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Comments on Army Corps 404 Permit Public Notice

**Permit # SWG-2013-00381 for the Expansion of SpaceX at
Boca Chica, Texas**

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The Friends of the Wildlife Corridor and the Friends of Laguna Atascosa NWR are 501c3 non-profit organizations dedicated to supporting Santa Ana, Lower Rio Grande Valley and Laguna Atascosa National Wildlife Refuges and their mission to protect and preserve wildlife and wildlife habitat in the Rio Grande Valley of Texas. This letter explains our serious concerns regarding Permit # SWG-2013-00381. We are opposed to the granting of this permit

The public notice contains no mitigation plan or other steps to avoid and minimize potential impacts on habitat for endemic, rare, endangered and threatened species here in the Boca Chica area. The Boca Chica Unit of the Lower Rio Grande Valley NWR is immediately adjacent to the SpaceX Vertical Launch Area (VLA), which is the subject of this proposed 404 permit.

Applicants wanting to fill wetlands are required to be “wetland-

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dependent,” meaning that the project requires proximity to wetlands. SpaceX is not wetland dependent. In fact, for SpaceX, wetlands are apparently just something to be filled in and paved over, as one sees in current construction. They can and should be doing their rocket development and testing at their McGregor, Texas facility or any other appropriate site, which has no wetlands, adjacent state and federal wildlife refuge land, or nearby population centers.

The Public Notice describes Boca Chica as “coastal area characterized by sand and mudflats.” In fact, Boca Chica is a unique and diverse ecosystem with extensive tidal flats, salt prairie, scattered black mangroves, and vegetated sand dunes, with a very significant population of shore birds and other wildlife. Present in or near this area are rare, threatened and endangered species such as the ocelot, aplomado falcon, piping plover, red knot, snowy plover, black rail and others, as well as a multitude of passerines during fall and spring migrations.

The SpaceX Public Notice further describes Boca Chica Village in inaccurate, disparaging terms, having “...a mostly transient population.” That some owners live there only part of the year is irrelevant. It in no way diminishes their importance or consideration for their safety and well-being.

The Public Notice states “current infrastructure and utilities in this area are limited.” While this was true prior to SpaceX, even a cursory look now at the extensive built-out of the SpaceX control center, rocket assembly area, and Vertical Launch Area (VLA) now show this statement false. Water is the only utility still in limited supply.

The Public Notice further says “The land surrounding the proposed vertical launch area (VLA) is primarily used for recreational purposes.” SpaceX neglects to mention that the VLA is surrounded on 3 sides by National Wildlife Refuge and Texas State Park land, none of it dedicated to recreational use. It is high quality coastal habitat, used for endangered wildlife and wildlife habitat preservation. Only the Boca Chica Beach to the east of the VLA is significantly used for recreation, as well as for research by coastal biologists and birders. This beach, less than ¼ mile from the VLA, is also a nesting site for the endangered Kemps Ridley sea turtle.

The latest SpaceX plan, as minimally described in the Public Notice, is another example of SpaceX **segmenting** its expanding project in small increments to try to **avoid** doing a new Environmental Impact Statement. The Corps should strongly recommend that the FAA require SpaceX to do a new EIS. An **additional 10.94 acres of mudflats, 5.94 acres of estuarine wetlands, 0.23 acre of non-tidal wetland** will be destroyed. This proposed filling in of wetlands and the paving over of upland areas will have impacts on vegetation, migratory birds, nesting

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birds, endangered and threatened species. So will the activities that will occur as a result of the VLA expansion, e.g. rocket testing, launches, explosions, fires and water contamination. These impacts need to be studied, avoided, minimized, and mitigated. But there is no mitigation plan to be found and, apparently, no plan to make it available to the public when it is submitted.

The Clean Water Act, Section 404 specifies the consideration of **alternatives** to the proposed action. The SpaceX Public Notice has no discussion of alternatives.

The VLA is being raised considerably higher than the surrounding marsh, tidal flats & vegetated areas. This too will have likely impacts on the surrounding tidal flats and marsh.

- What will be the impacts on surrounding wetlands from the VLA storm runoff, from launch and fire suppression water, and fuel runoff from leaks or accidents?
- How will the contaminated water in the detention ponds be disposed of?
- How will nearby South Bay, a unique and highly productive shallow bay, be protected from contaminated runoff, debris, spilled hydrocarbons, etc?

The complete absence of SpaceX's mitigation plan in the Public Notice is unacceptable. The public cannot evaluate and respond to what should be but is not in the public notice. When the FAA finally receives the mitigation plan, it should make it available to the public immediately, with an additional public comment period. Keeping the public in the dark may be in SpaceX's best interests, but it is not in the best interest of your agency or the public it protects. For these reasons, we urge the Army Corps to deny Permit # SWG-2013-00381 or return it to the applicant for inclusion of a comprehensive mitigation plan.

Sincerely,

Jim Chapman, President, Friends of the Wildlife Corridor

Nicole Ekstrom, President, Friends of Laguna Atascosa NWR

