developed with assistance under 54 U.S.C. § 200305(f)(3) shall be converted to other than public outdoor recreation uses without the approval of the Secretary of the U.S. Department of Interior (delegated to the NPS). An LWCF conversion is triggered when a private and/or non-recreation use permanently occurs within the boundary of an LWCF-assisted property. The Post-Completion Compliance Responsibilities found in 36 C.F.R. §59.1 identify the State as responsible for compliance and enforcement of the provisions of LWCF.

The NPS conducts an independent review of the conversion package to determine how well it meets program requirements. The evaluation is limited to: 1) assessing whether the three conditions for approval have been adequately addressed through comparing the area proposed for removal from LWCF to the proposed replacement properties as further described in 36 C.F.R. §59.3; and, 2) determining whether there are any potential significant environmental impacts associated with developing the replacement park for public outdoor recreation use.

The NPS is responsible for determining the NEPA pathway and for ensuring the adequacy of any required EA or EIS documents and is solely responsible for signing the decision documents. The NPS serves as the lead agency in the delegation, preparation and review of any EA or EIS for proposed LWCF actions. As the lead agency, the NPS provides guidance to the States on how to develop adequate environmental documentation according to the type of the state/local proposal for federal assistance. The request to adopt the conversion alternative is made to NPS by the

State, on behalf of the City who will own and manage the replacement outdoor recreation opportunities. Upon NPS approval of the project, an NPS-signed copy of the approved project agreement will be sent to the State Liaison Officer as notification of project approval and the FONSI will be forwarded back to the State to be published for a 30-day no comment period on their public notification system.

## **INTRODUCTION**

Riverside Park is owned and operated by the City and is located adjacent to and west of the existing Ambassador Bridge. In 1977, U.S. Department of the Interior (DOI) Bureau of Outdoor Recreation (now the NPS LWCF State and Local Assistance Program) awarded the State grant #26-00700. They in-turn awarded (or sub-awarded) the grant to the city of Detroit to assist in the acquisition of 10.0 acres of land and the development of an additional 11 acres of land as an extension to Riverside Park. The State and City accepted the terms of the grant agreement with full knowledge that those terms include maintaining the park for public outdoor recreation purposes unless otherwise approved by the Secretary of the DOI (as delegated to the NPS) through the LWCF program conversion process.

After the acquisition of the property, the funds were also used to develop Riverside Park with the following: parking, ballfields, a basketball court, a recreational playfield area, fencing, re-developing and renovating the comfort station, a seawall, a boat launch site, and other site improvements. Prior recreation opportunities were horseshoes, shuffleboard, parking, fishing access, a station, and a boat launch.

The City, through its Parks and Recreation Department, proposes the conversion of the 3.783-acre northeastern-most portion (conversion land) of Riverside Park, to be replaced by the acquisition and redevelopment for public outdoor recreational use of the 4.8-acre riverfront property located at 3801 West Jefferson Avenue, adjacent to the southwestern boundary of the park (replacement land). The replacement land will be developed with a riverfront promenade, fitness area, bench swings, playground, skate park, volleyball court, picnic shelters, a concession area, athletic fields, and a trail.

## **ALTERNATIVES CONSIDERED**

The 2009 FEA was prepared to provide an environmental assessment of the ABEP, which has been proposed to "replace an obsolete, aging bridge with a new bridge that meets modern standards and provides a long-term plan to maintain traffic through the corridor with minimal interruption."

The 2009 FEA considered three alternatives to the ABEP as proposed: (1) No Build, (2) Build, and (3) Tunnel alternatives. For each alternative, the 2009 FEA provided the following analysis:

1. No Build Alternative: Accepting this alternative would not fulfill the purpose and need of upgrading and modernizing the structure across the river and maintaining efficiency at the border crossing. The existing bridge will continue to age, and maintenance costs will escalate as the current and projected traffic uses the structure. The cost in commerce and efficiency of moving traffic across the border could be significant if traffic lanes are closed for maintenance in the current scenario.
2. Build Alternative: The 2009 FEA provided two different operating scenarios from which nine various design alternatives were evaluated. The preferred alternative was a new six-lane cable stay bridge.
3. Tunnel Alternative: The 2009 FEA considered three tunnel options for the project: (1) three lane west tunnel, (2) three lane east tunnel, and (3) three lane east and west tunnels. The 2009 FEA stated that a tunnel alternative would have the least aesthetic impact on the existing bridge and overall aesthetic considerations. However, a tunnel alternative would likely result in greater construction costs and environmental impacts, as well as increased security concerns.

