



# Town of Chatham

Office of the Selectmen

Town Manager

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## **PRESS RELEASE**

FOR IMMEDIATE RELEASE:

### **Update on the Monomoy NWR boundary dispute with the U.S. Fish and Wildlife Service (FWS) and Monomoy Western Boundary Clarification Act, H.R. 1157 (Congressman Keating)**

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On behalf of the Town of Chatham and its Board of Selectmen, I want to provide our friends and supporters with an update on the Monomoy NWR boundary dispute with the U.S. Fish and Wildlife Service (FWS) and H.R. 1157- Monomoy NWR Boundary Clarification.

With the recent change in make-up of the Board of Selectmen, the Board's sub-committee managing the Town's campaign is Selectman Jeffrey Dykens and Selectman Shareen Davis. Working with the Town Manager, staff and our consultant in Washington, they will be deeply involved in putting forth a concerted effort to remedy this wrong.

Congressman Keating re-introduced H.R. 1157, legislation restoring the historic western boundary of the Refuge as the mean low water line, on February 16, 2017. Legislation is needed because when FWS finalized their new Comprehensive Conservation Plan (CCP) for the Refuge they arbitrarily redefined the western boundary by illegally taking over 4,000 acres of submerged lands owned by the Commonwealth. Prior to and since creation of the Refuge resources in this area have been sustainably managed by the Town and Commonwealth.

On April 5, 2017, the U.S. House of Representative's Committee on Natural Resources, Federal Lands Subcommittee, held a hearing on H.R. 1157. The Town participated in that hearing and provided testimony in support of the legislation. Congressman Bill Keating testified in support of his legislation - <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=401768>.

Unfortunately, two weeks before the hearing, seven Massachusetts-based environmental organizations sent a letter to the Massachusetts congressional delegation opposing the legislation, calling it a "threat to public lands". They asked Rep. Keating to withdraw his bill and suggested FWS and Chatham "reach their own compromise", something FWS has not been willing to do. Because this letter contained so many falsehoods, the Board of Selectmen felt compelled to respond to this deliberate attack on the Town and Commonwealth. A copy of the Board's response letter can be

found on the Town's website [https://www.chatham-ma.gov/sites/chathamma/files/uploads/chatham\\_bos\\_response\\_to\\_ma\\_enviro\\_0.pdf](https://www.chatham-ma.gov/sites/chathamma/files/uploads/chatham_bos_response_to_ma_enviro_0.pdf).

Throughout this process the Town has been working closely with our elected state officials, especially Rep. Sarah Peake, and Governor Baker's Washington office. We are hopeful that the Governor's support will improve the legislation's chances of success in a Republican controlled Congress.

We have invited Chairman of the House Resources Committee, Rep. Rob Bishop (R-UT), and Federal Lands Subcommittee Chairman Rep. Tom McClintock (R-CA) to visit Chatham and the Refuge to witness first-hand the commitments we have to ensuring public access to and proper management of the resources on and around Monomoy Island.

Concurrently, we have been in close contact with the Massachusetts Attorney General's Office, who notified FWS that it may litigate this matter before the federal court. At this point no final decision about moving forward with litigation has been made by the MA Attorney General, but the deadline for doing so is still several years away.

In finding a remedy to this dispute, the Board of Selectmen is committed to pursuing every legislative, administrative, and legal option available. In this regard we intend to meet with the new Director of the FWS upon his/her confirmation by the Senate. We will ask the FWS to re-open the CCP and reverse their claim regarding the illegal taking of submerged lands. FWS has the authority to restore the historically recognized western boundary thus avoiding the need for congressional or legal action.

In the coming weeks we will be working with Congressman Keating to see that the House Natural Resources Committee approves the legislation so that the full House of Representatives will have the opportunity to vote on H.R. 1157. Once passed by the House the bill would be referred to the Senate Environment and Public Works Committee where Senator Ed Markey is a key member.

### How Can Community Members Help?

Demonstrating broad support for the legislation (H.R. 1157) will help elected officials understand how important this issue is to our community and economy. A sample letter of support can be found at <https://www.chatham-ma.gov/monomoy-national-refuge-task-force/files/new-sample-letter-supporting-hr1157-june-2017>

Expressions of appreciation and support (calls, letters, etc.) to Congressman Keating are helpful. Let him know the importance of his bill to you and encourage him to do everything possible to make sure the U.S. House of Representatives approves it!

The Honorable Congressman William R. Keating  
U.S. House of Representatives  
315 Cannon House Office Building  
Washington, DC 20515  
Hyannis District Office Phone: 508.771.0666; FAX: 508.732.0072

Active support for the legislation from Governor Charlie Baker will be extremely helpful in letting Congress know this is a bipartisan issue. Contact the Governor's office and encourage him to let his Republican colleagues in Congress know that H.R. 1157 is non-partisan and will correct an overreach by the U.S. FWS. If the legislation is not passed, significant taxpayer dollars will be expended to litigate this unjustified taking of submerged lands.

The Honorable Charles Baker  
Governor of Massachusetts  
Massachusetts State House, Room 208  
Boston, MA 02133  
Phone: 617.725.4005; 888.870.7770 (in state); FAX: 617.727.9725

Send a letter of support for H.R. 1157 (Keating) to the House Natural Resources Committee to approve the legislation:

The Honorable Rob W. Bishop, Chairman  
Committee on Natural Resources  
1324 Longworth House Office Building  
United States House of Representatives  
Washington, D.C. 20515  
Phone: 202.225.0453; FAX 202.225.5857

Senator Ed Markey will play a key role in the Senate once the House of Representatives approves the legislation. Contact Senator Markey's office to let him know that you support the bill and encourage him to do everything possible to ensure that the Senate approves the measure.

The Honorable Senator Edward J. Markey  
255 Dirksen Office Building  
United States Senate  
Washington, D.C. 20510  
Phone: 617.565.8519 (Boston Office)

The Town and Commonwealth remain committed to sustainable resource management as they have done for generations.

Attached is the text of H.R. 1157.

Should you have any questions or need assistance with our letter writing request, please contact the Chatham Board of Selectmen/Town Manager office at 508.945.5105 or [jgoldsmith@chatham-ma.gov](mailto:jgoldsmith@chatham-ma.gov). Thank you!

*Jill R. Goldsmith*  
*Chatham Town Manager*

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# H.R.1157

To clarify the United States interest in certain submerged lands in the area of the Monomoy National Wildlife Refuge, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. KEATING introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To clarify the United States interest in certain submerged lands in the area of the Monomoy National Wildlife Refuge, and for other purposes.

1           *Be it enacted by the Senate and House of Representa-*  
2           *tives of the United States of America in Congress assembled,*

3   **SECTION 1. UNITED STATES INTEREST IN CERTAIN SUB**  
4   **MERGED LANDS.**

5           The Congress finds that the United States did not  
6   acquire any right, title, or interest in or to submerged  
7   lands in Nantucket Sound or the waters above such sub  
8   merged lands as a result of the taking described in United  
9   States v. 3,000 Acres of Land, Misc. Civil Action No.  
10 6340 (D. Mass., dated June 1, 1944).

•HR 1157 IH