

From: [Winton, Bryan](#)
To: [Orms, Mary](#); [Reyes, Ernesto](#); [Gardiner, Dawn](#); [delaGarza, Laura](#); [Perez, Sonny](#)
Subject: Fwd: Pre-construction baseline survey
Date: Monday, February 24, 2020 2:33:27 PM

Get [Outlook for iOS](#)

From: Kendal Keyes <Kendal.Keyes@tpwd.texas.gov>
Sent: Monday, February 24, 2020 9:26:35 AM
To: Winton, Bryan <bryan_winton@fws.gov>
Subject: [EXTERNAL] FW: Pre-construction baseline survey

Another very old and important e-mail.

Kendal Keyes, Regional Natural Resources Coordinator
Texas Parks & Wildlife Department - State Parks Division
715 S. Hwy. 35, Rockport, TX 78382
office (361)790-0325
mobile (361) 205-4086
kendal.keyes@tpwd.texas.gov

From: Kendal Keyes
Sent: Tuesday, September 30, 2014 10:16 AM
To: David Riskind <David.Riskind@tpwd.texas.gov>
Subject: FW: Pre-construction baseline survey

Please see the conversation below.

I think TPWD land, due to its proximity to the SpaceX launch site, has the greatest potential for negative impacts, from both short-term construction and long-term operations.

SpaceX has proposed having UTB staff and students conduct the required baseline studies.

SpaceX should hire good, experienced consultant(s) to do comprehensive baseline studies and monitoring. TPWD and USFWS should also have some input into who does these studies and how they are done.

While Kim's e-mail below indicates FWS has its Scientific Integrity Policy and law on its side, I am not sure this message is getting through to SpaceX.

From: Winton, Bryan [mailto:bryan_winton@fws.gov]
Sent: Tuesday, September 16, 2014 10:06 AM
To: Mary Orms; Dawn Gardiner; Pat Clements; Ernesto Reyes
Cc: Kim Wahl; Scot Edler; Chris Hathcock; Imer Dela Garza; Boyd Blihovde; Gisela Chapa; Kendal Keyes
Subject: Fwd: Pre-construction baseline survey

Kim Wahl brings up some additional key points. There is a "common theme" here in that we should not be relying on university students to conduct pre-construction, baseline surveys for this project. While Space-X is doing due diligence to engage with the local university, they should probably do it in another way, rather than to conduct actions to address USFWS requirements for their project. While Space-X may recognize that we may not have Space-X paid "USFWS staff on-duty in time to conduct baseline monitoring, we should either do it right, as policy dictates (as Kim points out), or not at all.

Mary et al and the ES Office should find a diplomatic way to communicate this to Steve Davis and Space-X. Our Scientific Integrity policy will not allow us to rely on college students to conduct studies of this magnitude of importance because of the possible future implications the data might have, if indeed there are impacts revealed in the future, the baseline data will definitely be called into question.

Thanks to Kim for pointing out that policy likely dictates we cannot allow this approach for monitoring.

bryan

----- Forwarded message -----

From: **Wahl, Kimberly** <kimberly_wahl@fws.gov>

Date: Tue, Sep 16, 2014 at 9:26 AM

Subject: Re: Pre-construction baseline survey

To: "Winton, Bryan" <bryan_winton@fws.gov>

Bryan,

The baseline monitoring to be conducted at Boca Chica should follow I&M standards set forth by USFWS which are to be conducted "with data standards of the federal government and the Department of the Interior".

I&M standards call for standardized, peer-reviewed scientific protocols to be utilized and that data is standardized and managed for easy accessibility.

In addition, the Department of Interior Scientific Integrity Policy (305 DM 3) outlines policy pertaining to the integrity of scientific activities (including monitoring) used to inform management and public policy decisions. Scientific information "must be robust, of the highest quality, and the result of as rigorous scientific and scholarly processes as can be achieved. Most importantly, it must be trustworthy."

Although monitoring sites established in this general area may be a great learning experience for undergraduate students at UTB, (and I think that sites like this should be incorporated in areas where they can be accommodated), the pre-construction baseline monitoring must follow peer-reviewed protocols and be conducted by experts within the field as findings of the baseline monitoring will lead to adaptive management decisions by the USFWS as well as could be scrutinized during a litigation.

