



**Testimony of Charles Lee
Director of Advocacy
Audubon Florida
House Oversight and Government Reform Committee
Subcommittee on Government Operations
Merritt Island, Florida
February 10, 2014**

I am Charles Lee, the Director of Advocacy for Audubon Florida. My business address is 1101 Audubon Way, Maitland, Florida 32751. I have been employed by Audubon for over 41 years, since May, 1972. Audubon is the state's oldest conservation organization, having been founded in Maitland, Florida in March, 1900, nearly 114 years ago. During the time I have served on the staff of Audubon, our organization has been extensively involved in efforts to assure the protection of the extremely important and diverse wildlife habitat that exists within the Kennedy Space Center, Merritt Island National Wildlife Refuge, Canaveral National Seashore, and the waters of Mosquito Lagoon, part of the Indian River Estuary.

The Merritt Island National Wildlife Refuge (MINWR) is home to over 1000 species of plants, over 500 species of birds, fish, and wildlife, some 66 of which are listed by federal and state governments as endangered, threatened, or otherwise imperiled.

In 2012, 1.2 million people visited the Merritt Island National Wildlife Refuge, one of the most popular wildlife viewing sites in the U.S., and over 215,000 sports fishermen utilized the waters of Mosquito Lagoon.

The 140,000+- acre Merritt Island National Wildlife Refuge exists almost entirely upon lands that are owned by NASA. In 1963, the U.S. Fish and Wildlife Service and Department of Interior entered into a cooperative inter agency agreement for management of non-operational lands owned by NASA. This managed area includes a large portion of the open waters of Mosquito Lagoon. Upland and wetland areas of high ecological value are contained within the management agreement area and are comprised of scrub, pine flatwoods, and a unique mixture of subtropical and temperate plants. This mixture includes hammocks comprised of overstory vegetation dominated by temperate species and understory vegetation including many subtropical plants. The Merritt Island National Wildlife Refuge also includes impounded salt marsh areas, and aquatic inland freshwater swamps and marshes. The wetlands and waters within the area managed under this agreement by USFWS support large wintering populations of migratory waterfowl, as well as transient and resident



populations of wading birds. Lands within the Merritt Island National Wildlife Refuge are managed by the USFWS in a capacity subservient to the interests of NASA. Under the agreement, NASA can withdraw lands from the USFWS agreement to construct additional facilities at any time.

The Canaveral National Seashore was established by Congress in 1975 through the enactment of PL 93-626, and is comprised of 67,500+- acres. This act effectively transferred ownership of this land permanently from NASA to the National Park Service. The U.S. Fish and Wildlife Service and the National Park Service jointly manage 34,345 acres of the Canaveral National Seashore lying west of “Beach Road” and extending into Mosquito Lagoon, while the National Park Service exclusively manages those lands east of “Beach Road”.

As I understand the purpose of the hearing today it is to examine the management of NASA’s real property holdings. In regard to that matter I would like to present two recommendations:

(1) The ownership of lands not utilized by NASA for the space program of the United States, and not occupied by public or private space infrastructure should be transferred to the United States

Department of Interior, U.S. Fish and Wildlife Service. Congress appropriately recognized in 1975 through enactment of PL 93-626 that Canaveral National Seashore required the stability of primary control of the land constituting the National Seashore. We believe it is equally appropriate that Congress recognize, and act to do the same thing with regard to a large share of the 140,000+- acres that make up the Merritt Island National Wildlife Refuge. **Exhibit 1 to this testimony**, a letter from the U.S. Fish and Wildlife Service, documents the substantial positive economic impact to businesses in Brevard and Volusia Counties and communities such as Titusville which results from visitor use at the Merritt Island National Wildlife Refuge. The combined impact of the 1.2 million visitors each year results in more than \$60 million in economic activity. These figures do not include the additional economic activity caused by more than 200,000 sport fishing trips documented to occur in Mosquito Lagoon. The stability offered to the continued existence of Canaveral National Seashore by control of the land within its boundaries is robust. While NASA remains entitled to exercise control such as launch day safety closures, the construction of additional permanent NASA infrastructure is precluded. This stability for the National Seashore could only be altered by Congress. In comparison, the basis for the continued existence of the MINWR is fragile. NASA remains the landowner and retains jurisdiction to remove lands from the MINWR, and may construct new space infrastructure facilities within MINWR. Nonetheless, the relationship between NASA and the U.S. Fish and Wildlife Service over the years through the duration of the Apollo and Space Shuttle programs has

