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**Comments on Army Corps 404 Permit Public Notice
Permit # SWG-2013-00381 SpaceX Boca Chica**

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Dear Sir/Ms:

This letter is on behalf of Save RGV, a Texas non-profit corporation, to explain our concerns and to urge you to deny Permit # SWG-2013-00381 in its present form.

The public notice gives no evidence of **mitigation** planning or other steps to avoid and minimize potential impacts on precious habitat for endangered and threatened species here in the Lower Rio Grande Delta.

Applicants wanting to fill wetlands are required to be "wetland-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 appropriate site, which has no wetlands or adjacent state and federal wildlife refuge land. Boca Chica is not an "anything goes" venue.

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, a very significant population of rare shore birds and other wildlife. Present in or near this area are state and federally listed rare, threatened and endangered species such as the ocelot, Kemp's Ridley sea turtle, 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. They and their village are still at risk.

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 SpaceX control center, rocket assembly area, and Vertical Launch Area (VLA) now prove this statement false. Water is the only utility still in limited supply.

The Public Notice says "The land surrounding the proposed vertical launch area (VLA) is primarily used for recreational purposes," but does not mention that the VLA is surrounded on three 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 primarily used for recreation, and for research by coastal biologists and Master Naturalists in training. This beach, less than ¼ mile from the VLA, is also a nesting site for the endangered Kemp's Ridley sea turtle.

This Public Notice is an example of SpaceX **segmenting** its expanding project in small increments to try to **avoid** doing a new EIS. The Corps should advise the FAA that a new EIS is required. 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 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, and fires. These impacts need to be studied, avoided, minimized, and mitigated. But no mitigation plan exists at the present time.

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. Other questions about mitigation and prevention of serious harms remain:

- What will be the impacts on surrounding wetlands from the VLA storm runoff from launch and fire suppression water and fuel and other hydrocarbons?
- 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? South Bay was the first-named Texas Coastal Preserve and is a critical fish and shellfish nursery.

The complete absence of SpaceX's mitigation plan in the Public Notice is unacceptable. The public cannot evaluate and respond to what's not there. When the FAA finally receives the mitigation plan, it should make it available to the public immediately, with an additional comment period. Keeping the public in the dark may be in SpaceX's best interests, but it is not

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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 Yours,

Patrick Anderson, Bill Berg, Mary Angela Branch, Jim Chapman, Maria Galasso, Martha Pena, Molly Smith, Mary Elizabeth Hollmann, Sarah Bishop Merrill, John Young

Cc: EPA

Local media contacts