



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/RF/Area II

AUG 26 2014

Stacey M. Zee
Office of Commercial Space Transportation
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, DC 20591

Dear Ms. Zee:

The U.S. Fish and Wildlife Service (Service) provided the Federal Aviation Administration (FAA) with technical assistance and scoping letters, dated January 3, 2014 and February 21, 2014, which outlined historic preservation concerns regarding the proposed Shiloh Launch Complex on Kennedy Space Center (KSC) and Merritt Island National Wildlife Refuge (NWR). Since then, the FAA has indicated that it intends to use the NEPA process and the resulting Environmental Impact Statement as its primary National Historic Preservation Act consultation documentation.

In an email dated July 30, 2014, the FAA invited the cooperating agencies to participate in discussions regarding the determination of the "area of potential effect" (APE) that adequately addresses direct, indirect, and cumulative effects to historic properties. Adequately defining the APE will be dependent on factors such as the construction and operational footprints of the proposed launch complex and noise, vibration, areas closed for safety, and security during construction, operation, and maintenance. During this Section 106 process and discussions, the Service will be represented by Rick Kanaski, Regional Archaeologist for the Service's Southeast Region, and Layne Hamilton, Refuge Manager for Merritt Island NWR.

The Service recommended a number of specific strategies to be undertaken as part of the Section 106 compliance process in its February 21, 2014 letter. These strategies included the listed items:

- Conduct a systematic Phase I terrestrial and underwater archaeological and historical reconnaissance of the undertaking's APE. The underwater reconnaissance should include the relevant portions of the Indian River Lagoon, Mosquito Lagoon, and the Atlantic Ocean.
- Conduct an architectural survey to identify, record, and evaluate standing structures and bridges, as well as above-ground architectural ruins. One of the survey's objectives should be to identify historically significant architectural properties that could be damaged during the construction, maintenance, and operation of the proposed launch complex, which would then allow for the identification of relevant measures to mitigate potential damage that could be caused by launch and test firing noise and vibrations.
- Conduct a Phase II testing of newly identified and prior recorded historic properties in order to determine their National Register eligibility.

- Conduct Phase III data recovery of historic properties where appropriate. Such investigations, if deemed necessary, would require the negotiation of a programmatic agreement that clearly delineated the participating parties' roles and responsibilities. Parties that should be included, but would not be limited to, are FAA, Space Florida, NASA, the Service, the National Park Service, Florida Division of Historic Resources, the Seminole Tribe of Florida, the Miccosukee Indian Tribe of Florida, the Seminole Nation of Oklahoma, the Muscogee (Creek) Nation, and the Poarch Band of Creeks.
- Develop and implement, in consultation with the Native American Tribes, Florida Division of Historical Resources, and other coordinating federal and State agencies, a policy or standard for the protection, treatment, and, if recovered, the disposition of human skeletal remains and funerary objects.
- Conduct an ethnographic overview and assessment of Shiloh and the surrounding area. This investigation should include archival research and oral history interviews that would aid in the identification of 18th - 20th century historical contexts, traditional cultural properties, and other places of cultural significance to local communities. This investigation should include or involve the Seminole Tribe of Florida, the Seminole Nation of Oklahoma, and the Miccosukee Indian Tribe of Florida.
- A number of historic landscapes are present within and near the APE. These include, but are not limited to, the late pre-Columbian – early historic Native American landscapes; the plantation landscapes associated with the Elliott Plantation and the African and African American slave 18th – mid-19th century landscape; early American and later rural agricultural landscapes; and landscapes associated with resource exploitation (e.g., fishing, hunting, and timbering). Some areas, specifically archaeological sites, may possess unique floral communities. A cultural landscape survey should be conducted. These investigations would draw upon the results of the Phase I archaeological reconnaissance, archival research, the ethnographic overview and assessment, and vegetative cover investigations conducted by the refuge, Canaveral National Seashore, and NASA. Use of LiDAR or similar high resolution mapping technology is highly recommended.

Prior to initiating any archaeological and/or historical investigations associated with this undertaking, FAA's archaeological consultant will be required to procure all of the relevant permits from KSC and the Service. The permits include an Archaeological Resources Protection Act permit [KSC]; an Antiquities Act and Refuge Special Use Permits [Service]. It is critical that the archaeologist, architectural historian, ethnographer, historical ecologist, and/or archaeological consulting firm selected to conduct the above investigations is well-versed in the archaeology, history, ecology, and the geomorphology of east Florida. Five specific areas of knowledge are critical: late pre-Columbian and early historic Native American archaeology, history, and ethnology; late 18th – early 19th century British sugar plantations of Florida and the Caribbean Basin; early 19th century Spanish history of east Florida; archaeology and history of late 18th – mid-19th century slave communities and later African American freedmen and rural communities and landscapes; and 19th – 20th century rural and maritime communities and associated landscapes.

The most current vitae for the project's principal investigator, the archaeological field supervisor, the project historian, the architectural historian, ethnographer, the laboratory supervisor, and other relevant staff are to be provided to the Service. In addition, the consultant will submit a brief written summary of the firm's capabilities to successfully conduct investigations of this size, scale, scope, and complexity. The summary is to include information on the location(s) and description of facilities and equipment, its organizational structure and staffing, and a list of past projects and

subsequent reports and/or publications similar to the current undertaking. Please note that if the firm does not possess the organizational capability, equipment, and relevant professional and qualified staff, the Service will deny issuance of the permits required to conduct these archaeological and/or historic investigations.

We look forward to working with FAA, its clients, and the other cooperating agencies as the undertaking moves through the Section 106 compliance process. If you have any further questions, please feel free to contact me at (404) 679-0000, or Layne Hamilton, Refuge Manager, Merritt Island NWR, at (321) 861-2278.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cynthia K. Dohner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cynthia K. Dohner
Regional Director