



June 17, 2021

Mr. Luis V. Saenz  
Cameron County District Attorney  
964 E Harrison Street  
Brownsville, Texas 78520  
*VIA EMAIL: c/o janie.carrizales@co.cameron.tx.us*

Re: Response to Complaint from *Save RGV*

Dear Mr. Saenz,

The purpose of this correspondence is to address the issues raised in your June 11, 2021 letter and to assure you that Space Exploration Technologies Corp. d/b/a SpaceX ("SpaceX") takes the inquiries raised therein seriously and is committed to working cooperatively with your office to resolve this matter. We also appreciate you and your staff taking the time to meet with SpaceX on June 14, 2021 to discuss this matter.

Based on review of your June 11, 2021 letter, it appears that there have been certain misunderstandings regarding certain facts and/or misinformation has been provided to your office, which this response seeks to provide clarity on. For purposes of ensuring that each of the inquiries raised in your letter are addressed, this response is divided into four sections to specifically address the issues for which information has been requested.

**I. SpaceX Security Personnel**

SpaceX has reviewed the account of events detailed in your letter with respect to SpaceX security personnel. As noted in your letter, SpaceX is registered with the Texas Department of Public Safety as a Private Business with an Internal Security Staff and in that capacity uses qualified and experienced security personnel. In this regard, SpaceX has a robust hiring process with requisite background checks to ensure the individuals being hired are skilled and capable of performing their important job functions. Mr. Milburn, the head of SpaceX security, does not act as a security officer in his role. Additionally, Mr. Derek Lopez was recently hired at SpaceX and is certified. Notably, SpaceX personnel do not carry firearms. Therefore, the required certification is level 2 commission for uniformed officers, which all of SpaceX's uniformed officers have with the exception of three officers, whose certification will be issued pending completion of their profile in the Texas Online Private Security ("TOPS") which is database that tracks certifications. Attached for your convenience is a tracker of SpaceX security personnel along with confirmation that they are licensed and/or in the process of being licensed.



As you may be aware, given that SpaceX's technology is controlled under the U.S. International Traffic in Arms Regulations ("ITAR") and Export Administration Regulations ("EAR"), SpaceX has a heightened responsibility to protect such technology and comply with associated regulatory controls. These regulatory controls require a U.S. government export license or other approval before sensitive information may be released to a "foreign person" (as defined by the ITAR or EAR) or publicly. Significantly, release of sensitive and controlled information without a license or other approval would be a violation of ITAR or EAR, which could lead to penalties under applicable regulations or governing statutes. For this reason, it is particularly critical that security measures be taken to prevent instances of trespassers on SpaceX property and unauthorized photographs being taken of sensitive equipment and operations. Given that SpaceX has previously experienced potential issues of trespassers and unauthorized photographs being taken, we welcome your support along with local law enforcement in addressing this potential harm to SpaceX.

While SpaceX has a legal obligation to protect the sensitive and regulated nature of its technology, SpaceX respects the right of the public to use public roads and has trained its security personnel on the importance of not obstructing the road outside of permissible county closures. In particular, SpaceX has made clear to its security personnel that they do not have authorization to stop anyone from accessing public roads and that the purpose of their post on Remedios Avenue is to ensure that anyone who attempts to access SpaceX's property presents a valid employee or contractor badge before being given access to SpaceX's premises. Further, SpaceX's security personnel are instructed not to follow or to stop individuals who do not present SpaceX employee or contractor badges. Rather, their responsibility is to ensure that unauthorized individuals do not enter SpaceX's premises. As such, to the extent your office has been informed that SpaceX is intentionally preventing travel down public roads, please be assured that has not been SpaceX's directive to its security personnel, and SpaceX has trained its personnel to the contrary. In instances where members of the public voluntarily stop to ask questions or speak with our security personnel about the area, as a courtesy and for safety reasons, they advise members of the public that there is only private property along the roadway and that there is not an adequate turn-around point for them if they continue on the road. Based on the foregoing, the accounting of the events in your letter would indicate that Mr. Lopez acted in a manner that is not consistent with SpaceX's standard operations or the training provided to SpaceX security personnel. To be clear, SpaceX does not instruct its security personnel to prohibit the public from accessing public road unless the road is closed by the county or for other permissible reasons. Unfortunately, Mr. Lopez had only recently been hired by SpaceX and had not regularly worked the security post at Remedios Avenue. As a result, he did not fully understand the important distinction between providing security and access to the public roads as compared to private roads.

For purposes of ensuring there are no similar misunderstandings in the future, SpaceX is committed to further enhancing its practices as follows:

- Continued and comprehensive training for security personnel, including reinforcement of the message that SpaceX does not own public roads, and that SpaceX does not and will not prevent members of the public from entering or remaining on the roads;



- Additional training on communications with the public and adding to the use of company labeled hats, signage or clothing to identify security personnel as SpaceX security, thereby mitigating against any potential confusion by the public about their identity when members of the public are talking to them on public roads; and
- Supplementing oncoming shift debriefs with a standard operating procedure (“SOP”) that is reviewed at each shift change, which emphasizes, among other things, the right of the public to travel on public roads.

To the extent there are additional measures your office would like SpaceX to consider, we welcome your feedback and open dialogue on this matter.

