

From: [Orms, Mary](#)
To: [Matthew Thompson](#); Stacey.Zee@faa.gov; [Gardiner, Dawn](#); [Winton, Bryan](#); [Clements, Pat](#); [Reyes, Ernesto](#); [Kendal Keyes](#); [Spier, Mark E](#); [Ardizzone, Chuck CA](#)
Subject: Re: [EXTERNAL] RE: SpaceX closure scheduled for March 25th or 26th. Biological Opinion non-compliance
Date: Monday, March 25, 2019 6:17:06 PM
Importance: High

Thank you for following up. I see by the emails SpaceX is adding people that we have requested be notified and others allowed access. However, a complete notification list still needs to be provided to the Service for review and approval since there still seems to be a glitch in the system preventing notifications from reaching the necessary agencies as outlined in the BO.

To prevent future confusion and to ensure coordination occurs **14 days prior** to any further testing or other activities that fall under the BO, a solution may be for SpaceX to provide a table outlining potential activities to occur within 6 months or a year. The table would list type of activity, potential timeframe it may occur, how many days will be required to complete, and potential coordination dates with agencies. The table would be a guide and changes would be expected. We welcome any other suggestions as to how we can make this more manageable and still comply with the conservation measures and terms and conditions FAA and SpaceX agreed to implement.

You stated no further testing is planned after this week. The Service agrees it may be a good time to discuss how best to implement conditions and monitoring activities, lessen impacts due to consecutive, multi-day closures, and be more successful at notifying each other of those actions.

Looking forward to reviewing the list of agencies to be notified and successfully coordinating with each other.

On Mon, Mar 25, 2019 at 4:40 PM Matthew Thompson <Matthew.Thompson@spacex.com> wrote:

Hi Mary –

Thank you for the note and the feedback. Right now we are tracking a closure tomorrow with a back-up of Wednesday. The soft checkpoint will be we east of CBP checkpoint. We have been in touch with Sea Turtle Inc, they are on our notifications, and we will continue to provide equipment to further enable the surveys. I am confirming Jason Newstead, and we will have him added if he is not on the list.

I believe we are following the monitoring requirements from the BO, but happy to support any additional coordination for areas that you would like to monitor. I will be onsite all week.

Just so you are aware, we plan to meet our test objectives this week, and following that, we do not anticipate closures for quite some time, so that may be a good time for a meeting/site visit.

Thanks very much

Matt

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

Sent: Monday, March 25, 2019 7:14 AM

To: Matthew Thompson <Matthew.Thompson@spacex.com>

Cc: Stacey.Zee@faa.gov; Dawn Gardiner <dawn_gardiner@fws.gov>; Pat Clements <pat_clements@fws.gov>; Ernesto Reyes <ernesto_reyes@fws.gov>; Bryan Winton <bryan_winton@fws.gov>; Robert Jess <robert_jess@fws.gov>; Kendal Keyes <Kendal.Keyes@tpwd.texas.gov>; Mark Spier <mark_spier@nps.gov>

Subject: Re: [EXTERNAL] RE: SpaceX closure scheduled for March 25th or 26th. Biological Opinion non-compliance

Stacey and Matt,

Although, it seems like there will be less of an impact from this type of testing, Space-X requesting multiple days for most of the week for consecutive closures impacts the public, refuge visitation, and research activities like daily sea turtle patrols and shorebird monitoring. Access to the area is important for regular monitoring, and post testing monitoring, and needs to occur ideally on the same day as the testing, or as soon as possible following each day testing to evaluate the impacts of testing on nesting species.

Sea Turtle Inc., will start their daily patrols and needs to be coordinated with as well as Coastal Bend Bays and Estuary Program. Please contact Mariana A. Devlin, Conservation/Internship Coordinator, Sea Turtle Inc. (956) 761-4511 Ext. 6 6617 Padre Boulevard South Padre Island, TX 78597 and add them to your contact list, as well as David Newstead of CBBEP.

