

LETTER OF AGREEMENT
between
CAMDEN COUNTY, GA
and
UNITED STATES COAST GUARD
SEVENTH DISTRICT

SUBJECT: Operations at Spaceport Camden, Camden County, Georgia

- I. **PARTIES:** The parties to this agreement are the United States Coast Guard (USCG), Seventh District, (D7) and Camden County Board of Commissioners, Georgia (Camden County).
- II. **AUTHORITY:** The USCG's authority to enter into this Agreement can be found in the following sources: 14 United States Code (U.S.C.) § 93(a)(20), 14 U.S.C. §701. As a recognized political subdivision of the State of Georgia as defined in the Constitution of the State of Georgia, effective July 1, 1983, Camden County is authorized to enter into governmental agreements pursuant to Article IX, section 1, Paragraph 1 thereof, and O.C.G.A. 36-34-2(5).
- III. **BACKGROUND:** Camden County intends to operate a commercial space launch site called Spaceport Camden (SC) for use by vertical launch vehicle operators for the orbital and suborbital launch of small to medium-large, liquid propellant launch vehicles. Launch operations would include preparatory activities to ready and test launch vehicles and systems, including mission rehearsals and static tests, and for any first-stage landings on the space launch site or returns to the launch site after landing on a barge located approximately 200 to 300 miles offshore in the Atlantic Ocean. The USCG has the responsibility to protect public health, safety of property, safe navigation, and national security in the maritime domain, to include during launch or reentry activities associated with space transportation.
- IV. **PURPOSE:** As required under Title 14, Code of Federal Regulations (CFR) §420, this agreement between Camden County and D7 provides procedures for the issuance of Broadcast and/or Local Notice to Mariners prior to a launch operation, as well as any other conditions deemed necessary by the Coast Guard to protect public health and safety. This agreement does not cover air traffic control procedures, nor does it cover specific notifications necessary for operation of specific launch vehicles, as these are covered in separate agreements required as part of a Federal Aviation Administration (FAA) Launch Vehicle Operator License.
- V. **SCOPE:** This Agreement is specific to the site location listed above, to include proposed operations taking place there, and is designed to detail USCG conditions, responsibilities, and coordination procedures for preflight, flight, and post-flight operations. Procedures defined in this Agreement are to be part of and supplemental to all Launch Site Operator license requirements and are in no way intended to circumvent the terms and conditions

contained in any license issued. Procedures used for actual flight operations are subject to further coordination by vehicle operators during the development of a separate Launch Vehicle Operator License application. This Agreement is subject to compliance monitoring by FAA Office of Commercial Space Transportation (AST).

VI. DEFINITIONS:

- A. Captain of the Port (COTP): Captains of the Port and their representatives enforce port safety and security and marine environmental protection regulations within their respective areas of responsibility, including, without limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution; and ports and waterways safety. For the purposes of this agreement, USCG Marine Safety Unit Savannah (MSU Savannah) is the COTP under whose authority Spaceport Camden's launch operations primarily fall.
- B. Limited Access Area (LAA): Tool used to control movement of marine traffic and limit access to all or a portion of the waterway in order to provide safety and security for mariners, vessels and maritime critical infrastructure, and manage the use of navigable waterways for commerce and environmental protection. LAA's could be a tool used to mitigate risks identified through a Navigation Safety Risk Assessment (NSRA).
- C. Local U.S. Coast Guard District: A Coast Guard District Commander is in command of a Coast Guard District and the District Commander's office may be referred to as a Coast Guard District Office. For the purposes of this agreement, the "Local U.S. Coast Guard District" refers to the Seventh Coast Guard District in Miami, Florida.
- D. Navigation Safety Risk Assessment (NSRA): Tool used by the USCG COTP when preparing input for a permitting agency regarding port or waterway safety issues associated with a project located on, over, or near the navigable waters of the United States. The assessment helps the COTP identify potential navigation risks and is the basis of any recommendation to the permitting agency.
- E. Navigable Waters of the U.S. (navigable waterway): As defined in 33 CFR 2.36, Navigable Waters refers to the Territorial seas of the United States (all waters seaward to 12nm), internal waters of the United States that are subject to tidal influence, and internal waters of the United States that are not subject to tidal influence, but that may be used for substantial interstate or foreign commerce.
- F. Broadcast Notice to Mariners (BNM): Broadcast Notice to Mariners is the method by which important navigation safety information is disseminated in the most expedient manner. Two agencies within the United States, the USCG and the National Geospatial-Intelligence Agency (NGA) are responsible for broadcasting navigation information. Each agency has a particular geographic area of responsibility.

- G. Local Notice to Mariners (LNM): The Local Notice to Mariners is the USCG's primary means for disseminating navigation safety information concerning aids to navigation, hazards to navigation, and other items of interest to mariners navigating the waters of the United States, its territories, and possessions. Each District Commander is responsible for issuing a Local Notice to Mariners each week containing information that contributes to navigation safety and maritime security within the boundaries of the District.
- H. United States Coast Guard Local Authority: For the purposes of this agreement, the local Coast Guard authority refers to MSU Savannah.
- I. Vertical Launch Vehicle: A vehicle built to operate in, or place a payload in, outer space or a suborbital rocket, that launches vertically from a launch pad into space without assistance from an aircraft.

