



May 19, 2021

To:
Gary Ingram, CINS Superintendent (gary_ingram@nps.gov)

Cindy Brewer, Administrative Assistant
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Mark Kinzer, NPS South Atlantic-Gulf Region Wilderness Coordinator
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Re: CEQ process / Spaceport Camden

Dear Superintendent Ingram,

Wild Cumberland respectfully requests that your agency takes adequate steps to prepare for a [CEQ referral](#) upon release of the FEIS related to Spaceport Camden, which is anticipated anytime within the next 30 days.

As you know, any agency that intends to refer a proposal to CEQ must first notify the lead agency of its intentions at the "earliest possible time".

Source: 40 CFR 1504.3(f), emphasis mine:

"If the issues are not resolved between the agencies after publication of the final EIS, and the agency wishes to refer the proposal to CEQ, the referring agency must send a letter and a statement to CEQ and the lead agency and request that no action be taken to implement the proposal until CEQ acts upon the referral.

The statement accompanying the referral letter must:

- (1) identify the material facts in the controversy;
- (2) identify environmental policies or requirements that would be violated by the proposal;
- (3) present the reasons why the referring agency believes the proposal is environmentally unsatisfactory; (4) contain a finding that the issue raised is of national importance;
- (5) review the steps taken by the referring agency to resolve the matter with the lead agency prior to referral; and
- (6) offer the referring agency's recommendations in regard to the proposed action.

The lead agency for the proposal then has 25 days to respond to the referring agency's letter and statement.

Interested parties, both in and outside of government, may deliver written views regarding the referral to CEQ.

Within 25 days of the last agency action regarding the referral, CEQ may take one of seven actions:

- Conclude that the process of referral and response has successfully resolved the problem.
- Initiate discussions with the agencies with the objective of mediation with referring and lead agencies.
- Hold public meetings or hearings to obtain additional views and information.*
- Determine that the issue is not one of national importance and request the referring and lead agencies to pursue their decision process.
- Determine that the issues should be further negotiated by the referring and lead agencies and is not appropriate for Council consideration until one or more heads of agencies report to the Council that the agencies' disagreements are irreconcilable.
- Publish its findings and recommendations (including where appropriate a finding that the submitted evidence does not support the position of an agency).
- When appropriate, submit the referral and response together with the Council's recommendation to the President for action.”

**Initiation of mediation, public hearings or meetings, or a determination of further negotiation must be completed by the Council within 60 days of the Council's action under 40 CFR 1504.3(f).*

Wild Cumberland requests specific details related to how your agency plans to prepare for a statement to accompany a potential CEQ referral letter as follows:

- (1) What have you identified as the “material facts” of the controversy? What field and/or legal experts has your agency engaged with for analysis of the information provided?
- (2) Has your agency identified a clear list of federal, state, and local environmental policies and requirements that would be violated by Spaceport Camden?
- (3) Will your agency be able to prepare a detailed list of reasons why Spaceport Camden is environmentally unsatisfactory within the required timeline?
- (4) Has your agency publicly identified that this issue is of national importance?
- (5) Can you detail the steps your agency has taken to resolve the matter with the lead agency prior to referral, besides letters of concern dated December 2020 and NPS’s letter to the FAA in 2018, following publication of the Spaceport Camden Draft EIS?
- (6) Has your agency researched and prepared any alternative recommendations in regard to the proposed action, or will you be able to do so within the required timeline?
- (7) Have you established a process and timeline for interested parties to deliver written views regarding the referral to CEQ?
- (8) Which NPS office, local or regional, would be responsible for submitting this referral?

Wild Cumberland trusts that you take your responsibility to our public lands, particularly those with federally-protected Wilderness, seriously enough to prepare for this CEQ referral — even if it may not be necessary.

As always, Wild Cumberland and conservation partners throughout our nation stand by, ready to support protection of our public lands — and particularly Cumberland Island National Seashore. We look forward to hearing from you.

Sincerely,



Jessica Howell-Edwards
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