



U.S. Department
of Transportation

Commercial Space Transportation

800 Independence Ave., S.W., Room 331
Washington, D.C. 20591

Federal Aviation
Administration

MAY -5 2005

Elizabeth Moore
NOAA - National Marine Sanctuary Program
1305 East-West Highway, N/ORM-6
Silver Spring, MD 20910-3281

Dear Ms. Moore:

This letter is in response to your February 2005 letter indicating that the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Sanctuary Program (NMSP) has initiated a process to consider the establishment of a network for marine reserves, marine parks, and marine conservation areas in the Channel Islands National Marine Sanctuary.

The Commercial Space Launch Act of 1984 (the Act) (49 U.S.C. 70101-70121) authorizes the Department of Transportation, and through delegations, the Federal Aviation Administration (FAA), to oversee, license, and regulate launch and reentry activities and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States (49 U.S.C. 70104, 70105). The Act directs the FAA to exercise the responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States (49 U.S.C. 70105). The FAA is also responsible for encouraging, facilitating, and promoting launches by the private sector (49 U.S.C. 70103).

Commercial launches currently occur from Vandenberg Air Force Base (VAFB) and the California Spaceport. These commercial launches involve launch vehicles that are the same as those utilized for Department of Defense activities. Launches for which the FAA issues a launch license are considered "commercial." These commercial launches are controlled by VAFB range safety and are conducted in compliance with all environmental regulations. As you are aware, some launches occurring from VAFB over-fly the Channel Islands. In developing your Draft Environmental Impact Statement for the establishment of marine reserves, marine parks, and marine conservation areas in the Channel Islands, the FAA requests that commercial launch operations controlled by VAFB range safety officials continue to operate under existing agreements between NOAA and the Department of Defense related to potential impacts to the Channel Islands. In keeping with current practices, the FAA will consult with NOAA prior to any significant new proposed commercial launch activities.

We look forward to providing additional comments and discussing potential impacts of the proposed designations within the sanctuary and any related mitigation actions on the commercial launch industry. My point of contact for environmental coordination is Stacey Zee, (202) 267-9305.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. G. Smith', with a long horizontal flourish extending to the right.

Patricia Grace Smith
Associate Administrator for
Commercial Space Transportation

cc: Herbert Bachner
Stacey Zee