



NATIONAL PARKS CONSERVATION ASSOCIATION, DEFENDERS OF WILDLIFE, AUDUBON OF FLORIDA, FLORIDA WILDLIFE FEDERATION, UNITED WATERFOWLERS-FLORIDA, ORLANDO KAYAK FISHING CLUB, FRIENDS OF CANAVERAL, SOUTHEAST VOLUSIA AUDUBON SOCIETY, HALIFAX RIVER AUDUBON SOCIETY, OKLAWAHA VALLEY AUDUBON SOCIETY; LAKE REGION AUDUBON SOCIETY, WEST VOLUSIA AUDUBON SOCIETY, KISSIMMEE VALLEY AUDUBON SOCIETY;

July 3, 2013

Hon. Sally Jewell
Secretary of Interior
Department of Interior
1849 C Street NW
Washington, DC. 20240

Re: Spaceport Florida EIS

Dear Secretary Jewell:

Space Florida is in the process of applying for a license from the FAA to operate a commercial spaceport on lands within Merritt Island National Wildlife Refuge (MINWR) and adjacent to Canaveral National Seashore (CNS). Space Florida is an independent taxing authority established under Florida law to support commercial space flight. In November, 2012 Space Florida requested that NASA release 150 acres from within MINWR to develop the facility. The requested lands are outside the security zone of Kennedy Space Center and on lands within the launch buffer zone.

For reasons set forth below, we are strongly opposed to the development of a commercial spaceport in the proposed location outside the existing security zone of KSC, within areas of the Refuge primarily managed for habitat protection, and adjacent to Seashore lands used for habitat restoration and passive recreation. We urge Department of Interior to take a strong and visible role in protecting the Refuge, Seashore, and resources with them from the threats of this proposed project.

MINWR is a cooperative agreement or secondary withdrawal national wildlife refuge which has existed since 1963 pursuant to a Memorandum of Agreement between Interior and NASA. Under the terms of that agreement, NASA has retained primary jurisdiction over the area for the matters directly related to the space program, while USFWS was given secondary

jurisdiction for all other activities and matters within the refuge. Pursuant to that agreement, MINWR manages over 140,000 acres for the primary purpose of protection of habitat for listed species and for migratory birds. MINWR has more threatened and endangered species than any other national wildlife refuge in the continental United States and manages habitat for over 1,500 species. Over a million visitors annually experience the refuge including birders, hunters, and anglers. NASA and MINWR have co-existed well over these 50 years but NASA still retains the authority to withdraw lands from the refuge in furtherance of the "national space program." In the past, only small areas adjacent to the existing security zone have been released as well as other small isolated areas used for radar or telemetry.

The lands sought for release by Space Florida are also adjacent to National Park Service lands within Canaveral National Seashore. Established by Congress in 1975, CNS also has over a million annual visitors who enjoy coastal trails, pristine beaches, and extraordinary fishing opportunities in Mosquito Lagoon. The area adjacent to the proposed space port has been restored to establish significant habitat for Florida Scrub Jays and Indigo Snakes which are both listed species under the Endangered Species Act. Rockets launched from the facility would launch over the scrub jay restoration area, as well as Mosquito Lagoon, the Intracoastal Waterway and the Atlantic Ocean beaches all public access areas within Canaveral National Seashore.

The FAA will be the primary agency for processing the Environmental Impact Statement for the proposed commercial spaceport. NASA has agreed to be a cooperating agency for the EIS. We specifically request that Department of Interior become a cooperating agency under the EIS to insure that important issues within its jurisdiction and responsibility such as the management and protection of national wildlife refuges and seashores, endangered species, and historic resources, are fully and adequately addressed. We have a number of specific concerns:

- Under the terms of the 1963 Agreement, NASA retained jurisdiction over MINWR lands for all activities directly related to its national space program. By contrast, Space Florida is not a program directly managed or run by NASA but rather is a commercial enterprise supported by the state of Florida. As such, jurisdiction over the Space Florida request should lie with the U.S. Fish and Wildlife Service and should be decided under the laws governing the management of the National Wildlife Refuge System.
- Public access to birding areas, hunting and fishing areas and beaches would be impacted by the plan. If FAA imposes a five mile security perimeter this would close a significant portion of Mosquito Lagoon and beach access at Canaveral National Seashore for significant periods of time.
- Merritt Island National Wildlife Refuge is located at a key position in the Atlantic Flyway. The lands in question are prime feeding and stopover habitat for migratory waterfowl and a host of other species such as shorebirds and warblers.

- Lands proposed for the Spaceport development contain important cultural resources including an 18th Century Plantation Site which is eligible for designation as a national historic landmark. The site has been described by NPS archaeologists as among "the most significant properties in North America."
- Lands within the vicinity are habitat for a wide range of listed species including indigo snakes, manatees, and marine sea turtles. Resource managers are concerned that spaceport activities would restrict prescribed fire needed to maintain listed species habitat. Given the likely adverse impact the proposed spaceport would have on federally listed species, it is questionable as to whether it could be authorized under Section 7 of the Endangered Species Act.
- Mosquito Lagoon is a "world class fishery" that significantly contributes to the local economy and supports local jobs. A government reports indicates recreational anglers add \$465 million to the local economy annually. The proposed Spaceport development would negatively impair operation of these local ecotourism businesses and injure the local economy.
- Catastrophic failure of a launch vehicle is always a risk and such a risk could have incalculable impacts on the fragile natural resources protected in the Refuge and Seashore

We disagree that the development of a commercial spaceport by a private concern falls within the narrow exception in the 1963 Agreement recognizing the primacy of NASA's actions conducted as part of its own national space program. NASA has made available lands within KSC for commercial space flight so we find it difficult to comprehend that development in the Refuge is required because there is no practical alternative.

For these important reasons, we believe that it is critical for the Department of Interior to be directly involved in the development of the EIS and to require the other agencies to address the specific environmental and cultural resource protection issues and legal requirements regarding the management of units of the National Wildlife Refuge and National Park Systems. With the exception of activities under the direct oversight of NASA as part of its national space program, no commercial enterprise can be permitted within the boundaries of MINWR unless it has been authorized by the Fish and Wildlife Service in accordance with Refuge System laws of the Refuge and Seashore. Beyond the legal problems associated with this request, is the obvious concern that this proposal would result one of the most significant withdrawals from the National Wildlife Refuge System in its more than 100 year history. To allow a portion of the Refuge to be developed in this way, with obvious impacts to the Seashore, should be a national concern. We call upon Interior to protect its mission and legal responsibilities for the stewardship over these significant lands and habitat conserved for benefit of this and future generations.

Each of the conservation organizations listed above are closely monitoring this issue and have consented to "sign on" to this letter. In the interest of time, we are sending this without a signature from each organization. For coordination purposes, a reply can be sent to Manley Fuller President Florida Wildlife Federation P.O. Box 6870 Tallahassee, Florida 32314.

Very truly yours,



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Executive Director
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Manley Fuller
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