

Breakout Group Session: Issues of Importance: Group A

Process

- Is the 15 year plan too flexible or changeable? If FWS wants to make a change to the plan in a few years, does anything ensure that they don't just rewrite the whole thing?
- Include on FWS Website: The Wilderness Act, 1997 legislation, 1970 redesignation of Monomoy, legislative history, maintaining rights
- Who will attend the Sudbury meeting, and who convened it?
- Though FWS management won't change before the Plan is completed, could fishers be sued in court under the Wilderness Act prior to that time?

Questions

- Who is opposing the clamming and shell fishing if FWS says they are working with fishers on this issue? Who disagrees?

Comments

- People who used to fish further out have turned to shellfishing when tuna and cod limits were set, so they are dealing with the second round of possible closure. The fishers chose lower risk and incomes in exchange for time and community life they have now.
- Chatham's infrastructure supports Monomoy through boat landings, taxes, etc.

Issues

Local Control

- Feels like locals have little input and like FWS runs over us
- Town of Chatham should control fisheries
- Chatham's original agreement with FWS said that all original uses could remain. That agreement should be respected.
- Management – Where is walking and fishing allowed? It used to be that people could picnic and spend the day on the beach, but now FWS does what they want.

Economic and Social Concerns Around Shell-fishing Ban Possibility

- If Monomoy were shut to shell-fishers, the fishers would lose \$2-5M, but the economic impact in the region is 3 or 4 times that amount when fishers spend their money locally.
- Jobs concern
- Way of life – town culture would be transformed to being a place only for the wealthy with trophy homes and a landscape that looks untouched/unused.
- Fishers have families to feed

- Family legacy – some families have been here for generations fishing, but that will die if the kids have to move away and can't continue fishing
- Culture of the town will be transformed if fishers lose their jobs and leave the area.
- How would fishers be compensated for job losses?
- Many shell-fishers put themselves through school on this income.

“Commercial” designation

- Shell-fishing is really a cottage industry/small business
- Are flyfishing, kayak renters etc considered commercial?
- If shell-fishing could get categorized under “Historical Use” in the Wilderness Act, then it would get an exemption, as opposed to when it is called a “commercial enterprise.”
- Commercial designation is an inappropriate term? The small scale of fishing and individual nature of the business makes it not commercial. They internally prohibit larger scale fishing internally. The term is misleading to outsiders.
- Shell-fishers only work 4-5 hours a day, so it is in fact part time business because of limitations caused by the tide.

Crabbing and mgmt of other species

- Horseshoe crabs and their reproduction and involvement with fisheries
- It is the group's job to balance nature and the fisheries.
- This area has a high quality of shellfish – it is one place with no pollution issues where people can shell-fish.
- Generations of people have lived here and all types of wildlife are thriving. This is proof that use of the resource is ok. Coyotes and Deer are thriving now. It isn't an untouched resource, it is very controlled.
- Clammers are helping the environment, keeping the mud flats, providing food for the birds, we are part of the food chain.

Boundary Issues

- What acreage is under FWS control, and by what rights?
- How has the acreage of the wilderness area changed if the Wilderness Act has fixed acreage mentioned?
- Could the boundary of the Wilderness Act be changed to cover only to the high tide line, not the low tide line? Does FWS even have control below the high tide line?
- Could we gain South Beach?

Harbor at the end of Monomoy – what is going to happen with it?

Bait and Food

Colonial Ordinance

- what does it say, why isn't it respected?
- Shellfishing is still fishing.
- Historical rights in the low-tide area.

Hunting – want to hunt on Monomoy. Why isn't this possible?

The natural change on the site is far more substantial than human or clammer impact and changes.

Weir fishing in the refuge is still ongoing, and it is a long tradition or style of fishing

What is the impact from wildlife refuge tents?

Breakout Group Session: Issues of Importance: Group B

Discussion Topics

- Recognize the different benefits/contributions of shellfishing
 - Economic
 - increasingly important part of a diverse fishing economy (other fishing sectors are in decline, and many depend on shellfishing for income)
 - local as well as statewide level
 - Tourism reliant on town character, which is shaped by presence of shellfishers
 - Ecological
 - Compatible with wilderness character and ecosystem
 - Enhances ecosystem
 - Shellfishing is a type of stewardship – essential to maintaining tourism
 - Social/town character – historical use and rights
 - Food source for local residents and others
 - Monomoy is the most prolific clam bed in the state
- Reviewing previous considerations and commitment – what's the precedent for shellfishing on the refuge?
- Town's historic regulatory role for shellfishing has worked well. They have good experience. Let the town maintain oversight of shellfishing.
- Wilderness Act
 - What are the opportunities for getting around the ban on commercial activities?
 - What's the standard – do we need to prove that shellfishing is a *benefit* or just that there's no harm
- Public access to the island and freshwater ponds.

