

SpaceX status after April 20, 2023, Launch Failure

BACKGROUND

- SpaceX received a 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 FWS lands. SpaceX has increased requests for rights-of-way across FWS lands for infrastructure. Refuges are working with DOJ on settlement and right of way easement.
- SpaceX kept the State Highway and the site closed for 3 days after the anomaly for safeing activities. Assessment of impacts seems to show that effects extended outside the areas consulted on for Endangered Species Act and National Historic Preservation Act. Also, SpaceX is contemplating additional project components to dampen noise, vibration, dust, and flames with water. We sent a letter to FAA recommending reinitiation of section 7 and are told a BA is in preparation to cover addition of a deluge system and steam cloud.
- TPWD, FWS 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 FWS.
- FWS has sent recommendation letters to SpaceX calling for 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 not covered by FAA license and consultation. We believe the hovercraft harms piping plovers and red knots and their critical habitats and that housing near Massey could harm and harasses ocelots.
- The Center for Biological Diversity, American Bird Conservancy, Surfrider Foundation Save RGV, and Carrizón/Comecrudo Nation of Texas filed suit against FAA on May 1 alleging FAA violated NEPA in issuing the April license. Our solicitor thinks it likely FWS could be enjoined.