



# Town of Chatham

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January 24, 2018

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Honorable Senator Edward J. Markey  
255 Dirksen Office Building  
United States Senate  
Washington, D.C. 20510

Dear Senator Markey,

We are extremely disappointed to receive a copy of a January 12, 2018 letter to you from seven conservation groups opposing Rep. Keating's legislation (H.R. 1157) that would restore the historically recognized western boundary of the Monomoy National Wildlife Refuge (Refuge).

Their letter is an exact duplicate of the misleading and irresponsible letter the same groups sent to the Massachusetts Congressional delegation almost a year ago on March 16, 2017. The Town responded to that irresponsible letter, detailing its inaccuracies and stating the Town's position. The fact not a single word was changed in their recent letter is reflective of their lack of any effort to seek an understanding of the issue and a lack of desire by these groups to seek the truth. We do not intend to again respond to these same inaccuracies and have enclosed a copy of our previous response for your use.

Senator Markey, the fact these groups would draw a parallel between supporters of Rep. Keating's bill and "...*extremists who refused to recognize federal land ownership as they occupied the Malheur National Wildlife Refuge...*" is misapplied and disingenuous. The long list of proponents of H.R. 1157 includes the Cape and Islands Chamber of Commerce, multiple state and local elected officials, and hardworking fishermen who make a living from the area. As you know, the Bill has not been hijacked by the radical public lands takeover movement as alleged. Rather, the House Committee on Natural Resources approved the Bill on December 13, 2017, reporting it favorably to the House as a stand-alone piece of legislation. We have met with Committee Chairman Bishop and know his intentions are to maintain the Bill as a stand-alone.

These environmental groups appear to be acting as proxies for the U.S. Fish and Wildlife Service (FWS) because they too refuse to acknowledge that the Commonwealth has always owned the disputed submerged lands and together we have managed them, the over-lying waters, and the resources contained therein.

Congress understood the western boundary of the Refuge was the mean low water line when it designated most of the Refuge as Wilderness in 1969. The Senate Committee on Interior and

Insular Affairs committee report on S. 3425 (designating Monomoy Wilderness Area) states: "The exterior boundaries of the wilderness proposal are all lands on Monomoy Island to the line of mean low tide which coincides with the national wildlife refuge boundary around the island". As recently as 2000, the FWS Refuge Trail Guide stated the: "refuge consists of 2750 acres that is only accessible by boat except for the 40 acre unit on Morris Island". Only after the recent FWS reinterpretation of the Declaration of Taking did the Refuge magically expand to over 7,000 acres.

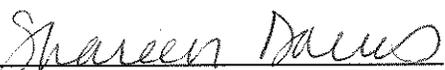
For centuries Monomoy has been integral to the identity and mythology of Chatham. Since 1656 when William Nickerson became the first English colonist to purchase land from the Monomoyick tribe, the Island and the waters and submerged lands around it have been the heart and lifeblood of Chatham. We hope that with your support and leadership in the Senate, H.R. 1157 can be enacted into law this year and in doing so restore the Refuges historically recognized western boundary.

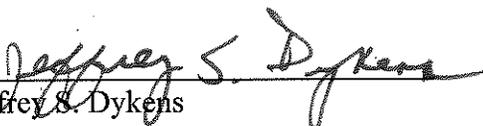
Again, thank you and your staff for taking great interest in the Town's efforts and we look forward to continuing our work with you and your staff.

Sincerely,

  
Cory J Metters, Chairman

  
Dean P. Nicastro, Vice Chairman

  
Shareen Davis, Clerk

  
Jeffrey S. Dykens

  
Jill R. Goldsmith, Town Manager

Enclosure

cc: Governor C. Baker  
Massachusetts Congressional delegation  
State Representative S. Peake



January 12, 2018

Senator Edward Markey  
255 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Markey,

We the undersigned Massachusetts-based environmental organizations, again respectfully request that you not endorse legislation (**HR1157**) filed by Congressman Bill Keating (D – MA 9<sup>th</sup> 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 this significant concern.

Sincerely,



Gary Clayton,  
President  
Mass Audubon



Elizabeth Henry  
President  
Environmental League of Massachusetts



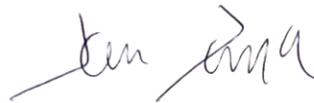
Barbara Erickson  
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Brad Campbell  
President  
Conservation Law Foundation  
Massachusetts



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