Questions

- Will other commercial activities also be banned if shellfishing is? How will other commercial activities be affected, such as ferry service, kayaking, fishing guides, coyote hunting?
- Will the new decision be guaranteed and for how long?
- Why is shellfishing being looked at now, after being in place for so long?
- Boundaries

- What are the boundaries of the refuge and wilderness area and how will those change with the shifting sands?
- How will management/jurisdiction between agencies be divided?
- How will people know where the boundaries are?
- If South Beach joins with Monomoy, what happens to the management (which agency will have jurisdiction?)
- What effects do interest groups (with money) have on the decision-making process?
- Will we have a job in a few years?
- Will there be mitigation pay-outs to fisherman in the event of a closure or an oil spill?
- What happens if someone sues before a new plan is put into place?
- Is there flexibility
- Will we have to revisit the shellfishing issue each time there is a new plan, every 15 years? What are the guarantees to shellfishers?
- Will there be a way to let the public know what interest groups have been participating and how the FWS has addressed their concerns?

Summary

- Changing boundaries and jurisdictional questions
- Relationship between past, current, and future decisions on allowing shellfishing
- Contributions of shellfishing – economically, ecologically, socially/community-wise
- Decision relative to the town’s management enforcement and policies for shellfishing
- Opportunities to change or compromise under Wilderness Act
- Affect on commercial activities in general (other than shellfishing)
- How to deal with litigation

Breakout Group Session: Issues of Importance: Group C

Shellfishing (General)

- Historically, there has been no question of clamming as detrimental to the environment, the site has remained beautiful and been maintained for 400 years. Shellfishing doesn’t harm ecosystem (e.g. bird)
- Shellfishing is not only compatible with ecological protection, but it helps support a healthy shellfishery (clams would die in their own excrement without the intervention of shellfishers)
- Traditional uses of Monomoy (commercial uses) needs to be maintained in the Wilderness Area
- Plan should address how shellfishing *contributes* to the Monomoy ecosystem: what would be the impact if there were no shellfishing? Need to balance wildlife with human economy
- Shellfishing is the “lifblood” of the community; it would be unacceptable to stop shellfishing, given the central role that it plays (and has played historically) in terms of the economy, character of the community

- Economic impacts are not just on fishers, but are on the community, the restaurant industry, and even areas beyond the town because clams are shipped everywhere
- Where would people (e.g. fishers) be able to go under the plan? Shellfishers don't go up to the dunes, where the birds nest; they stay on the flats.

Shellfishing (Legal issues/Interpretations/Definitions)

- Who is in charge of relevant legal interpretation? FWS? Washington, DC?
- Need for clarification of the Colonial Act and who has rights to fish
- If shellfishing is legally prohibited, what can people do to change that legal designation?
- The lawyer hired by the Town of Chatham is interested in changing the law related to shellfishing through very small changes.
- Frustration expressed with the inability to get around the Wilderness Act or other legal rules, "if they can amend the Constitution, why cant they change this law?"
- What is the threshold for commercial activity? Are current uses (including the use of hand tools) compatible with the Wildlife Act?
- How has the commercial uses of the land changed (in terms of legal designation)—specifically for shellfishing? Where are these decisions made? The example of Alaska and ANWR was given: if there was a change to allow for oil drilling in ANWR recently, there must be a way to address this Wilderness designation (particularly given the historic role that fishing has played in this community)
- Why is clamming not fishing? What is the difference between fishing with your hands or fishing with a pole?
- What have the Massachusetts courts decided related to legal definitions? And what definitions apply in this case?

Jurisdiction

- Acreage definitions of Monomoy—where are the boundaries? Which tide line is used?
- How does the changing landscape affect definitions, management plans, definitions?
- Suggestion made to change the barrier to the high tide line: participant suggested that this would protect wildlife and shellfishers; both are important
- There needs to be different management plans for Monomoy and Nomans Land
- There needs to be consistency on management between National Seashore and Wilderness area.
- Will S. Beach become part of Monomer? What's the policy on dredging on adjacent areas, given changing landscape/ dunes?

