



Town of Chatham

Office of the Selectmen

Town Manager

549 Main Street

Chatham, MA 02633



Jill R. Goldsmith
TOWN MANAGER

jgoldsmith@chatham-ma.gov

June 2, 2017

Tel: (508) 945-5105

Fax: (508) 945-3550

www.chatham-ma.gov

Dear Messers Clayton, Bachrach, Campbell, Judge, Essington and Ms. Erickson and Norton:

We are writing in response to your irresponsible March 16, 2017 letter to the Massachusetts delegation where you requested them to oppose legislation (HR 1157) filed by Representative Keating to restore the historically recognized western boundary of the Monomoy National Wildlife Refuge (Refuge). We have been asked by members of our community to respond to your deliberate disinformation campaign that discredits the Town of Chatham and the public officials who support us.

In opposing the legislation, your organizations assumed that the U.S. Fish and Wildlife Service (USFWS) was correct when they suddenly reinterpreted the 1944 Declaration of Taking (which established the Refuge) and engaged in the unlawful taking of more than 4,000 acres of submerged lands owned by the Commonwealth and jointly managed by the Town and the Commonwealth. This re-interpretation allowed the USFWS to unilaterally expand the Refuge from 3,000 acres to more than 7,000 in the 2015 Comprehensive Conservation Plan (CCP). What you failed to recognize is that for over sixty years all parties, including the FWS, described and understood the size of the Refuge to be 3,000± acres of lands above mean low water. Indeed the most recent refuge management plan (1988 Monomoy Refuge Master Plan) never laid claim to submerged lands and open waters and described the size of the Refuge as 3,000 acres more or less. The USFWS has never owned or managed that area, rather our Town and the Commonwealth have spent millions of dollars on protecting, conserving, and sustainably managing that area long before and since the Refuge was created in 1944.

The fact that you identified Congressman Keating's legislation a "threat to public lands across America" is frankly shameful. Our Congressman would never author a bill that threatens public lands and neither would the many state and local elected officials supporting our position. The disputed submerged lands and open waters have always been public and will remain in the public domain forever. How can this be a threat to public lands? The legislation simply confirms the longstanding western boundary of the Refuge and maintains status quo management prior to 2015 CCP.

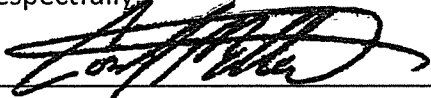
Evidently you also failed to review the substantial comments provided to the USFWS by the Commonwealth's Attorney General's (AG) Office. The AG's comments before and after the final

CCP clearly lay out the legal reasons as to why the Federal government has engaged in an illegal taking. Had you researched those comments you would have understood that the US FWS never owned the area they now lay claim to.

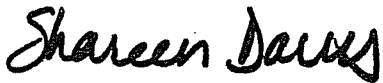
Lastly and most regrettably, none of your organizations bothered to come to Chatham and meet with the Board prior to your letter. Had you made that effort you would have learned about the tremendous amount of time and resources we have committed to working with the USFWS to resolve the western boundary dispute. You would have also realized how silly your suggestion was "that this matter be resolved by Chatham and the US FWS". As a matter of record, the Town was prepared to accept joint management, where both parties would be equally responsible for the management of the area. Unfortunately, USFWS would not recognize the legitimate ownership claim of the Commonwealth and Town and rejected this approach.

Should you have any questions regarding the foregoing or wish to meet to further discuss this matter, please contact Jill Goldsmith, Chatham Town Manager at (508) 945-5105 or jgoldsmith@chatham-ma.gov.