VII. RESPONSIBILITIES:

A. Camden County agrees to the following:

1. Scheduling and Notification Activities:

- a) Provide D7(dpw) an annual launch schedule forecast for the next federal fiscal year by 30 September each year.
- b) Submit launch information to D7(dpw), to request a LNM article no later than 30 days prior to scheduled launch. Launch information should include the following:
 - 1) Operation Number;
 - 2) Vehicle type and launch description;
 - 3) Primary and secondary launch date and time in local and GMT;
 - 4) Launch Hazard Areas, perimeter coordinates in degrees, minutes, and seconds to three decimal places, if applicable.
- c) No later than five (5) days prior to launch activity, Camden County shall:
 - 1) Contact MSU Savannah to request a BNM with launch information and any other specific information needed by mariners;
 - 2) Contact D7 (dpw) to confirm launch information for the LNM and to request broadcast of NAVTEX with launch hazard information for launch activities occurring over water up 150 nautical miles offshore;
 - 3) Contact NGA to request Navigation Area IV warning notifications for launch activities occurring over water from 150 nautical miles offshore to deep-ocean.

2. Limited Access Areas:

- a) NSRA: Submit a completed NSRA to the USCG COTP for use in identifying potential navigation risks with SC on or before ninety (90) days from the effective date of this agreement.

- b) Based on evaluation of risks assessed in the NSRA, request resumption of rulemaking in order to establish an LAA no later than 60 days prior to anticipated need.

B. D7 agrees to the following:

1. Scheduling and Notification Activities:

- a) Review annual forecast of scheduled launches and provisions of this agreement each year;
- b) Publish launch information 30 days prior to launch in the Local Notice to Mariners;
- c) Broadcast NAVTEX with launch information 5 days prior to launch;
- d) Fulfill any other statutory responsibility pertaining to USCG jurisdiction and authorities.
- e) Consult with Camden County on all matters related to navigation safety pertaining to commercial space transportation.

2. Limited Access Areas:

- a) D7(dpw) will coordinate the completion of a formal NSRA in accordance with Coast Guard policy separate from this agreement.

VIII. POINTS OF CONTACT: The primary points of contact for this Agreement shall be the D7(dpw), USCG Marine Safety Unit (MSU) Savannah, and the Administrator of Camden County. Specific points of contact are included in Appendix A.


IX. OTHER PROVISIONS:


- A. Nothing in this agreement is intended to conflict with current law or regulation or the directives of the USCG, Department of Homeland Security, the Department of Transportation, or the State of Georgia. If the terms of this Agreement are inconsistent with existing directives of these agencies, then those portions of this Agreement which are determined to be inconsistent shall be invalid, but the remaining terms and conditions of this Agreement not so affected shall remain in full force and effect.
- B. This Agreement does not create any right or benefit, substantive or procedural, enforceable by law or equity by persons who are not a party to this agreement, against the USCG or Camden County, their officers or employees, or any other person.

- C. Each Party shall implement procedures to carry out their respective responsibilities under this Agreement in accordance with their respective departmental policies and procedures. This Agreement does not and should not be construed as a commitment, obligation, or transfer of funds. Should the transfer or obligation of funds become necessary in the future, both Parties agree that appropriate subordinate agreements will be executed in writing as necessary, in accordance with each agency's fiscal and contracting laws and regulations, including proper administrative review prior to obligation of those funds. Reimbursable expenses are charged at rates as provided by the USCG Reimbursable Standard Rates Commandant Instruction 7310.1S.
- D. Camden County or the SC Senior Manager will immediately notify the National Response Center, MSU Savannah, and the D7 Command Center in the event of a launch site accident adjacent to or affecting any navigable waterway.
- E. As specified in Paragraph VII.A.1., should Camden County fail to submit a final NSRA acceptable to the USCG within the identified time period, the USCG will have the option to terminate this Agreement by written notice to Camden County.

- X. **EFFECTIVE:** This Agreement shall become effective upon the date of signature by both approving officials for the parties.
- XI. **MODIFICATION:** This Agreement may be modified upon the mutual written consent of the parties. This Agreement shall be reviewed by the parties annually to determine the need for modification.
- XII. **TERMINATION:** This Agreement shall remain in full force and effect unless and until revoked in writing by either party. Either party, upon thirty (30) days written notice to the other party, may terminate this Agreement.

APPROVED BY:


JAMES H. STARLINE
Chair, Board of County Commissioners
Camden County Georgia


PETER J. BROWN
Rear Admiral, U. S. Coast Guard,
Commander, Seventh Coast Guard District

JUN 12 2019

Appendix (A) Specific Points of Contact
Appendix (B) Conceptual Routes of Flight

AGREEMENT
Appendix A – Specific Points of Contact

OFFICE	NUMBER	RESPONSIBILITY
Camden County Administrator	912-510-0464	Launch Facility Development and Operations Coordination
Spaceport Camden Operations Coordinator	TBD	General Operations Coordination
USCG D7(dpw) LNM Editor D07-SMB-D7- LNM@uscg.mil	305-415-6752	Distribution/publication of Local Notice to Mariners.
USCG Marine Safety Unit Savannah, Command Duty Officer	912-247-0073	Broadcast Notice to Mariners
USCG Marine Safety Unit Savannah	912-247-0073	Incident and recovery coordination
USCG Seventh District Command Center	305-415-6800	Incident and recovery coordination
USCG D7(dpw) MP&I	305-415-6750	Navigation Safety Risk Assessment Coordination

AGREEMENT
Appendix B – Conceptual Range of Flight Trajectories