## **II. Rocket Road**

Your letter next references the renaming of Joanna Street as Rocket Road. By way of background, on or around July 22, 2013, a Petition for Road Abandonment was submitted to Cameron County (the “County”) to close and abandon Joanna Street. Thereafter, in connection with the formal abandonment process that was adhered to as required by the County, the renaming of Joanna Street to Rocket Road was approved on August 15, 2013 by the Commissioners’ Court. More specifically, the County Engineering Department, not SpaceX, produced and installed the road sign which now reads “Rocket Rd.” When this process was approved by the County, there were no concerns raised about a public taking. Attached for your convenience are the request and approval documents and the August 15, 2013 Cameron County Commissioners’ Court Order.

In connection with this process and given the regulatory obligations that SpaceX has along with the safety issues associated with the lack of a proper turnaround at the end of Remedios Avenue, another solution that makes logistical and legal sense is for the same formal abandonment process to be considered for Remedios Avenue. This process would involve filing a petition with the Commissioner’s Court for the abandonment of the road along with the approval of the few remaining property owners along Remedios Avenue. Under such a process, the property owners along Remedios Avenue would continue to receive access to their property, however, the abandonment of the road by the County would ultimately relieve the County of the costs, burdens and associated safety issues with maintaining the road (which is not currently being done), which SpaceX would be willing to improve at its own cost. SpaceX welcomes the input of your office on this potential solution, which is anticipated to be mutually beneficial for the County, SpaceX and its neighbors on Remedios Avenue.

Alternatively, a replat of the properties along Remedios Avenue is another available solution. In particular, with the cooperation of the owners of the other properties on Remedios Avenue, SpaceX would be open to proceeding with a replat of this area to assist in alleviating the County’s responsibility and expense for maintaining Remedios Avenue as a public road. Given that Remedios Avenue does not lead to any public destination, a replat of the area is anticipated to be a productive and beneficial solution for all parties involved and would likewise provide private access to all property owners along Remedios Avenue. This potential solution would similarly alleviate some of the concerns raised to your office.



### **III. Permitted Closure Hours**

In connection with your request, attached is the Addendum to the 2019 Written Re-Evaluation of the 2014 Final Environmental Impact Statement of SpaceX Texas Launch Site (the “Addendum”) from the Federal Aviation Administration, which approves up to 300 hours of permitted closures per year for SpaceX. Also attached for your review is a copy of SpaceX’s current calculation of permitted closures hours, which amounts to a total of 226 hours and 9 minutes. This calculation was prepared based on contemporaneous calculations made by SpaceX when permitted road closures occurred. For clarity, the start time (“Time Closed”) is recorded when County deputies begin enforcing roadblock hard down at the checkpoint, which is when the public does not have access to the beach. The end time (“Time Open”) is when the deputies reopen access to the beach. This is consistent with both the 2014 Environmental Impact Statement Record of Decision, the Addendum, and Section 100A.001 of the Texas Civil Practice and Remedies Code. As evidenced by these calculations, SpaceX can confirm that the alleged reports referenced in your letter suggesting that SpaceX has already used 385 closure hours during this calendar year are not accurate. Further, in tandem with SpaceX’s commitment to maintain transparency with agencies and SpaceX’s partners, SpaceX routinely submits its anticipated closure window, before any permitted closures, in an email distribution to the U.S. Fish and Wildlife Service, the Federal Aviation Administration and the County, among other recipients, thereby fulfilling the requisite conditions precedent. In addition, SpaceX now maintains a live text messaging system to alert the general public of real time closure information.

### **IV. Timely Closure Approvals and Beach Mitigation Plan**

As to the last issue raised in your letter, the Memorandum of Agreement (“MOA”) between the Texas General Land Office (“GLO”) and the County, dated September 1, 2013, states that the County must approve all requested Primary and Backup Closure Dates<sup>1</sup> as long as the requests are submitted timely. While the MOA does not require SpaceX to submit such requests at least 14 days in advance in order for the requests to be approved, SpaceX routinely seeks to submit such requests for closure as early as possible. In this regard, SpaceX has worked collaboratively with the County to provide the requisite information needed to grant approvals, and the County has accepted SpaceX’s request for closures based on SpaceX’s proper submissions. Additionally, SpaceX has submitted these requests for approval far enough in advance to the County for the County to have sufficient time to approve and to accommodate such closure requests.

Given that County approval has consistently been obtained before permitted road closures, SpaceX has complied with this obligation. Further, as to your inquiry on beach access mitigation, the Cameron County Dune Protection and Beach Access Plan has been complied with. In addition, SpaceX has actively contributed to improvement of the beaches including initiating a voluntary program for SpaceX personnel to clean beaches on weekends, facilitating a save the sea turtles

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<sup>1</sup> “Primary Closure Date” means a date on which Space Flight Activities are planned to occur. “Backup Closure Date(s)” means the date(s) prior to or following a Primary Closure Date on which Space Flight Activities are planned to occur if the entity undertaking the Space Flight Activities is unable to undertake such activities on a Primary Closure Date. Memorandum of Agreement, Contract No. 2013C08253; GLO Contract No. 13-447-000-7916.



campaign, donating \$25,000 to Friends of RGV Reef in October of 2020, and placing trash dumpsters for public use at the terminus of Hwy 4 in October of 2020.

**V. Conclusion**

We trust that this response and the attached information will assist in alleviating the concerns raised to your office and in highlighting that SpaceX is a responsible and compliant corporate citizen. SpaceX continues to be committed to improving and bringing positive opportunities to the community, and we look forward to working with your office to collaboratively address any other questions you may have or issues that may be raised in the future.

Thank you in advance for your time and for bringing these matters to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Shyamal Patel".

Shyamal Patel

Senior Director, Starship Operations