Public Access

- Will the trail by Monomoy remain open and accessible for hiking, education, and recreation?
- How will the different interests of keeping the ferry at the refuge be balanced with the desire of local homeowners to have privacy?

- How will parking be managed?
- Need to maintain access to Morris Island for different uses
- Commercial flyfishing: where is the line designated? Will commercial flyfishers be protected under the Big 6?
- Sportsfishing concerns raised: want to ensure 24 hours/ day access since species like the striped bass are often caught at night; want to ensure access to Morris Island and access to the Refuge; will access continue under management plan?

Predator Control

- How is lethal control specifically done with coyote pups? Are they gassed in their den or are they shot?
- FWS arms interns with firearms with nightscopes. There is a desire to know what their training and certification process is.
- Seek greater transparency and better information on the number and type of animals killed:
 - Coyotes
 - Great horned owl
 - Black crowned night heron
 - Skunk
 - Gulls
- The management of wildlife needs to be more clear. What are you allowed to get rid of and what's protected? Wilderness protection preserves only certain species
- Regional issues need to be considered. Transboundary habitat considerations related to species like coyotes need to be considered; Management needs to be holistic
- Coyotes are killed without other considerations of alternative management (e.g.fences, sound deterrants)

Process

- All the stakeholders need to be on the "same page", including understanding the historic meaning of shellfishing to the maintenance of the resource and the community character. There is a desire amongst shellfishers for wildlife advocates to understand the importance of shellfishing to the community.
- When Federal agencies do the EIS, how do they weigh economic impacts? What are the criteria that are used to balance economic impacts with environmental impacts?
- The question was raised as to who drafted the Wilderness Act and when? It seems that this historical information might be useful to some people and that people were asking about it suggests that there might be some knowledge gaps about these legal designations
- Wilderness Areas need to be defined based on a specific place; circumstances aren't uniform across the country (e.g. Alaska isn't the same as Chatham)
- There needs to be opportunities for more information to outline the different roles/ issues to create understanding across the different interest groups.

Breakout Group Session: Issues of Importance: Group D

Shellfishing

- Supports families year round in a seasonal/tourist town. Many economic ripple effects—restaurants, shops, suppliers, etc. families rely on it and kids send selves to school through it.
- When govt took it from town and state the promised it would be open to shellfishing (SF). Now are breaking promises.
- SF is low impact, done with rakes and shovels in old, traditional ways. Does not harm the environment and is part of our heritage. Outsiders (special interests) do not understand this.
- Why isn't SF considered fishing, which is legal?
- SFmen protect the island—in their interest
- Many fishermen have moved to SF; is this an attempt to displace local population again?
- SF is part of ecosystem and beneficial.
- Commercial activity only takes place in town (exchange \$\$), not on the island
- If SF taken away, N Beach will bear the burden and be quickly overfished.

FlyFishing

- Will this be hurt too since they are a commercial service?

Charter fishing

- How will this be impacted, especially around the flats and creeks off Monomoy?

Seals

- Hurt the environment.
- Good and should be protected

Mgt Plan

- See what was compatible in the past and maintain that.
- Why are things changing now?

Recreational use

- locals want to camp, fish, hunt, etc there, but birders seem to get preferential treatment, who are usually from outside of the area.
- Need better info on why some activities are prohibited and others not.
- Why can't we hunt there?

Jurisdiction

- What happens if Monomoy connect with South beach? Who has jurisdiction?
- At lowtide is the island still part of the park? Shouldn't that be state jurisdiction?

Parking

- Causeway is impassable and dangerous because FWS ferry riders park there. This is a FWS commercial activity that should not be happening.

- No room for fishermen to park on the causeway when ferry is running.

Visibility/communication

- FWS should interact more with the public and share info
- More rangers and less signs
- FWS/SF warden should have radios to communicate with each other so they can improve protection to the area

Predators

- Coyotes are more damaging than to the ecosystem than clammers, but they are part of the environment.
- We are also part of the ecosystem

Colonial Fishing and Fowling

- Where does this fit into the discussion
- Need more info

Economic importance of all fishing