In addition, both you and Kendall touched on the impacts of having students that are

learning protocols, species, etc. within these areas. This work is to be conducted within designated critical habitat as well as within potential populations of rare and endemic species. I do not think that these areas are appropriate for undergraduate students to be learning (again, areas can be designated for this type of activity that will give UTB students and SpaceX a sense of accomplishment), but could be appropriate for a thesis level project.

Kimberly Wahl-Villarreal
Plant Ecologist
Lower Rio Grande Valley NWR
Phone (office): 956-784-7580
Phone (cell): 956-522-5746
Fax: 956-787-8338

On Tue, Sep 16, 2014 at 8:19 AM, Winton, Bryan <bryan_winton@fws.gov> wrote:
Kendal

I totally agree with your reply. I was actually hoping others would concur with what you have said. While it is great to partner with our local university when the opportunity arises, we shouldn't rely on students to conduct baseline research that may be subject to considerably scrutiny in the future, if there are changes to the physical environment in Boca Chica or we document changes in species use and relative abundance in the area, etc. In my opinion you hit the nail on the head. Baseline surveys should be conducted by experts so the information is defensible. Let me know if TPWD will want to issue a separate permit for Boca Chica State Park if it is decided there is indeed something beneficial UTB students could do for us prior to Space-X launch site construction.... something less technical I'm assuming. If we agree to allow UTB students on refuge lands, we will be issuing a Special Use Permit so we can share that with you if/when we get to that point.

Note: This information came from Space-X to our Ecological Services Field Office in Corpus who has handled the NEPA for the project to date. We appreciate them sharing this with us since we were not copied on the correspondence.

PS. I need to visit with you about land donations (from Space-X) to TPWD to fill in Boca Chica State Park. Give me a call when you have time.

thanks again for the feedback

bryan

On Mon, Sep 15, 2014 at 5:47 PM, Kendal Keyes <Kendal.Keyes@tpwd.texas.gov> wrote:

Hi Bryan:

I did not get an attachment. I think TPWD would want some sort of separate agreement with UTB for liability mostly, but I'll check on that. Our agreement with FWS may cover this.

In my opinion, if it is at all important that this baseline study have any real use to either FWS or TPWD now or in the future, it needs to be done by experts, not students. They do have experts in many fields of science at UTB and we work with them a lot. They do a great job, but, just for example, the rare plants recently found at Boca Chica would only have been found by five or six experts in the State, mostly people on FWS, TPWD, and TNC staff.

We also want the long-term monitoring to be meaningful so we need longevity and consistency. I don't think students can provide that.

Also, as you mentioned, students cause impacts as they are learning what to do and what not to do. When we allow students to conduct research in a park, we review the proposal first, we generally have some sort of working knowledge of the professor(s) involved, undergrads are always closely supervised, grad students working on MS or PhDs usually work on their own, and sampling/collecting/trapping is limited. We have had some baseline studies done by supervised college students, but this is different. Could the scientific data that they generate possible end up in court one day? Would it stand up to scrutiny? I have no idea, but some baseline studies are more important than others, and some sites are more sensitive than others. This effort should be lead by experts. Maybe the experts can allow a student, or maybe even a few, to conduct thesis research regarding the impacts, or something like that.

Thanks

From: Winton, Bryan [mailto:bryan_winton@fws.gov]

Sent: Monday, September 15, 2014 4:28 PM

To: Kendal Keyes; Scot Edler; Chris Hathcock; Mitch Sternberg; Chris Perez; Imer Dela Garza; Kim Wahl; Boyd Blihovde; Gisela Chapa

Cc: Mary Orms; Dawn Gardiner; Pat Clements; Ernesto Reyes

Subject: Fwd: Pre-construction baseline survey

All:

Please look over the attachment provided by ES in regards to Space-X. Space X is proposing to utilize UT Brownsville college students to conduct pre-project monitoring on their 50-acre site and our property (and Boca Chica State Park). Please prepare any comments, suggestions, opposition, support, etc. so I can compile and provide to Mary by Friday this week.