been good. NASA worked carefully with the USFWS to keep the major infrastructure needed for these space programs south of State Road 402. Closure of public access to the MINWR Mosquito Lagoon, and the Canaveral National Seashore has been minimized by the directional characteristics of launch trajectories that do not launch vehicles over the majority of lands in MINWR or these other public use areas. State Road 402 was also relocated to the north to accommodate continued public access to the eastern portions of MINWR and Canaveral National Seashore while Space Shuttle Vehicles were on the northernmost launch pad. The location and design of space infrastructure south of SR 402 has facilitated USFWS' continuous management and open public access to the majority of MINWR, Mosquito Lagoon and Canaveral National Seashore with only brief public closures for a few hours on launch days.

The "Kennedy Space Center - Future Development Concept" prepared by NASA, in 2012 http://www.nasa.gov/centers/kennedy/pdf/634026main_future-concept.pdf (Excerpted in Exhibit 2 to this testimony) constitutes NASA's most recent "Master Plan" for the future of space infrastructure. These plans provide for meeting future spaceport development needs to the year 2031, including both the NASA space program of the United States and development sites for private industry space launch facilities. None of the proposed space infrastructure development areas extend north of State Road 402. These future - development plans divide the natural areas of MINWR into two zones. The first zone constitutes all of the lands north of SR 402 and is designated as "Operational Buffer Conservation 1". The second zone consists of those natural areas which are interspersed between existing and proposed NASA and private enterprise spaceport facilities south of State Road 402, which is designated Operational Buffer Conservation 2".

As described in detail with regard to our second recommendation below, the surge in interest in development of NASA lands by private space launch providers in our view makes the following steps necessary if the integrity of the Merritt Island National Wildlife Refuge is to be preserved:

Audubon believes that it is appropriate to immediately transfer ownership of all the land in "Operational Buffer Conservation 1" to the U.S. Fish and Wildlife Service, thereby placing both Canaveral National Seashore and the publically accessible area in MINWR on the same land ownership footing.

With regard to those areas classified as "Operational Buffer Conservation 2" south of SR 402 that NASA plans to retain in natural habitat without development, Audubon recommends that NASA and USFWS be directed to review the status of the larger blocks of these lands to determine which portions of this land are appropriate for ownership transfers to USFWS. A specific timeline for this review and ownership transfers should be established.

(2) NASA should be required to make locations for Commercial Space Launch projects available south of State Road 402 in previously disturbed areas and primarily by repurposing existing space infrastructure sites. NASA should be required to make such sites available on terms satisfactory and attractive to private space industry companies.

In 2008 NASA conducted an analysis of possible sites for private space launch ventures at Merritt Island, including potentially on lands within the publically accessible portions of Merritt Island National Wildlife Refuge north of SR 402. At the conclusion of this process, the controversial sites for possible private launch facilities north of State Road 402 were removed from consideration. An outgrowth of this site search study was the “Kennedy Space Center - Future Development Concept” prepared by NASA, in 2012 (**Exhibit 2 to this testimony**) which proposes uses of NASA’s land in the period 2012-2031.