## **SELECTED ALTERNATIVE**

Under the selected alternative, to build a new six-lane cable stay bridge with a footer placed in Riverside Park, the owners of the Ambassador Bridge will provide the city of Detroit 4.8 acres of replacement land contiguous to the southwest side of Riverside Park in exchange for 3.783 acres of the northeastern portion of the park. These benefits include the transformation of what is currently industrial property into new parkland, the expansion of the park's size by approximately 1.1 acres, the addition of 508 linear feet of riverfront access, and the proposed development of the replacement property.

The replacement land is unique in many aspects, including its location adjacent to the park, its extensive river frontage, and its current ownership and industrial use. All other properties adjacent to the park are either already owned by the City and therefore are not eligible for replacement purposes or are subject to various railroad rights-of-way and other encumbrances that impair their use for public recreation purposes. No other property, if utilized for replacement purposes, could increase the contiguous area of the park, provide public access to new lengths of river frontage, and transform so much acreage from industrial use to public parkland. Any alternative replacement property options would be separated from the park by significant distances and no identifiable possible alternative would expand access to the Detroit River.

## **ENVIRONMENTAL IMPACTS**

Based on the analysis provided in the 2009 FEA and 2015 REA, this project will have short term impacts during construction. The following environmental resources were discussed in the EAs but were not applicable to the NPS review for Riverside Park: socioeconomics, water use and navigation, aquatic ecology and essential fish habitat, homeland security, transboundary impacts and Canadian considerations. The following resources or uses that may be affected warranted additional analysis in the EA, impact the LWCF conversion, and are summarized with information directly from the EA below.

### **Visual Quality and Aesthetics**

**Conversion Site:** The project involves the construction of a large physical feature that will have an aesthetic effect. Design measures will be incorporated to mitigate potential adverse effects and reduce impacts to the historic character of the existing Ambassador Bridge. The design of the proposed structure will incorporate non-specular materials into the design of the project components to decrease reflectivity and visibility of project features.

**Replacement Site:** The nature of the impact will not significantly detract from the aesthetics of this view given the fact that the Ambassador Bridge will be parallel to the new bridge. The new structure will impair the view of the existing bridge; however, the design will allow the two spans to act in a complimentary manner to one another.

### **Land Use**

**Conversion Site:** Historically, land use within the immediate vicinity of the Project Area has been industrial. The proposed Ambassador Bridge Enhancement Project will directly impact Riverside Park. Approximately 3.783 acres, the northeastern-most section of the park, will be converted out of the LWCF program to accommodate the second span of the bridge.

**Replacement Site: No/Negligible Impacts:** 4.8 acres of adjacent land that included a warehouse and other industrial improvements have been demolished and the replacement parcel is planned for redevelopment for public outdoor recreational use as part of the proposed conversion. This planned redevelopment is in accordance with local zoning regulations, land use designations, and recreational plans.

### **Cultural and Archeological Resources**

**No/Negligible Impacts:** In a letter dated October 28, 2016 regarding its National Historic Preservation Act (NHPA) Section 106 review of the proposed conversion, the Michigan State Historical Preservation Office (SHPO) stated its

opinion that "no historic properties are affected within the area of potential effects of this undertaking." This area includes the replacement parcel. Therefore, the redevelopment of the replacement parcel as part of the proposed conversion will have no negative impact on historical or cultural resources.

#### Topography, Geology, and Soils

Conversion Site: The Final EA indicated that the project would not have adverse impacts to topography, geology or soils from the construction or operation of the proposed project. Foundation elements of the bridge will be constructed below grade which will require temporary excavations. After completion of the structure, the project site will be graded to a configuration that will have no impact on existing surface drainage.

Replacement Site: No/Negligible Impacts: Significant surface disturbances during development of the replacement site will require adherence to plans developed in accordance with local and state requirements identified in the Hazardous Waste and Brownfield Sites section.

