



The U.S. Shorebird Conservation Partnership

Building Collaborative Action for Shorebird Conservation

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
swg_public_notice@usace.army.mil

5 April 2021

Dear Sir/Madam,

On behalf of the U.S. Shorebird Conservation Partnership's Council, I am writing to express our deep concerns about the modification of the existing permit (SWG-2012-00381) for the continued development of the SpaceX vertical launch area (VLA) with the expansion and addition of test, orbital, and landing pads, integration towers, associated infrastructure, stormwater management features and vehicle parking.

The U.S. Shorebird Conservation Partnership (USSCP) and its Council is a collective of individuals and organizations who are expert in the long-term conservation of the Western Hemisphere's shorebirds. USSCP representatives have extensive experience in shorebird conservation and include federal agencies, state agencies and non-governmental organizations. We work collaboratively to address shorebird conservation issues and propose solutions. Accordingly, we are concerned that there is no evidence that SpaceX is meeting the requirement to "avoid and minimize potential impacts" required by the 404 wetland permit modification.

In the Public Notice issued by the U.S. Army Corps Of Engineers (Corps), you state that the "the vertical launch area and control center area are in a sparsely populated coastal area off the Gulf of Mexico characterized by sand and mud flats" and that "the land surrounding the proposed vertical launch and control center areas is primarily used for recreational purposes". This is not an accurate characterization. Recognizing the great richness and abundance of wildlife species in the region, the Lower Rio Grande National Wildlife Refuge was established in 1979 with the expressed purpose to protect this biodiversity. This purpose aligns well with the overarching goal

of the National Wildlife Refuge System — “to conserve a diversity of fish, wildlife, and plants and their habitats for the benefit of current and future generations. By fulfilling this goal, the Refuge System can maintain the biological integrity, diversity, and environmental health of each refuge with a focus on native species, as provided in 601 FW 3, and contribute to the conservation and, where appropriate, restoration of representative ecosystems and ecological processes in the United States, as directed by the Improvement Act” (Refuge Management Part 601: National Wildlife Refuge System Improvement Act, 1997: Division of Conservation, Planning and Policy).

At least 30 species of shorebirds have been recorded in the Boca Chica basin of the Lower Rio Grande Valley National Wildlife Refuge by professional biologists and volunteer observers, which represent nearly 60% of the shorebird species found in all of North America and illustrate the biological diversity that the refuge was designated to protect. Many of the species observed on the Refuge rely on the site for winter habitat, and others depend on this unique area as a critical stopover site during migration from Central and South America to their breeding grounds in northern North America. Shorebirds from multiple flyways converge on the Boca Chica wetlands during the nonbreeding season. Red Knots and Piping Plovers, which are listed under the U.S. Endangered Species Act, use the site during migration and winter. The saline shorelines near the current SpaceX site provide nesting habitat for Wilson’s and Snowy Plovers, which have been identified as species of Greatest Conservation Concern by the USSCP.

The proposed filling of wetlands and the paving of uplands will have impacts on vegetation, nesting and nonbreeding birds, and some federally listed endangered and threatened species, as will the activities that will result from the VLA expansion (e.g., rocket testing, launches, explosions, fires). These impacts need to be studied so they can be avoided, minimized or mitigated. We believe strongly that the mission of the Lower Rio Grande National Wildlife Refuge and the health of shorebirds and other wildlife dependent on the Refuge are being compromised significantly by the activities of the SpaceX testing and launching site, which is embedded on a private land in-holding surrounded by Refuge lands.

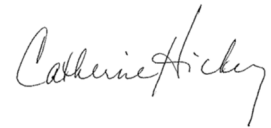
The current Public Notice states that the Corps has not yet verified the wetland delineation, and the notice “is being issued based on information furnished by the applicant”. The notice also lacks a mitigation plan, and the repeated modifications to the original Department of the Army Permit clearly indicate the need for an updated Environmental Impact Statement (EIS). There is evidence that conditions and requirements identified in the 2014 ROD and subsequent permits have not been met, so any conditions in future

permits will likely not be followed. In fact, there are already un-permitted wetland modification actions occurring on the SpaceX site.

This incomplete Public Notice is unacceptable, and we urge the Army Corps to deny Permit # SWG-2013-00381 in its present form.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Hickey". The signature is written in black ink and is positioned below the word "Sincerely,".

Catherine Hickey, Vice Chair
U.S. Shorebird Conservation Partnership Council