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Memorandum

VIA EMAIL (D13-SMB-D13-BRIDGES@USCG.MIL)

**To:** RADM Arex B. Avanni, USCG
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**From:** Lawson E. Fite
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**Date:** January 9, 2026

**Subject:** Response to Department of Homeland Security – United States Coast Guard PUBLIC NOTICE (04-25)

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Admiral Avanni:

We respond on behalf of Iron Partners LLC (Iron Partners) to the above referenced Notice (PN 04-25) requesting comments to be submitted no later than January 11, 2026.

Iron Partners LLC, whose principals are Terrance Aarnio and Robert Beal, is the fee owner of Building 48 and approximately 10 acres of surrounding property (also, BLDG. 48) and retains a right of permanent access to and a first right of refusal to acquire the Columbia Business Center's (CBC) east barge slip. The site has served as a maritime manufacturing and services facility since at least the 1960s. Iron Partners' principals have over 50 years of experience in the metals fabrication sector along the Columbia River. Importantly, the site and the multiple manufacturing interests that have called it home have relied on the 178-foot vertical clearance of the existing moveable span bascule I-5 bridge over the Columbia River to facilitate shipment of manufactured products from the site.

Under existing agreements with the CBC, Iron Partners retains access to the east barge slip in perpetuity, with a first right of refusal to acquire this launch area at the point in time when CBC may no longer use this facility. Iron Partners' masterplan contemplates scaling the capacity of the site to maintain and grow a contiguous water-supported industrial site along the Columbia.

Iron Partners have used and relied upon the existing 178 feet vertical navigation clearance for many decades to transport its fabricated products and plans to do so into the future. Iron Partners is very concerned about the impact from the proposed fixed span with only 116 feet of vertical clearance. The lower clearance will impede Iron Partners' operations and render some of the facility's capabilities obsolete.

The principals of Iron Partners first secured the site upon which BLDG 48 sits in 1974 and Iron Partners was formed in 1991 to acquire full ownership of the site. Iron Partners has maintained full ownership of the site ever since and has pursued a long-term acquisition strategy to assure that this critical industrial property on the Columbia River would remain a base for large component civil and marine fabrication in perpetuity. BLDG. 48 is a specialized facility designed to construct exceptionally large customized steel products. Among its equipment are *two* 80-ton cranes, a 125-ton ton crane, related equipment and sufficient utilities and space for its intended purpose. It has direct access to the launch area where it and others have historically placed large, heavy fabricated products to travel west to the Pacific Ocean and on to a variety of locations.

It is important to note that BLDG. 48 is by far the newest and largest fabrication facility located within the Columbia River maritime industrial sector east of the I-5 bridge and can produce the largest fabricated products of any of the fabricators currently located in the area. Built in 2009, the useful life of BLDG. 48 as a maritime industrial facility runs decades into the future.

BLDG. 48 thus meets the criterion of "existing or planned industrial developments that will be negatively impacted by proposed clearances" consistent with the guidance documents designed to support implementation of the Coast Guard Bridge Permit Application Guide (BPAG). COMDTPUB P16591.3D, Appendix A, at A1-8, Paragraph G.20. Despite this, and the fact that Mr. Aarnio and Mr. Beal were prior agreed upon mitigated parties under the CRC, the IBR program has been functionally non-responsive to the issues raised. There is no mention of Iron Partners or of BLDG. 48 in the relevant section of the updated Navigation Impact Report. NIR at G-35.

We have previously submitted numerous comments to IBR which, in many cases, included copies to USCG. Those prior comments are attached hereto. All these comments, and those in the attached documents, relate to the impact of a fixed span bridge, 116 feet in height. In our recent comments to IBR on behalf of Iron Partners, you will note that we have adopted by reference all comments previously submitted at all stages of the project on behalf of CBC. Iron Partners remains separately owned and uniquely situated within CBC to continue to fabricate large steel products and avail itself of the launch area to the Columbia River without interfering with any redevelopment that may occur within CBC. Iron Partners has both room and plans to expand its vertical capacity so long as bridge clearance is maintained as at present.

Navigation impacts of a lower span on Iron Partners' maritime dependent activities are not limited to the westward export of goods produced on site. Within the last several years, Iron Partners was involved in construction of an ammonia transport ship. The construction of this vessel required the importation of large ammonia tanks transported upriver on a ship that had its own lift capacity to deliver the tanks onshore. These onboard crane mechanisms would not have been able to clear a 116 foot vertical span.