#### Surface Water Resources

Conversion Site: No/Negligible Impacts: The Final EA indicated that the project would not have adverse impacts to surface water resources including hydrology, floodplains, water quality, stormwater, wetlands, and wild and scenic rivers from the construction or operation of the proposed project. No construction will take place within the river or its 100-year floodplain. Bridge piers will be situated outside of the floodplain while the bridge will be constructed at a minimum of 152 ft (46 m) above the ordinary high-water level of the Detroit River, which is 575.4 ft.

Replacement Site: No/Negligible Impacts: During project construction, conventional erosion and sedimentation control procedures will be employed to control stormwater runoff.

#### Terrestrial Ecosystems

Conversion Site: No/Negligible Impacts: The ABEP Area is in a highly developed and active section of the city of Detroit and except for wildlife species that tolerate human activity; no substantial wildlife populations are present. During the construction period, noise and activity could reduce the use of the area by small mammals and birds the more mobile species would disperse from the area. Once construction is completed, wildlife species are expected to return to the area.

Replacement Site: No/Negligible Impacts: Once development is completed; human tolerate wildlife species will likely become part of the park experience.

#### Noise

Conversion Site: Minor Impacts: The proposed conversion would have minor impacts. Noise abatement measures were evaluated for the 5 noise-sensitive sites predicted to be affected by the proposed ABEP, including Riverside Park. Based on the results, the predicted traffic noise levels between the No-Build and Build Alternatives were nearly identical. The difference in traffic noise between the no-build and build conditions is minimal due to their proximity to Fort Street. The number of heavy trucks that travel the Fort Street corridor greatly influences traffic noise at these sites. Special provisions can be included in the construction contract that relate to the control of noise during construction.

Replacement Site: Minor Impacts: Special provisions can be included in the construction contract that relate to the control of noise during construction.

#### Flood Plains/Wetlands

Conversion Site: No/Negligible Impacts: According to the FEMA National Flood Hazard database, the conversion parcel is located adjacent to FEMA Zone X (0.2% annual chance of flood hazard) and FEMA Zone AE (1% annual chance of flood hazard). No adverse impacts to the Detroit River or its floodplain are anticipated to result from the

construction or operation of the ABEP. No construction will take place within the river or its floodplain.

**Replacement Site: Minor Impacts:** According to the FEMA National Flood Hazard database, portions of the Replacement Parcel are located within FEMA Zone X (0.2% annual chance of flood hazard) and FEMA Zone AE (1% annual chance of flood hazard). Certain activities as part of the redevelopment of the park are anticipated to take place within these flood hazard zones. However, these activities are not anticipated to expand the existing impervious surface or otherwise increase the flood hazard zones on the replacement parcel. Therefore, no more than minor adverse impacts to the Detroit River or its floodplain are anticipated to result from activities at the replacement parcel as part of the redevelopment of the park.

#### Recreation Resources

**Conversion Site:** The proposed conversion would have negligible impacts to recreation resources at Riverside Park. The proposed conversion would result in a loss of an open grassy field that is utilized for passive recreational purposes, as well as a riverfront promenade, which is used as a walking path and access point for fishing in the Detroit River. The associated parking area is in generally poor condition and is not currently in use.

**Replacement Site:** The replacement site contains substantially more public riverfront access. It is adjacent to the western edge of the existing Riverfront Park. Its configuration and dimensions lend itself well to public access and park development. Future park development includes a river front promenade, fishing access, walking paths, an amphitheater, sledding hill, natural landscaping, and parking lot.

#### Temporary Environmental Impacts

The proposed ABEP will directly impact Riverside Park. Approximately 3.783 acres, the easternmost section of the park, will be converted out of the LWCF program to accommodate the second span of the bridge. To avoid or minimize impacts to the proposed riverfront projects, progress will be monitored as plans for project construction are realized. If construction requires temporary closure of any trails or paths, attempts to detour users may be implemented. During construction, the remaining portion of the park could be temporarily impacted by access for construction vehicles to the ABEP site via access along the railroad tracks that intersect the park. Potential impacts on the baseball diamond at Riverside Park located north of the railroad tracks may be minimized by locating construction materials on the eastern side of the security fence and routing construction vehicles so they do not cross near the diamond. Coordination will occur between the city of Detroit Recreation Department and the Detroit Riverfront Conservancy to minimize impacts during construction.