Regardless of NASA’s decision to forgo the development of private space launch provider sites north of State Road 402, as expressed in the 2012-2031 NASA plan, “Space Florida”, an agency of the State of Florida, has stepped forward to demand that a 200 acre site at a location within MINWR approximately 10 miles north of State Road 402 known as “Shiloh” be removed by NASA from MINWR and transferred in ownership to Space Florida to establish a private commercial launch site. Concerns about the serious threat this proposal would cause to MINWR are detailed by the U.S. Fish and Wildlife Service in **Exhibit 1** to this testimony. We will not go into great detail about all of the many the serious threats to the refuge this proposal would cause other than providing a copy of the USFWS letter, and indicating that Audubon strongly agrees with USFWS with regard to the agency’s stated concerns. Some of the most compelling concerns worth noting here are that the location of the proposed Space Florida facility would result in rocket trajectories over the northern portions of MINWR, Mosquito Lagoon and Canaveral National Seashore, imposing numerous public access closures never experienced by visitors previously. The area near the proposed Space Florida site has been under restoration to reestablish scrub habitat for the endangered Florida Scrub Jay. In the past 5 years, in excess of \$2 million has been spent by USFWS in this habitat restoration effort. If the Space Florida facility is located at this site it is likely that much of this habitat near the proposed Space Florida Site could no longer be managed through controlled burning as Scrub Jay habitat, and therefore the previous USFWS habitat restoration expenditures would in essence be wasted.

Space Florida’s insistence on establishing a freestanding private space launch site at this remote location is based on a claim that SpaceX, and other private space launch companies cannot or do not want to operate



within the NASA security zone or security zones at the Canaveral Air Force Station. Space Florida's personnel have claimed that SpaceX and other private space launch companies cannot obtain, or have difficulty obtaining security clearances for their customers, contractors, and payloads to be admitted to NASA and Air Force properties. Representatives of Space Florida have vocalized these claims at numerous public meetings, however the record is scant on any direct and specific statements about this problem coming from the companies (such as SpaceX) themselves. A second reason that Space Florida cites in its demand that 200 acres be removed from MINWR and developed as a freestanding commercial launch site is a claim that NASA and the Air Force will not cooperatively coordinate with private space launch companies on airspace and launch timing. Again, to the best of our knowledge, this claim is stated by Space Florida, and not made directly from the private space launch companies themselves. We are somewhat skeptical of Space Florida's claims in this regard, because we know that regardless of what may be happening within the knowledge of Space Florida, the rest of the nation and the world are aware that SpaceX and other companies are vigorously exerting efforts to negotiate directly with NASA to obtain private launch sites within the plentiful developed areas of space infrastructure that exist south of State Road 402.

If, in fact, these assertions by Space Florida regarding the concerns of private space launch companies are correct, then we believe that NASA, and the U.S. Air Force have the capability to resolve this problem through policy and regulation changes. Ultimately, the U.S. Congress has the ability to step in (and perhaps should step in) to demand that NASA and the Air Force make whatever policy and regulation changes are necessary to fully accommodate the growth of the private space launch industry at appropriate, environmentally benign locations south of State Road 402.

We believe that priority should be placed on repurposing existing NASA infrastructure for private space launch provider companies. However, if, in the final analysis, additional "greenfield" sites for development of private space launch facilities are needed, and some natural areas must be developed and sacrificed, these impacts should be concentrated in areas south of State Road 402 which have no public recreation access and where space infrastructure development already fragments the natural landscape.

The more pristine areas north of State Road 402 which serve at least 1.2 million visitors per year, should not be fragmented, developed, and removed from the Merritt Island National Wildlife Refuge due to the mere inability of government agencies to untangle their policies and regulations to allow for the robust



development of private space industry launch sites where they do no significant environmental harm. We believe the following actions are necessary:

Audubon recommends that Congress determine whether NASA and the U.S. Air Force are appropriately modifying policies and regulations to make sites south of State Road 402 attractive to, and available consistent with the needs of companies in the private space launch industry. If this is not being done, Congress should take steps to require NASA and the US Air Force to make reasonable and appropriate modifications to their policies and regulations to accommodate the private space launch provider companies in areas south of State Road 402 and to resolve the concerns of these companies regarding security clearances and launch schedule coordination.

In conclusion, we at Audubon Florida thank the Committee for the opportunity to make these comments and recommendations. We will be pleased to answer any questions and to work with Congress and the appropriate federal agencies to assure that Merritt Island National Wildlife Refuge is preserved and managed appropriately while the space program of the United States and the emerging private space launch industry are enabled to grow and thrive.

