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Carrizo Comecrudo Tribe, Sierra Club, and Save RGV Win Appeal Against Texas GLO and Cameron County for Closing Boca Chica Beach for SpaceX

Brownsville, TX – Yesterday, in a unanimous ruling, the Thirteenth Court of Appeals affirmed the right of the Carrizo Comecrudo Tribe of Texas, Sierra Club Lone Star Chapter, and Save RGV to challenge the unconstitutional closures of Highway 4 to Boca Chica Beach. Cameron County has repeatedly closed the beach to accommodate activities at the SpaceX facility in Boca Chica, restricting access to the public beach and violating the Texas Constitution.

The appeals court ruling overturns a July 2022 ruling by 445th District Court Judge Gloria Rincones in Cameron County that stated the organizations lacked standing or jurisdiction to sue. The original lawsuit, filed by Save RGV in October 2021, argues that the court should invalidate an unconstitutional Texas statute passed by the Legislature in 2013 that enabled space operations to close Texas public beaches. That change conflicts with the state constitution, which Texas voters amended in 2009 – by a 77% majority – to guarantee the right to free and unrestricted access to public beaches. The opposing parties – including Cameron County, the Texas General Land Office, and intervenor Texas Attorney General Ken Paxton – are likely to appeal Thursday's decision to the Texas Supreme Court.

Just five years after the Legislature's move, SpaceX built its massive rocket-launching facility 1,500 feet from water's edge on Boca Chica Beach, a biodiverse and sensitive habitat that has been beloved by the community for generations. Boca Chica beach has been closed so frequently and unpredictably that Rio Grande Valley residents have seen their access essentially disappear. The Carrizo Comecrudo Tribe of Texas, which holds the land of Boca Chica sacred, has been consistently ignored while they lose access to their ancestral heritage.

If the opposing parties – including Cameron County, the Texas General Land Office, and intervenor Texas Attorney General Ken Paxton – appeal Thursday's decision to the Texas Supreme Court, the organizations will continue to fight for the rights granted to them in the Texas Constitution.

In response to the Thursday decision, advocates issued the following statements:

“The citizens of Texas who voted in 2009 to amend the Texas Constitution to give the public free and open access to Texas beaches, deserve to have this issue fully litigated. The court of appeals decision should stand and Cameron County and the other State of Texas defendants

should stop wasting taxpayers' resources on further appeal" said **Victoria Guerra of Save RGV**, adding "Boca Chica belongs to the people and to the wildlife which depends on that unique habitat to survive."

"I grew up going to Boca Chica Beach since Elementary School. It was the only beach our parents took us to. In high school, that was where we all congregated for church outings, school outings, and just plain fun. There was, and never will be, anything like Boca Chica: miles of undeveloped, natural beach, pristine, windswept, magnificent dunes and surf, dark skies, and thick with wildlife," said **Cameron County resident, Mary Angela Branch**. "The best part?? It was free and open 24/7. There will never, ever be anything like it again, and the powers that be have restricted our access egregiously and poisoned this one of a kind biodiverse ecosystem. It's a true crime against the environment."

"I grew up going to Boca Chica Beach just like my parents and grandparents did," said **Emma Guevara, a Sierra Club organizer in Brownsville**. "It is an important part of our community, and to have our access to it taken away is a direct confrontation of our rights. This decision is good news, and we're happy about it. But we're well aware of the obstacles we continue to face across the community, including the state trying to give away huge chunks of Boca Chica State Park to SpaceX."

About the Sierra Club

The Sierra Club is America's largest and most influential grassroots environmental organization, with millions of members and supporters. In addition to protecting every person's right to get outdoors and access the healing power of nature, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action. For more information, visit www.sierraclub.org.