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Docket No. FAA-2026-8614

U.S. Department of Transportation
Federal Aviation Administration
Office of Commercial Space Transportation
800 Independence Avenue SW, Washington, DC 20591

RE: Comments on the Notice of Proposed Rulemaking, “Waiver of Specified Statutory Requirements for Commercial Space Launch and Reentry Actions,” 91 FR (July 30, 2026);
Docket No. FAA-2026-8614

Dear Administrator Bedford:

Louisiana Wildlife Federation, National Wildlife Federation, and Pontchartrain Conservancy respectfully submit these joint comments in response to the Federal Aviation Administration’s (FAA) notice of proposed rulemaking that would authorize the agency to waive specified requirements under thirteen federal environmental and natural-resource statutes when acting on commercial space launch and reentry licenses, permits, and site authorizations. Together, our organizations represent a broad conservation partnership spanning national, regional, and Louisiana-based interests, united by a shared commitment to sound science, responsible stewardship of fish, wildlife, habitat, and coastal resources, and continued public access to the lands and waters that support them.

Louisiana Wildlife Federation (LWF), founded in 1940, is one of Louisiana’s oldest and largest conservation organizations, representing more than 10,000 members and 23 affiliate organizations of hunters, anglers, birders, and outdoor enthusiasts committed to the science-based stewardship of Louisiana’s fish, wildlife, and natural resources. Joining these comments, National Wildlife Federation (NWF), the nation’s largest conservation education and advocacy organization, represents 52 state and territorial affiliates and brings a national commitment to

conserving wildlife through science-based policy and collaborative stewardship. Pontchartrain Conservancy (PC), founded in 1989, is one of the leading scientific research organizations in Louisiana's coastal zone and brings decades of coastal restoration and water-quality expertise, including development of the *Multiple Lines of Defense Strategy*, an approach that integrates coastal restoration with engineered flood protection and has influenced coastal planning and resilience efforts throughout the Gulf

Our organizations do not oppose the commercial space industry, and we recognize the economic opportunity it may bring to Louisiana. Our concern is narrow and specific: the proposed rule would remove, at the licensing stage, the environmental review requirements that ensure launch and spaceport development accounts for its effects on wildlife, habitat, water, and coastal resources. For a state whose most significant emerging spaceport site sits within 136,000 acres of coastal marsh in Vermilion Parish, among the most productive wildlife habitat on the continent, that change is not abstract. It is immediate and local. When that site is also subject to a land-loss crisis and growing more susceptible to hurricane storm surge, circumventing environmental review also deprives the potential developer of data critical to the project's business case and overall viability.

We urge the FAA to withdraw or substantially revise the proposed rule, and to retain project-level environmental review for commercial space actions that affect fish, wildlife, and habitat. Our specific concerns follow.

I. The Proposal Would Waive Specified Environmental Review Requirements Applicable to FAA Licensing Actions

The proposed rule identifies thirteen statutes whose requirements the Secretary of Transportation could waive for covered commercial space actions. Several are the foundational legal tools by which the United States protects wildlife and habitat, and their simultaneous removal from the FAA licensing process, through a single licensing decision, without project-level analysis, is what distinguishes this proposal from ordinary regulatory streamlining. Of the thirteen, the following are of direct concern to our organization's missions:

- The National Environmental Policy Act (NEPA), which requires the environmental analysis that identifies wildlife and habitat impacts before a federal action proceeds
- The Endangered Species Act (ESA), including the Section 7 consultation requirement that protects listed species
- The Marine Mammal Protection Act (MMPA)
- The Migratory Bird Treaty Act protections implicated through NEPA review;
- The Clean Water Act (CWA), including Section 401 certification and Section 404 dredge-and-fill permitting for wetlands
- The Clean Air Act (CAA) conformity requirements
- The Coastal Zone Management Act (CZMA), which governs federal consistency with state coastal programs
- The Magnuson-Stevens Fishery Conservation and Management Act, including essential fish habitat consultation
- The Rivers and Harbors Act, the Wild and Scenic Rivers Act, the National Marine Sanctuaries Act, the Noise Control Act, and the National Historic Preservation Act

Individually, each of these statutes reflect a considered judgment by Congress that certain resources warrant review before federal action. Collectively, they form the framework that has allowed development and wildlife conservation to coexist for half a century. The proposal would allow all of them to be set aside for a category of federal action, commercial spaceport construction and launch operations, that is among the most physically disruptive to coastal habitats that exist.