Charles Lee
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Charles Lee

Summary

Employed for 42 years by the Florida Audubon Society & Audubon Florida, the state's oldest and largest environmental organization. Knowledgeable and accomplished in the management of non-profit organizations concerned with protection of the environment and natural resources. Known and respected by political figures, government officials, and business leaders both within Florida and at the national level.

Experience

2000–Present Audubon Florida Maitland ,Florida

Director of Advocacy (Audubon of Florida) Florida Audubon Society

- Helped facilitate the transition of the Florida Audubon Society into Audubon Florida, a program of the National Audubon Society.
- Served as the organization's principal spokesperson to media on public policy issues.
- Represented the organization in all phases of government relations at the state level and occasionally at the federal level.
- Managed Litigation for the organization; coordinated policy issues with attorneys. Represented the organization directly as a qualified non-attorney representative in administrative proceedings.
- Maintained contacts with the organization's key donors; aided development officers with fundraising proposals and solicitations.
- Managed key physical plant facilities, and sanctuary lands.
- Solicited and obtained major grants in aid to support the organization's development of a major nature center.

1984 – 2000 Florida Audubon Society Maitland, Casselberry &

Senior Vice President Winter Park Fla.

- Represented the Florida Audubon Society in all phases of government relations, lobbying at the state and federal level.
- Principal media spokesperson for the organization.
- Developed and recommended policy to the organization's Board of Directors.
- Communicated with the organization's 45 local chapters in the development and implementation of environmental advocacy efforts.
- Managed the Society's Sanctuary Properties.
- Managed litigation by the organization through both pro-bono and paid legal counsel; recruited pro-bono counsel; represented the organization directly in administrative proceedings as a qualified non-attorney

representative.

- Assisted the President in day-to-day management of the organization, including formulation and implementation of fundraising efforts, fiscal and personnel management.
- Delegated as chief executive decision maker to act in absence of the President.

1976–1984 Florida Audubon Society Maitland FL.

Vice President - Conservation

- Directed the organization's environmental advocacy activities and Represented the organization before the Legislature, Congress, and Executive Branch Agencies.
- Managed the organization's sanctuary properties.
- Assisted the President in the management of litigation and recruitment of pro-bono counsel. Represented the organization directly in administrative proceedings.
- Served as acting CEO during vacancy in President's office.

1974–1976 Florida Audubon Society Maitland, FL.

Field Representative

- Carried out specific assignments under the direction of the President to implement environmental advocacy activities.
- Served as organization lobbyist in Tallahassee and Washington.
- Assisted in managing relations with the organization's chapters.
- Assisted in management of organization's sanctuary properties.

1972–1974 Florida Audubon Society Maitland, FL.

Administrative Assistant

- Primary assistant to the President. Prepared letters, speeches and briefing materials for the President.
- Represented the President at meetings in Tallahassee and Washington.
- Served as organization lobbyist in Tallahassee and Washington.

1971 Youth Conservation Corps Everglades National Park

Assistant Director

- Assisted in the operation and supervision of a field camp for over 50 disadvantaged young people in Everglades National Park.
- Managed the transportation and work program of participants, including the design and implementation of projects.
- Coordinated the day-to day activities of the youth camp participants with the Park Superintendent.

