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Subject: spaceX update
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SpaceX status after April 20, 2023, Launch Failure

BACKGROUND

- SpaceX received a Federal Aviation Administration (FAA) license in 2014 to launch satellites from Boca Chica, Texas and mission creep turned to building, testing, and launching rockets for Mars expeditions. In 2020, FAA requested SpaceX stop activities not covered in the 2014 license.
- FAA drafted a Programmatic Environmental Assessment pursuant to the National Environmental Policy Act and reinitiated section 7 Endangered Species Act consultation. This resulted in a Biological Opinion issued in May 2022.
- FAA issued a license to SpaceX April 2023 which was used for a launch on April 20 that resulted in an anomaly/mishap where much of the launch pad was pulverized and expelled into the landscape and Gulf and the vehicle was detonated in the atmosphere about 20 miles out over the Gulf.

CURRENT STATUS

- SpaceX's continued site development has incurred trespass violations on Fish and Wildlife Service (Service) lands. SpaceX has increased requests for rights-of-way (ROW) across Service lands for infrastructure.
- Refuge is working with Department of Justice on a settlement of right of way easement issues.
- SpaceX kept the State Highway and the site closed for 3 days after the anomaly to ensure the area was made safe prior to allowing the public access. Assessment of impacts indicates that effects may have extended outside the areas covered under the Section 7 consultation with FAA and National Historic Preservation Act.
- SpaceX is contemplating additional project components to dampen noise, vibration, dust, and flames with water. The Service sent a letter to FAA recommending reinitiation of section 7. FAA has stated a new Biological Assessment is being prepared to cover addition of a deluge system and the steam cloud produced during a launch or test.
- Texas Parks and Wildlife Department (TPWD), the Service and other agencies have agreed debris cleanup should not begin until after the migratory bird nesting season has ended. SpaceX recovery of important rocket components are allowed with a biological

monitor present and egress and ingress paths approved by TPWD and the Service.

- The Service sent several letters to SpaceX recommending a Habitat Conservation Plan for their ongoing hovercraft operation across South Bay and for planned housing construction near Massey Way, neither are covered by the FAA license or consultation. The Service believes the hovercraft harms piping plovers, red knots, and their critical habitats. Additionally, the Service believes the housing project near Massey Way could potentially harm or harass ocelots.
- The Center for Biological Diversity, American Bird Conservancy, Surfrider Foundation Save RGV, and Carrizon/Comecrudo Nation of Texas filed suit against FAA on May 1, 2023, alleging FAA violated the National Environmental Policy Act in issuing the April license. Our solicitor thinks it likely FWS could be enjoined.

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