



Statement from Chairman Ben L. Casey, Camden County Board of Commissioners

The original concept for Spaceport Camden was to allow for “pay as you go” launches for multiple commercial space companies. Having more than one user would have allowed the county to not rely on only one commercial space company having access to and control of the launch schedule. The county or some other public or private entity owning the property as the site operator would have allowed for this type of commercial activity.

Due to the referendum calling for the county not to own the property, this now limits the county to rely solely on a private company or other public entity to own and operate the Spaceport. If a private launch company ends up with the property, this will limit operations to just that launch company’s interests. The county has entered into seven (7) Non-Disclosure Agreements with commercial space companies that have been signed since 2021. Those inquiries from private operators, even in the face of pending litigation, show that the county has a valuable asset and a vested interest in defending the launch license from attacks on the Federal Aviation Administration’s (FAA) Commercial Space Division with litigation pending in the US District Court in the District of Columbia.

The county has fielded inquiries from such sole operators as recently as November 2022. The latest interested potential user is seeking a location to manufacture and ground test its rocket. This operator has the potential for around 300 jobs without launching anything. Launch capability, through the launch site operator’s license owned by the county, is the ultimate complement to that company’s core mission of rocket technology development but is not necessarily its end goal. The license and current property zoning allows for such testing.

To “pull the plug” and release all documents may hinder the county’s defense of the launch license as well as any other ongoing litigation. This could also jeopardize the recovery of monies paid to UCC for the purchase of the property, which sale was invalidated by the referendum. This would mean walking away from up to \$2.6 million that we should work hard to recover. Waiving the county’s attorney-client and attorney work product privileges recognized by Georgia law could also set a bad precedent for related and future litigation.

Additionally, if the county releases any item that may be classified or restricted under the federal International Traffic in Arms Regulations (ITAR), this could subject the county to large fines for each violation. There are numerous exceptions to the Georgia Open Records Act, but matters concerning federal laws and security concerns are among the most important enumerated in those exceptions.

This is not to say that the county will not release documents related to Spaceport Camden. The county is currently working on a graduated release schedule of many of those items. The delay until July, approved at this week’s County Commission meeting, will allow time for progress in the ongoing litigation as well as giving time to continue to classify any documents that may be ITAR-related or subject to some other non-disclosure

exception. This is a large undertaking that will take much time and attention. Much of that work has been done and there is more to do. It is the county's intention to make as much information as can be legally disclosed available to the public in a timely and sensible fashion.

Because of the county's investment so far and the chance for recovery against UCC, to "pull the plug on Spaceport" would mean foregoing the opportunity to salvage some of the taxpayer investment. Camden County is working towards releasing documents that would not have a negative impact on pending litigation.



Ben L. Casey
Chairman

The ongoing litigation regarding Spaceport Camden consists of three cases:

1. ***Camden v. UCC***, the suit pending in federal court for the Southern District of Georgia in Brunswick. Camden County is seeking a return of some or all of the funds (up to \$2.6 million) associated with the real estate option contract. If this litigation is withdrawn Camden will recover nothing. Because this suit is pending, the release of "all the records" is not advisable. There are matters of attorney client privilege, as well as our litigation strategy that it is important to protect.
2. ***National Parks Conservation Association and others (including One Hundred Miles & Little Cumberland Island Property Owners Association) v. FAA*** is pending in the US District Court for the District of Columbia. This is a challenge to the FAA over the issuance of the license to Camden County. If the license has any monetary value to any launch or testing operator who may be able to buy the UCC property, the license must remain valid. It is a five (5) year license issued in December 2021. Camden County has a vested interest in keeping the license valid so that the Board of Commissioners could possibly recoup money spent on obtaining the license during that time. That was the reason for joining in that litigation as an interested party. We have attorney client privilege in that matter and it is important to protect it.
3. ***One Hundred Miles v. Camden County*** is a suit over the production of Spaceport Camden materials. It was filed in 2019 and is pending before Judge Scarlett in the Superior Court here in Camden County. Camden County is currently negotiating a release of some of the requested material that was formerly covered by the real estate exception to the Georgia Open Records Act. Other materials requested by One Hundred Miles may still be covered by attorney client privilege and by other federal security exceptions relating to ITAR. There is a settlement discussion call being scheduled for late February to explore a schedule for release of some of the material.