Accomplishments

- **Media Relations** – Positioned Audubon of Florida, and formerly the Florida Audubon Society as the state's leading environmental organization in terms of media recognition. The overall frequency and favorable placement of the organization's name and activities in print and on the air is unsurpassed in the state.
- **Everglades** - Assisted Audubon in developing and implementing campaign to secure support and approval of the Comprehensive Everglades Restoration Plan (CERP) by the State of Florida and Congress. Worked to develop consensus to support major Everglades land acquisition projects necessary to support the restoration, including a \$133.5 million purchase of the 52,000 acre Talisman Sugar Company property.
- **Preservation 2000 Land Acquisition Program** – Proposed and developed consensus in support of “Preservation 2000”, the state’s \$300 million per year environmental land acquisition program. Proposed establishment of the program as a member of the “Governor’s Commission On the Future of Florida’s Environment” in 1989. Worked with legislative leaders to win necessary political backing to obtain 10 annual increments of funding during the 1990’s. Successfully recommended support for the program to three governors (Martinez, Chiles & Bush) and was instrumental in securing Governor Bush’s decision to extend the program for an additional decade as the “Forever Florida” program.
- **Protection of the Wekiva River** – Developed strategy for creation of special regulatory provisions protecting this unique Central Florida river. Obtained legislative support and community consensus to establish regulatory “protection zones” and a major land acquisition effort. These activities resulted in federal legislation to designate over 40 miles of the Wekiva as Florida’s second “Wild and Scenic River” in October, 2000.
- **Preservation of North Key Largo** – Oversaw and directed litigation that halted real estate development activity. Developed a consensus that resulted in acquisition and preservation of the remaining undeveloped lands covering an 11 mile long segment of North Key Largo, creating the largest preservation area of tropical hardwood hammock ecosystem in the continental United States. Successfully negotiated an end to more than a decade of controversy between environmental groups and landowners, resulting in joint activity by former opposing parties to seek state and federal funding for land purchase and management.
- **Preservation of “Walker Ranch” as Disney Wilderness Preserve** – Negotiated the acquisition and preservation of this ecologically significant 8500 acre Osceola County tract that was formerly proposed as the site of a major land development project. Convinced the Disney Development Company to acquire it for environmental mitigation purposes. Promoted the concept to Disney & The Nature Conservancy, which now owns and manages the “Disney Wilderness Preserve”. Developed consensus among regulatory agencies, environmental groups, and Disney Development Company to utilize the property as the exclusive mitigation

site for development of Disney's major resort complex.

- **“Farmton Plan”, Brevard and Volusia Counties** – lead successful environmental group advocacy for the establishment of a long term plan for properties owned by the Miami Corporation. Result is over 40,000 acres in permanent conservation easements.
- **“Save the Manatee” license plate** – Proposed the concept of the “Save the Manatee” license plate, which was established by the Florida Legislature. Developed support for the tag concept, and resolved opposition by the Department of Highway Safety & Motor vehicles. This was the forerunner of specialty automobile license tags supporting wildlife causes which have gained widespread acceptance throughout the nation.
- **Establishment of the “Everglades Coalition” in 1985** – Suggested and facilitated the establishment of the “Everglades Coalition”, a working group of over 40 state and national organizations focused on preservation and restoration of the Everglades Ecosystem. Convinced leaders of major state and national organizations to revisit and resolve issues that had resulted in abandonment of an earlier “Everglades Coalition” efforts that formed in the late 1960's and disbanded in the early 1970's.
- **Wildlife Sanctuaries** – Solicited and obtained donation of major wildlife sanctuary properties, including over 600 acres in the Wekiva River Ecosystem, the Turkey Creek Sanctuary in Brevard County (now site of a major publicly funded boardwalk and nature center) and over 700 acres of marshlands in the St. Johns River system.

Appointments

- **Fundraising** – While fundraising has been an ancillary function to specified duties, in excess of \$1 million personally solicited and raised in contributions and grants in the past 7 years.
- Century Commission for a Sustainable Florida by Senate President Tom Lee 2005
- Wekiva River Basin Commission, by Governor Jeb Bush 2004
- Wekiva River Wild & Scenic River Commission by Interior Secretary Gail Norton 2005
- Wekiva River Basin Task Force & Coordinating Committee, by Gov. Jeb Bush 2002-2003
- Growth Management Study Commission, by Gov. Jeb Bush 2000-2001
- Partners for a Better Florida Advisory Commission, by Senate President Ander Crenshaw, 1992
- Commission on Future of Florida's Environment, by Governor Bob Martinez, 1988

