

## SpaceX status after April 20, ~~2023~~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~~~~prepared~~ a ~~Draft~~ Programmatic Environmental Assessment pursuant to the National Environmental Policy Act and reinitiated section 7 Endangered Species Act consultation. ~~This which~~ resulted in a Biological [Opinion](#) issued in ~~March~~ [May](#) 2022.
- FAA issued a license to SpaceX April 2023 ~~which and it~~ 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 [FWS Service](#) lands for infrastructure.
- Refuges ~~is are~~ working with ~~the~~ [Department of Justice](#) on a settlement ~~and 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. for safeing activities.~~ Assessment of impacts ~~seems seems to show~~ [indicates](#) that effects ~~may extended~~ outside the areas ~~consulted on for section 7 Endangered Species Act SA covered under the Section 7 consultation with FAA and section 106 National Historic Preservation Act HPA. Also,~~
- SpaceX is contemplating additional project components to dampen noise, vibration, dust, and flames with water. ~~We the Service~~ sent a letter to FAA recommending ~~reinitiation~~ [reinitiation](#) of section 7. ~~FAA has stated and are told~~ a [new Biological Assessment](#) is ~~being in preparapreparation~~ 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-FWS~~ and other agencies ~~have agreed debris cleanup should not begin until after the migratory bird nesting season has ended. SpaceX r~~ Recovery of important rocket components are allowed with a biological monitor present and egress and ingress paths ~~approved have been reviewed by TPWD and the Service FWS.~~
- ~~FWS-The Service has~~ sent ~~recommendation several~~ letters ~~to asking that~~ SpaceX ~~ealling for prepararecommending~~ a Habitat Conservation Plan for their ongoing hovercraft operation across South Bay and for planned housing construction near Massey Way, ~~both portions of the operation neither are not~~ covered by ~~the~~ FAA license ~~and or~~ consultation. ~~We-The Service~~ believes the hovercraft harms piping plovers and red knots and their critical habitats. ~~Additionally, the Service believes the housing project and that housing near Massey way could potentially harm or and~~ harasses 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 will~~ be enjoined ~~over~~ [ESA](#).

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