My initial concern is that for anyone conducting scientific studies on a national wildlife refuge (and state park) we will need to issue a Special Use Permit. So, whomever is assuming the lead for UTB will need to obtain a SUP from FWS (and TPWD possibly) stating what the timeframe is, the do's and don't are for the student researchers involved in the activity, and/or whether we ultimately decide this is a beneficial venture or not. Otherwise they do not have any permission or authority to do this on our lands, except for that Space- X is promoting it. We (FWS) land managers reserve the right to ultimately decide

what is or isn't allowed on the refuge. In concept, I think this can work, but I don't want unqualified students performing research on the refuge because they will cause disturbance and impacts while doing it and their results have little or no value. Therefore, while this is a great PR approach by Space-X, I'm not convinced this will help us unless there are qualified biology-type students at UTB.

You all review the plan and tell me if you agree, disagree, or have another viewpoint. I'm just providing an initial response/reaction to first learning that someone has a grandiose plan for an activity on our property.

Appreciate people taking the time to look at this. Thanks!

bryan

----- Forwarded message -----

From: **Orms, Mary** <mary_orms@fws.gov>

Date: Mon, Sep 15, 2014 at 2:35 PM

Subject: Fwd: Pre-construction baseline survey

To: Robert Jess <robert_jess@fws.gov>, Mitch Sternberg

<mitch_sternberg@fws.gov>, Bryan Winton <bryan_winton@fws.gov>, Ernesto

Reyes <ernesto_reyes@fws.gov>, Chris Perez <chris_perez@fws.gov>, Hilary Swarts

<hilary_swarts@fws.gov>

Just passing this along, did not notice that you guys were not on this email. He called today and I told him we would look it over this week and try to give some feedback Thursday or Friday. He says he will have UTB and students doing this the whole time and they are ready to go right now. Please pass on any comments so we can send to him.

----- Forwarded message -----

From: **Steve Davis** <Steve@spacex.com>

Date: Fri, Sep 5, 2014 at 11:20 AM

Subject: Pre-construction baseline survey

To: "Pat Clements (pat_clements@fws.gov)" <pat_clements@fws.gov>, "Mary Orms (mary_orms@fws.gov)" <mary_orms@fws.gov>

Cc: "Stacey.Zee@faa.gov" <Stacey.Zee@faa.gov>, Matthew Thompson

<Matthew.Thompson@spacex.com>

Hi Mary,

Per conversation, this is what we sent to UTB w/ regards to the baseline survey. We are well aware that this will likely change based on USFWS feedback (and we told UTB that).

They are going to be ready to go fairly soon, so we would definitely appreciate feedback.

Please note that this is only in reference to the pre-construction baseline survey (i.e. not all of the other required surveys)

Thanks!

Steve

Steve Davis | Director of Advanced Projects
Space Exploration Technologies (SpaceX)
1030 15th Street, NW|Suite 220 E|Washington|D.C.|20005
p: +1.202.649.2711 | c: +1.310.245.2197
steve@spacex.com | www.spacex.com

--

Mary Orms
U.S. Fish and Wildlife Service
c/o Texas A&M University at Corpus Christi
6300 Ocean Drive, Unit 5837
Corpus Christi, TX 78412-5837
Phone: (361) 994-9005 EXT: 246
Fax: (361) 994-8262

--

**Bryan R. Winton, Refuge Manager
Lower Rio Grande Valley National Wildlife Refuge
South Texas Refuge Complex
3325 Green Jay Road
Alamo, Texas 78516
(956) 784-7521 office
(956) 874-4304 cell
(956) 787-8338 fax**

--

**Bryan R. Winton, Refuge Manager
Lower Rio Grande Valley National Wildlife Refuge
South Texas Refuge Complex
3325 Green Jay Road
Alamo, Texas 78516
(956) 784-7521 office
(956) 874-4304 cell
(956) 787-8338 fax**

--

**Bryan R. Winton, Refuge Manager
Lower Rio Grande Valley National Wildlife Refuge
South Texas Refuge Complex
3325 Green Jay Road**

Alamo, Texas 78516
(956) 784-7521 office
(956) 874-4304 cell
(956) 787-8338 fax