

# Congress of the United States

Washington, DC 20515

September 7, 2023

The Honorable Richard Spinrad  
Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue NW  
Washington, D.C. 20230

Dear Administrator Spinrad:

We write to request that you work with the U.S. Department of Defense (DoD) to issue a national security waiver in response to the proposed rule issued by the National Oceanic and Atmospheric Administration (NOAA) on July 24, 2023 with regard to the critical habitat designation for Rice's Whale. We recognize the need to preserve our endangered marine life. However, at a time of rising aggression from and competition with the Chinese Communist Party, our country cannot afford to thwart the ability of our nation's test ranges from supporting advanced weapon development.

The Eglin Gulf Test and Training Range (EGTTR) is a vital national security asset managed by Eglin Air Force Base (AFB), the largest U.S. Air Force Base in the world. EGTTR covers 724 square miles of the Florida panhandle, nearly 120,000 square miles of the Gulf of Mexico, and is the only qualified air-to-ground supersonic range east of the Mississippi River. The range supports the 96th Test Wing (TW) at Eglin AFB in testing and evaluating some of the U.S. military's most demanding and advanced capabilities. This includes hypersonic weapons testing, a critical capability which the U.S. trails both Russia and China in development.

The proposed rule would greatly diminish the ability of the 96th TW to conduct missions over the Gulf. Currently, the 96th TW has begun to move tests to overland missions, prompting additional safety and security concerns for personnel at Eglin and the surrounding communities. Further, the change in some weapons tests may result in delaying the delivery of capabilities to the warfighter, and it appears the rule prevents operations within a wider swath of the EGTTR than previous restrictions by NOAA for other marine mammals. Any continued impact to the EGTTR due to this proposed rule would be completely avoidable and unnecessary considering there are no known instances of DoD activities that has killed or injured Rice's Whales, and the DoD secured an incidental take permit for the species following its listing under the Endangered Species Act.

Given the military readiness impact to the EGTTR, we request that NOAA work with DoD on an exception to the proposed rule for national security activities in the Gulf. As you know, this is not a novel concept as these testing and training activities qualify as military readiness activities. A national security exception would allow for these critical national security missions to continue while acknowledging that the U.S. Air Force, and other users of the EGTTR, have operated responsibly in the Gulf for more than 50 years.

We appreciate your attention to this important matter.

Sincerely,



Marco Rubio  
U.S. Senator



Rick Scott  
U.S. Senator



Matt Gaetz  
Member of Congress



Anna Paulina Luna  
Member of Congress



Gus M. Bilirakis  
Member of Congress



Carlos A. Gimenez  
Member of Congress



Daniel Webster  
Member of Congress



Bill Posey  
Member of Congress



Scott Franklin  
Member of Congress



John H. Rutherford  
Member of Congress



Michael Waltz  
Member of Congress



Laurel Lee  
Member of Congress



Aaron Bean  
Member of Congress



Cory Mills  
Member of Congress



Kat Cammack  
Member of Congress