The 2022 PNCD appropriately found that 178 feet is the required vertical clearance. The revised Navigation Impact Report does nothing to change the prior finding. For one, as indicated in PN 04-25, the NIR fails to account for many of the recent openings of the bridge. The NIR fails to identify how the bridge project services the needs of navigation. NIR at 4–5. It fails to identify Iron Partners within its analysis of water-dependent industrial sites. NIR at G-35. Moreover, the marine facility identified as owned by CBC is one where Iron Partners has a right of first refusal to potentially acquire the property. NIR at H-1, H-3.

Lowering the bridge height to 116 feet would be a compensable taking and damaging of Iron Partners' property for which IBR and the Washington and Oregon states' Departments of Transportation would be required to pay just compensation for the diminished fair market value to Iron Partners' property and loss of a unique business which we believe will be significant. See December 6, 2022, letter to Greg Johnson et al. from Matthew R. Hansen, attached.

The next 50 years will present opportunities to utilize the Iron Partners building, internal heavy equipment, and external laydown areas as well as opportunities that will not be known until they evolve over time. This is in fact true for the entire Columbia River system. What current and future opportunities will be foregone by limiting the navigability of the Columbia River by permitting a low fixed span bridge? When under current regulations has the USCG done this in the past?

We have reviewed recent bridge permits notices issued by the Coast Guard and any consideration of lowering VNC is highly unusual. So is conversion from a movable span to a fixed span. For example, the replacement of Skagit River railroad bridges addressed a movable span where "no opening request has been submitted within the last three decade." US Coast Guard, Thirteenth District, Preliminary Public Notice 08-21 (Dec. 14, 2021). Similarly, the conversion of the Amtrak Dock Bridge from movable to fixed dealt with a bridge where there had been over 10 years between opening requests and regulations required 24 hours' notice for an opening. *See* US Coast Guard, First District, PN 1-191 (Sept. 13, 2022); former 33 C.F.R. § 117.739 (e) (2024); 90 Fed. Reg. 16,087 (Apr. 17, 2025) (indicating issuance of permit). In another instance, the Massachusetts Department of Transportation has not been able to obtain approval of a fixed span replacement for a drawbridge at Lynn, MA, over the Saugus River. *See* [https://www.mass.gov/general-edwards-drawbridge-bridge-replacement](https://www.mass.gov/general-edwards-drawbridge-bridge-replacement). This is despite the fact that the Public Notice indicated only 22 total bridge openings in the prior eight years. PN D01-198-23 (Mar. 13, 2023).

The Coast Guard is obliged under the Rivers and Harbors Act "to protect, preserve, and make safe the Nation's navigable waterways. …" *United States v. Fed. Barge Lines, Inc.*, 573 F.2d 993, 997 (8th Cir. 1978). For that reason, Coast Guard regulations provide that "bridges are obstructions to navigation and are tolerated only as long as they serve the needs of land transportation while allowing for the reasonable needs of navigation." 33 C.F.R. § 116.01(a). Aa bridge permitting decision "must rest primarily upon the effect of the proposed action *on navigation* to assure that the action provides for the reasonable needs of navigation after full consideration of the effect of the proposed action on the human environment." 33 C.F.R. § 114.10 (emphasis added). From Iron Partners' perspective, the effect on its access to the river is severe. If it issued the Bridge Permit here, the Coast Guard would not be following its "duty and responsibility… to preserve the public right of navigation." U.S. Coast Guard, Bridge Program Instruction, COMDINST 16590.5D, July 2022, at 1-1.

A 116-foot fixed span bridge will impair the use of BLDG. 48 and make some of its industrial capabilities obsolete. Iron Partners cannot simply stand by and watch its facility and business be degraded, and the entire Columbia River system become far less useful to commerce, because of the limitations a fixed low span bridge will create.

Both the NIR and PN 04-25 indicate that certain interested parties have agreed not to oppose a VNC of 116 feet in exchange for mitigation payments. NIR at S-5. Unlike Iron Partners, these mitigated parties do not own a river-dependent industrial facility. And while the agreements apparently require the parties to make supportive statements and refrain from negative statements or specific disclosure of how acquiescence to a 116′ fixed bridge height would foreclose certain business and economic development opportunities at the mitigated sites, they do not affect the reality of the river environment or the highest and best uses of properties accessing the river. A new Interstate Bridge will be in place for a century or more, long after these specific companies have departed the scene and their mitigation payments have been spent.