II. The Louisiana Context Makes This Rule Immediate

For most of the country, this proposal is a policy abstraction. For Louisiana, it is a live question. A major commercial space company is reported to be in advanced negotiations to acquire and develop approximately 136,000 acres of coastal marshland in Vermilion Parish, near Pecan Island and Freshwater City, for a high-volume launch facility. That footprint, more than 200 square miles, lies in the heart of Louisiana's coastal zone, along the Gulf Intracoastal Waterway, in a landscape that has sustained the region's hunting, fishing, and trapping traditions for generations.

The ecological significance of this specific area is difficult to overstate. The Vermilion Parish coastal marsh lies within the Chenier Plain, one of the most important wintering areas for migratory waterfowl in North America and a critical link in the Mississippi and Central Flyways. It sits immediately adjacent to the Rockefeller Wildlife Refuge and State Wildlife Refuge complex, among the most biologically productive coastal wildlife areas in the nation. These marshes support wintering populations of ducks and geese numbering in the millions, provide essential habitat for wading birds and shorebirds, serve as nursery grounds for shrimp, crab, and finfish that anchor Louisiana's coastal fisheries, and shelter species of extreme conservation concern including the whooping crane, whose Louisiana reintroduction depends on exactly this kind of coastal habitat. These are the public wildlife lands and waters on which the region's hunting and fishing access directly depends.

This is precisely the setting in which project-level environmental review matters most. A launch facility of the scale contemplated would involve extensive marsh filling, dredging, road and pad construction, water withdrawals and discharges, high-intensity noise and light, launch-related overpressure and debris, and repeated disturbance to wintering waterfowl and nesting birds. The proposal raises the possibility that FAA licensing could proceed without the project-level environmental review that currently accompanies these federal decisions.

III. Waiving Review Does Not Eliminate Impacts

The central flaw in the proposal is its confusion of process with substance. Removing NEPA and its companion statutes from the licensing stage does not make the environmental impacts of a spaceport disappear. The marsh is filled either way. The birds are displaced either way. The wetlands are lost either way. What the waiver removes is the requirement to identify those impacts, quantify them, disclose them to the public, and consider alternatives and mitigation before the damage is done.

Environmental review is not an obstacle to good decisions; it is the mechanism that produces them. The NEPA process is precisely where a developer, a wildlife agency, and the public identify that a launch pad could be sited to avoid the most sensitive nesting area, that a water intake could be screened to protect fisheries, that a construction schedule could avoid peak waterfowl wintering periods, or that lost wetlands must be compensated through restoration elsewhere. Eliminate the review and those solutions are never developed. The impacts are not avoided, they are simply unexamined, and therefore unmitigated.

Recent experience demonstrates the point. Environmental review of the SpaceX facility at Boca Chica, Texas, an ecologically comparable coastal site adjacent to a national wildlife refuge, identified significant impacts to habitat and protected species, and the company was separately penalized in 2024 for Clean Water Act violations at that facility. Those are exactly the outcomes that project-level review exists to identify and prevent. Removing the review would not have prevented the impacts at Boca Chica; it would only have prevented anyone from documenting them beforehand.

IV. The Coastal Wetland and Water Resource Concerns Are Specific and Severe

Louisiana is losing coastal land faster than any other state in the nation. Federal and state governments have invested billions of dollars through Louisiana’s Coastal Master Plan and related restoration programs to slow and reverse that loss. It would be a profound contradiction of federal policy for one federal agency to waive the Clean Water Act wetland protections and Coastal Zone Management Act consistency requirements that apply to a 136,000-acre coastal marsh development, while other federal agencies spend public money to restore the very same coastline. Decades of applied coastal science in this region, including the Multiple Lines of Defense Strategy, developed here and adopted by agencies across the Gulf, exist precisely because these wetlands function as both wildlife habitat and storm protection, and because their loss is difficult and costly to reverse.