#### Hazardous Waste and Brownfield Sites

**Replacement Site: November 2, 2015: Due Care Plan (DCP).** The purpose of the DCP was to outline how the City's proposed activities at the replacement parcel will comply with Riverside Park Conversion applicable requirements of the Michigan Natural Resources and Environmental Protection Act (NREPA).

The property was formerly a part of the Detroit River and was reclaimed between the mid-1800s through the 1950s to support development of the growing city. No information on the source of the fill material used for land reclamation purposes is readily available. No information is readily available regarding the past occupants' hazardous material handling, storage or waste disposal practices implemented on the premises. Based on historic property records, regional hydrogeology, and the results of the previous investigations, the fill material is contaminated with VOCs, PAHs, and metals. The Phase II Environmental Site Assessment identified soil direct contact as an exposure pathway of concern for the Site.

To eliminate data gaps, an environmental consultant was engaged to evaluate the City's potential due care obligations under NREPA and to allow the site to be used as a public park.

After the initial DCP, a scope of work for the investigations was developed in a collaborative effort with the

Michigan Department of Environment, Great Lakes and Energy (EGLE), formerly the Department of Environmental Quality, before conducting each phase of the work to provide sufficient information to determine the complete exposure pathways. In accordance with EGLE's requirements under PA 451, Part 201, an exposure pathway evaluation and a Conceptual Site Model for the replacement site was developed and documented in a Response Activity Plan (ResAP2020).

The consultant conducted additional investigations (2018-2020) to augment those previously performed. The objectives of the data gap investigation were to identify the exposure pathways of concern relating to hazardous substances detected at the site, and to assist with development of appropriate remedial actions to mitigate unacceptable exposure risks to future park visitors and/or maintenance workers based on the planned redevelopment of the property.

The ResAP2020 and Soil Management Plan will be utilized for construction worker protection and prevention of exacerbation during mitigation and construction. An operations and maintenance plan were prepared for the proposed exposure barrier for use by the City includes requirements for exposure barriers, paved surfaces, landscaped areas and around trees, demarcation layers and materials, dust control, and groundwater/stormwater management

#### Air Quality

Conversion Site: No/Negligible Impacts: According to the FEA, an air quality study was performed using information from permanent MDEQ-operated air quality monitoring stations surrounding the ABEP to determine potential emissions from the new cable-stayed bridge. The study found vehicle emissions on the new bridge would be insignificant and would require no mitigative action.

Replacement Site: No/Negligible Impacts: During construction, minor impacts may occur due to dust generation. A Fugitive Dust control program will be implemented to mitigate dust.

#### WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT

After considering the environmental consequences described in the 2009 FEA and the 2015 REA, the NPS has determined that the selected alternative and its associated actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 C.F.R. §1508.27). Thus, an environmental impact statement will not be prepared. This finding is based on the following:

- The Selected Alternative will include both beneficial and minimal adverse effects. The Selected Alternative will not have adverse impacts to air quality, noise level, water quality/quantity, natural resources such as floodplains and species habitat; land use and planning, circulation such as transportation and accessibility, recreation, aesthetics, historical and cultural resource and socio economic resources, or economic justice for minority and low income populations. The NPS believes that on balance the effect will be beneficial.
- The Selected Alternative will not adversely affect public health or safety.
- The Selected Alternative will not result in significant adverse effects to the unique natural resource characteristics of the area, including prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- There were no controversial impacts or aspects of the proposed project that surfaced during the environmental analysis process.
- The effects on the human environment are known.
- This action does not establish a precedent for future actions.
- No significant cumulative effects and no highly uncertain, unique or unknown risks were identified during preparation of the EA or during the public review period. The Selected Alternative was evaluated under the standard conversion process criteria in 36 C.F.R. §59.3

- The Selected Alternative will have no adverse effect on historic properties.
- The Selected Alternative would have no effect on species listed or proposed for listing as endangered or threatened or their critical habitat as determined under the Endangered Species Act of 1973. The Selected Alternative will not violate federal, state, or local laws or requirements for the protection of the environment.
- Finally, the Selected Alternative does not contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