FAA and SpaceX need to make sure the road closure is instituted where all parties agreed it would take place--west of the CBP checkpoint. This honors the original commitment Space-X made under the BO. If necessary, FAA should inform TxDOT the road closure location cannot be changed without coordinating with our office and the Refuge.

Thank you for your attention to this and if we need to discuss it further, we would be glad to do so.

On Sun, Mar 24, 2019 at 9:20 AM Matthew Thompson <Matthew.Thompson@spacex.com> wrote:

Hi Mary –

Thank you, I confirmed that Bryan is on the list and the address we have appears correct.

Bryan – please let me know if you continue to have issues receiving the messages.

Thanks very much

Matt

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

Sent: Saturday, March 23, 2019 9:22 PM

To: Stacey.Zee@faa.gov; Matthew Thompson <Matthew.Thompson@spacex.com>; Dawn Gardiner <dawn_gardiner@fws.gov>; Pat Clements <pat_clements@fws.gov>; Ernesto Reyes <ernesto_reyes@fws.gov>; Bryan Winton <bryan_winton@fws.gov>; Robert Jess <robert_jess@fws.gov>; Kendal Keyes <Kendal.Keyes@tpwd.texas.gov>; Mark Spier <mark_spier@nps.gov>

Subject: SpaceX closure scheduled for March 25th or 26th. Biological Opinion non-compliance

Our office, TPWD and NPS got this notice, but Bryan Winton of the Refuge did not. Seems there is still an issue on who is getting the notices.

SPACEX UPDATE as of 3/21/19, 3 PM CT:

SpaceX anticipates the need to temporarily close State Highway 4 (*and Boca Chica Beach*) in the event of a spaceflight activity today, March 21, 2019 between 12:00 p.m. and 8:00 p.m. CST. This eliminates the need for a possible closure on Friday, March 22, 2019.

Then our office got the attached notice forwarded to us. We never received the notice directly. It is a notice from Cameron County Judge saying they is going to be another closure on the 25th and possibly 26th.

The BO states:

Approximately 2 weeks in advance of a launch operation with restricted public access (i.e., actual launch, wet dress rehearsal, or static fire engine test), FAA/SpaceX will coordinate with the Cameron County Commissioner's Court, Secretariat of

Communications and Transportation – Mexico, U.S. Coast Guard (USCG), Houston Air Route Traffic Control Center (ARTCC), Texas Parks and Wildlife Department (TPWD), National Park Service (NPS), the Service's Lower Rio Grande Valley NWR and Ecological Services Office, National Marine Fisheries Service, and Customs and Border Patrol regarding launch activities and ensure public safety. This will allow for the issuance of a Notice to Mariners (NOTMARs) and Notice to Airmen (NOTAMs). Approximately 3-6 days prior to a launch operation with restricted public access, the public would be notified of the upcoming launch operation and security closure through local media and through the use of NOTMARs and NOTAMs. The notices will include the proposed date, the expected closure time and a backup closure date and time.

This means SpaceX is suppose to contact these agencies 2 weeks prior and coordinate any testing with them, then after coordinating with the agencies, 3-6 days prior to those activities a notice can come out for the pubic. This closure was not even mentioned in our discussions about the 21st and 22nd closure Thursday. No agency coordination has taken place for these new dates (25th and 26th).

That is twice FAA and SpaceX have been out of compliance. Future closures should not occur until this is corrected. We request a full list of all the agencies and the contacts with phone numbers and email addresses that need to be informed by SpaceX, as the BO states, for our review. We also request a summary of coordination prior to any closure. The Summary should include date, time, agencies, method of coordination (via email, phone call or meeting) and if that agency had any particular comments or requests. The summary can be emailed to mary_orms@fws.gov.

If you have any questions please contact Mary Orms at (361) 225-7315 or by email at mary_orms@fws.gov. Thank you for your attention to this matter.

Mary Orms

U.S. Fish and Wildlife Service

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