Specific water and wetland concerns that project-level review exists to address include:

- Direct wetland loss from site-specific development, including wetland filling and construction of launch pads, roads, assembly buildings, and support infrastructure across marsh that provides irreplaceable fish and wildlife habitat and storm buffering
- Hydrologic alteration of the surrounding marsh from levees, canals, and impoundments, which can convert productive wetland to open water or degraded habitat over a far larger area than the development footprint itself
- Water quality effects from construction runoff, industrial discharge, and launch-related contaminants entering estuarine waters that support commercial and recreational fisheries
- Saltwater intrusion and altered salinity regimes that can cascade through the estuarine system
- Cumulative impacts to the Chenier Plain ecosystem that only a programmatic environmental analysis can adequately capture, and that the proposed rule would leave entirely unexamined

V. The National Security and “Redundancy” Rationales Do Not Justify a Categorical Waiver

We recognize that the proposal is framed around national security, foreign policy, and the elimination of duplicative review. These are legitimate governmental interests, and the Commercial Space Launch Act does provide a waiver mechanism when a requirement is genuinely unnecessary to protect enumerated interests. But this proposal does not tailor its waivers to genuine national-security necessity. It establishes a broad framework under which the core environmental statutes may be set aside for commercial launch actions as a class, including purely commercial ventures with no national-security dimension whatsoever.

A private company launching commercial satellites from Louisiana marshes is not a national-security actor merely because it operates in the space sector. To the extent specific launches genuinely implicate national security or foreign-policy interests, the existing statutory waiver

authority already permits a targeted, case-by-case waiver supported by a specific finding. That is the appropriate tool. A standing, categorical waiver of thirteen environmental statutes for an entire industry is not tailored to necessity; it is a wholesale removal of environmental accountability that extends beyond the case-specific waiver authority Congress appears to have contemplated. We urge the FAA to reject the categorical approach in favor of the narrow, fact-specific waiver authority Congress provided.

The claim of “redundant” review is likewise overstated. The environmental statutes at issue serve distinct purposes: the Clean Water Act protects water quality, the Endangered Species Act protects listed species, the Coastal Zone Management Act protects state coastal programs, the Marine Mammal Protection Act protects marine mammals. These are not duplicative reviews of the same question; they are separate examinations of different resources. Waiving all of them does not eliminate redundancy, it eliminates the distinct protections each was enacted to provide.

Our recommendations are intended to improve, not prevent, the responsible development of commercial space infrastructure. We believe that predictable environmental review, grounded in sound science and early coordination, provides greater long-term certainty for both project proponents and the public.

VI. Recommendations

For the reasons stated, our organizations respectfully recommend that the FAA:

1. **Withdraw the proposed categorical waiver framework** as it applies to the Endangered Species Act, the National Environmental Policy Act, the Clean Water Act, the Coastal Zone Management Act, the Marine Mammal Protection Act, and the Magnuson-Stevens Act, and retain project-level environmental review for commercial space actions affecting fish, wildlife, and habitat.
2. **Retain project-level NEPA review** including Environmental Impact Statements where appropriate, for commercial space launch sites proposed on previously undeveloped land, consistent with the FAA’s current NEPA implementing procedures under FAA Order 1050.1G. The FAA has only recently adopted Order 1050.1G to modernize and streamline its implementation of NEPA; given that those revised procedures are already intended to improve efficiency while maintaining environmental review, the administrative record should explain why an additional, broader waiver of specified statutory requirements is necessary.
3. **Retain Endangered Species Act Section 7 consultation** for all commercial space actions, given the presence of listed species in and around active and proposed launch sites, including the Louisiana coastal zone.
4. **Limit any waiver authority to genuine, documented national-security necessity** on a case-by-case basis with a specific written finding, rather than a standing categorical waiver applied to an entire commercial industry.
5. **Retain Clean Water Act and Coastal Zone Management Act review** for launch facilities proposed in coastal wetlands, where the federal government is simultaneously investing billions in coastal restoration.
6. **Conduct a programmatic environmental review** of the cumulative effects of the projected growth in commercial launch operations before finalizing any rule that would remove project-level review.

Louisiana's coastal marshes are a national resource. They sustain the waterfowl that fill the Mississippi Flyway, produce the fisheries that feed the nation, and provide storm protection that shields coastal communities and infrastructure. They are also, presently, the proposed site of major aerospace development. Those two facts are not irreconcilable but reconciling them requires exactly the environmental review this proposal would remove. Our organizations support Louisiana's economic future, including a responsible commercial space industry. We simply insist that it be built after the same review for wildlife and habitat that every other major development in this state is required to observe.

Thank you for the opportunity to comment. Our organizations welcome further engagement and are available to provide additional information at the agency's request.

Respectfully submitted,

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