## **AGENCY COORDINATION**

The review of the ABEP in the United States was led by the Coast Guard under federal NEPA regulations and Coast Guard NEPA Implementing Instructions. The Final EA and the Final REA were distributed to the U.S. Coast Guard, City of Detroit, Federal Highway Administration, Michigan Department of Transportation, International Joint Commission, Michigan Department of Environment, Great Lakes, and Energy, (formerly Department of Environmental Quality), MDNR, Michigan SHPO, NPS, Southeast Michigan Council of Governments, United States Army Corps of Engineer, United States Customs and Border Protection, United States Environmental Protection Agency, United States Fish and Wildlife Services, United States National Marine Fisheries Service, General Services Administration, U.S. Department of Homeland Security, City of Windsor, Canadian Environmental Assessment Agency, and Transport Canada for review and comment.

Section 106 of the NHPA was integrated into the NEPA process. Consultation with the Michigan SHPO and the Advisory Council on Historic Preservation was completed by the USCG. The USCG invited federally recognized tribes with an interest in Wayne County to consult on the undertaking. In a letter dated October 28, 2016 regarding its NHPA Section 106 review of the Proposed Conversion, the Michigan SHPO stated its opinion that "no historic properties are affected within the area of potential effects of this undertaking." This area includes the replacement parcel. Therefore, the redevelopment of the replacement parcel as part of the proposed conversion will have no negative impact on historical or cultural resources.

## **PUBLIC INVOLVEMENT**

Early in the process, public workshops were held on March 1, May 24, and December 6 of 2007. All were advertised in The Detroit Free Press, El Central, Latino Press, and the Ambassador Bridge website for this project. The May 24, 2006 and December 6, 2006 public workshops were also advertised by Press Release to Detroit media and publication by the proponent and Coast Guard and by Coast Guard Public Notice. Fliers were also distributed among the public for the May 24, 2006 design charrette during the Cinco de Mayo celebration near the project area. In addition, a public meeting was held by DIBC and MDEQ on November 14, 2006 that was also advertised in The Detroit Free Press, Southgate News Herald, El Central, and Canton Observer for MDEQ permit processes. Further public meetings have been held in Windsor as part of the proponents' processes in Canada. The Coast Guard also responded to numerous Freedom of Information Act and federal, state and local requests throughout the processing of the Environmental Assessment and Bridge Permit application. The Coast Guard also responded to numerous Congressional inquiries on the proposed project.

The community was provided the opportunity to comment on the project through the years. The final public review process for the proposed conversion was initiated in March of 2017. The conversion notice was published in multiple papers of general circulation, including the Detroit Free Press and the Detroit News, and flyers were distributed to local businesses and recreation centers. The proposed conversion documents were available for public review at multiple locations and online. To facilitate additional public review, the City hosted a community meeting to share its vision for the park's expansion and improvement and to provide information about the proposed conversion. The community meeting was held at the Patton Recreation Center on April 25, 2017.

The City accepted comments from March 25 until May 5, 2017 and received a total of 105 comments from members of the community. Of these, 76 comments expressed support for the redevelopment of the park, including the proposed conversion. The comments are included as an appendix to this FONSI.

## FINDING

Based on the information provided in the EA and the conversion documentation summarized above, the NPS has determined that implementation of the selected alternative is not a major federal action and does not require an Environmental Impact Statement (EIS). The selected alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, or threatened or endangered species. The selected alternative will have minor adverse impacts to recreation, which will be mitigated through acquisition and development of the replacement land. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the Selected Alternative is also consistent with 36 C.F.R. §59.3. Therefore, in compliance with the National Environmental Policy Act, an EIS will not be prepared, and the selected project may be implemented immediately.

**Recommended by:** \_\_\_\_\_  
Roger Knowlton, Date  
Regional Manager, Recreation Programs  
State and Local Assistance Programs  
Interior Region 3, 4, & 5  
National Park Service

**Reviewed by:** \_\_\_\_\_  
Robert Bryson, PHD, RPA Date  
Associate Regional Director  
State and Local Assistance Programs  
Interior Region 3, 4, & 5  
National Park Service

**Approved:** \_\_\_\_\_  
Herbert C. Frost, Ph.D. Date  
Regional Director  
Interior Region 3, 4, & 5  
National Park Service