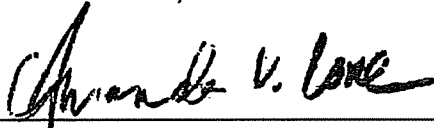
Respectfully,



Cory J. Metters, Chairman



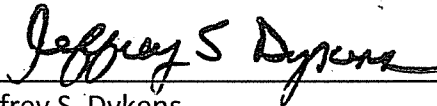
Shareen Davis, Clerk



Amanda Love



Dean P. Nicastro, Vice Chairman



Jeffrey S. Dykens

*Board of Selectmen
Town of Chatham, Massachusetts*

cc: Massachusetts Congressional Delegation
Cape & Islands Legislative Delegation
Governor Charles Baker
EEA Secretary Matthew Beaton



March 16, 2017

Dear Members of the Massachusetts Congressional Delegation:

We the undersigned Massachusetts-based environmental organizations, again respectfully request that you not endorse re-filed legislation (**HR157**) filed by Congressman Bill Keating (D – MA 9th District) that could lead to the alteration of the western boundary of the Monomoy National Wildlife Refuge.

Established in 1944 to conserve migratory birds, Monomoy provides a haven for numerous species including the federally-listed Roseate Tern, Red Knot, and Piping Plover as well as Oystercatcher, Eider, and many others. It also provides an extensive haul-out for grey seals, and is critical to the protection of horseshoe crabs and blue mussels. The majority of Monomoy is wilderness, designated by Congress in 1970 and comprising the only coastal wilderness area in New England. The 7,921-acre Refuge, of which 3,900 acres is in the disputed western boundary area, protects a fragile and vulnerable coastal habitat for fish and wildlife within a series of barrier islands and beaches. These dynamic coastal land forms are constantly reshaped by the winds, waves, tides and currents of the Atlantic Ocean to the east and Nantucket Sound to the west.

We continue to support maintaining the existing western boundary of the Refuge while providing the Commonwealth of Massachusetts and the Town of Chatham with the responsibility of sustainably managing the traditional harvest of softshell clams and quahogs by local fishermen in this area. We know of no scientific data to indicate the harvesting of clams and quahogs, as conducted for many years at Monomoy, has had a negative impact on wildlife, migrating shorebirds, or tidal flat habitat.

We are deeply concerned about the threat to public lands across America that this and other Congressional legislation poses. On trial today in federal court are extremists who refused to recognize federal land ownership as they occupied the Malheur National Wildlife Refuge in Oregon. Those militants represent the most extreme in a group that supports a radical agenda to turn over control of federal public resources to states and local governments where protected lands and their resources would lose federal protections and be quickly be auctioned off to the highest bidder. This agenda is being advanced by conservative state legislatures and in Congress and has been stalled only because of public outrage by conservationists, hunters, and outdoor recreation advocates. However, one of the first actions of this Congress was to devalue federal lands, easing the way for disposition.

The House's Subcommittee on Federal Lands is further strategizing how to turn over national parks and wildlife refuges to states. The legislation proposed by Congressman Bill Keating would change Monomoy's western boundary and is exactly the kind of bill this Subcommittee would find attractive – one which turns over control of federal conservation lands to states and local government. We continue to encourage Congressman Keating to withdraw the bill and instead bring town and federal officials together to reach their own compromise.

We are concerned that Congressional champions of the radical public lands takeover movement would hijack the bill, embracing an allegedly non-partisan "National Wildlife Refuge Improvement Act" that relinquishes federal conservation lands to local government. It is especially enticing as the legislation comes from liberal Massachusetts.

This matter should be resolved by Chatham and the US Fish and Wildlife Service at in order to preserve the integrity of the Refuge while maintaining and respecting the town-federal partnership which has worked for seventy-two years.

Thank you for your attention to significant concern.

Sincerely,



Gary Clayton,
President
Mass Audubon



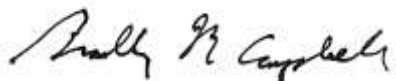
George Bachrach
President
Environmental League of Massachusetts



Barbara Erickson
President
The Trustees



Emily Norton
Chapter Director
Massachusetts Sierra Club



Brad Campbell
President
Conservation Law Foundation
Massachusetts



John Judge
President and CEO
Appalachian Mountain Club



Kevin Essington
State Director, Massachusetts & Rhode Island
The Trust for Public Land

cc: Cape & Islands Legislative Delegation
Governor Charles Baker
Mass Attorney General Maura Healey
EEA Secretary Matthew Beaton