Awards

- National Audubon Society Staff Nature Photography Award, 2002
- “Charles H. Callison Award 1996”, professional category, National Audubon Society
- Conservationist of the Year, Florida Audubon Society, 1989
- Everglades Coalition Conservation Award, 1988
- Florida Wildlife Federation Award, 1986
- American Motors Conservation Award, Professional Category, 1978
- Conservationist of the Year, Youth Category, Florida Wildlife Federation, 1966

Education

- 1979 - Invited Participant, Harvard University School of Public Health, Executive Program in Environmental Policy & Management (non-degree)
- 1972 Miami Dade Community College, A.S. Degree, Debate Team Honors
- 1969 Miami Norland High School, Debate Team Honors

Personal & Interests

- Born May 15, 1950, Miami, Florida
- Married to Carole Joy Barice, Attorney
- Accomplished & Published nature photographer
- Kayaking Florida Rivers
- Frequent Backcountry travel in Alaska for wildlife observation and photography

Committee on Oversight and Government Reform
Witness Disclosure Requirement – “Truth in Testimony”
Required by House Rule XI, Clause 2(g)(5)

Name: Charles Lee

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2011. Include the source and amount of each grant or contract.

NONE

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

I am the Director of Advocacy of Audubon Florida.
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Maitland, Fl. 32751.

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2010, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

<u>Awarding Entity</u>	<u>Agreement Number</u>	<u>Grant description</u>	<u>Amount</u>	<u>Start Date</u>	<u>End Date</u>	<u>Federal Agency</u>
FWS	4018113G081	Wildlife Ext 103 Acres Corkscrew South Fl Caribbean	\$25,000.00	6/25/03	6/24/13	Interior
FWS	P06AC00045	CESU Habitat Restoration of Key Deer, piping plover, Lower Key	\$582,117.00	10/5/05	1/1/13	Interior
FWS	41580-4730-KDR1/KDR4	Ma Hydrologic	\$340,000.00	7/1/07	2/28/11	Interior
USACE	W912EP-07-C-0021	Monitoring in the Mangrove Zone	\$881,272.00	7/11/07	11/30/10	Defense
NFWF	2007-0089-006	Alafia Bank Bird Sanctuary Shoreline	\$249,500.00	12/1/07	2/28/12	Commerce

FWS	401818G564	Restoration and Managem Reddish Egret Pop Dynamics in Tampa Wading Bird Colony/Rosette	\$50,000.00	5/1/08	7/31/11	Interior
USACE	W91211Z-09-02-0021	Spoonbill Aquatic Fauna	\$294,549.00	10/1/08	12/30/10	Defense
USACE	W912HZ-09-02-0020	Forage Big Cypress Migratory Bird	\$318,920.00	10/1/08	12/30/10	Defense
FWS	F12PX01507	Outreach	\$27,482.03	9/1/09	3/15/13	Interior
NOAA	NA09NOS4780226	MARES Bird Hab Mgmt	\$108,519.00	9/1/09	6/30/13	Commerce
FWS	F10AC00452	CH/SJS Pinellas SFNRC Cape Sable Wading bird	\$14,726.20	6/30/10	6/30/12	Interior
NPS	P06AC00024	Monitor Fish Commun of Coastal Wetland	\$55,000.00	9/15/10	12/31/13	Interior
NOAA	WC133F11SE0819	Biscayne Bay Wildlife Coop Corkscrew 77	\$193,028.00	3/1/11	5/24/12	Commerce
FWS	F11AC01489	Acres CERP Recover Monitor Forested	\$25,000.00	8/1/11	8/1/21	Interior
USACE	W912HZ-11-2-0037	Wetlands So. Fl. Beach Dependent	\$1,058,053.00	10/1/11	4/30/14	Defense
FWS	F12AC00817	Birds NE Fl Fl Coastal Cortez	\$12,700.00	7/1/12	7/1/14	Interior
FWS	F12AC00795	Key	\$20,000.00	7/1/12	7/1/14	Interior

I certify that the above information is true and correct.

Signature:



Date: 1/29/13
