

Hold that Rocket

Coastal Commission clears the air at Vandenberg



“I agree with the Sierra Club” Coastal Commissioner Gretchen Newsom blistered the business practices of SpaceX and the attempt to disguise a commercial endeavor as a federal program at the Commission’s Oct. 10 hearing.

When Elon Musk’s SpaceX contracted with a helpful third party to blast his StarLink satellites into space for the greater glory of Mr. Musk’s profits as an internet service provider, it was a sweet deal.

That’s because the third party is the U.S. Department of the Air Force, which made it possible to claim that this was the program of a federal agency engaged in national defense. And that meant that responsibility for the rocket launches’ impacts on the numerous threatened and endangered species in the vicinity of Vandenberg Space Force Base would fall on the Air Force, including biological monitoring, coastal access and recreation enhancement, marine debris reduction, commercial and recreational fishing coordination, lighting management, and sonic boom assessment and minimization.

It also meant that Musk's satellite launches were treated as a federal program, which meant the California Coastal Commission could not claim jurisdiction and require the Air Force to apply for a Coastal Development Permit along with permit conditions to protect those imperiled birds, turtles, frogs and marine mammals. The Commission could only politely request that the Air Force adopt protective measures to ensure that the escalating number of launches happen in a manner consistent with the Coastal Zone Management Act. And that meant the Air Force could decide what it would and wouldn't do, and that meant that it could – and did – largely ignore the Coastal Commission's request.

At least, that's what it meant until October 10, when the Air Force came back to the Commission with another pro forma request for another increase in the frequency of launches; a request made from behind a federal shield exempting them from a need for a permit and mandatory compliance.

Sierra Club California's Coastal Subcommittee and the Santa Lucia Chapter commented on the Commission staff report's "anticipated short duration before the Commission will be able to again consider this activity due to the expected submittal of another consistency determination for a further increase in launches to 100 per year," and the "absence of robust data" on potential impacts to coastal resources." We noted that the U.S. Fish and Wildlife Service had issued a biological opinion that concluded "until the novel effects of the project activity are studied, we are unable to anticipate the specific response at this time." Hence, the Commission was being asked to approve a potential eight-fold increase in impacts without an understanding of the cumulative effects of those impacts.

Commissioner Gretchen Newsom schooled the Air Force, SpaceX, and her colleagues with a damning history of the business practices, workplace safety, and environmental indifference of SpaceX. She concurred with the Sierra Club's comments and concluded that as SpaceX is not part of the federal government, it is the responsibility of SpaceX, not the Air Force, to ensure that the launching of Elon Musk's satellites complies with both state and federal environmental laws. Several other commissioners zeroed in on the lack of data on environmental impacts from the increasing number of launches that the Sierra Club had pointed out.

At the end of the hearing, the Commission refused to declare the project to be consistent with California's Coastal Zone Management Act and told the Air Force that Mr. Musk has to come to the Coastal Commission to ask for a Coastal Development Permit and abide by its conditions if he wants to keep launching satellites on the California coast. Musk promptly sued the Coastal Commission.

