

Chatham Library
April 5, 2005; 11 a.m. – 1 p.m.
Public Meeting Issues/Comments/Questions
Monomoy and Nomans Land Island Comprehensive Conservation Plan

LARGE GROUP SESSIONS

Process Questions

- Session Question: Breakout sessions look like they are just for shellfishers, will there be an opportunity for other stakeholder groups to talk? [Answer – breakout groups are for all issues and viewpoints.]
- Timing: Am I correct in assuming that the 15 years that the management plan covers starts at the end of the planning process? [Answer: Yes, the 15 years starts the day we issue our final plan. Also, if a new issue arises eight years into the plan that wasn't included in the plan, we could start the planning process again, but the idea is that preparing the plans is time intensive, so you want to be effective and you want the plan to be relevant.]
- Management: Why and how do FWS and NPS manage land differently? [Answer: there is a reason that each agency owns land, and those reasons differ. Our lands are managed for fish and wildlife and for the American public, with wildlife conservation as the most important purpose of the refuges. Our principal concerns are birds, endangered and threatened species on a US list and also state listed species. Then we are charged with providing opportunities for the public to come engage in wildlife-related use. We specifically promote: wildlife observation, photography, fishing, hunting, interpretation and education.]
- Litigation: If FWS got sued now for allowing shellfishing, what would happen? [Answer: We hope that that won't happen and that we have built our relationships with those who are interested in the shellfishing issues.]
- Litigation: Have any environmental groups ever sued FWS because they weren't getting what they wanted? [Answer: The Wilderness Society, the Sierra Club, the Audubon Society have all sued FWS in different places. Many groups care about these issues and have different types of uses. We have been sued in the past and will be in the future. If we got sued, it would be because we have maintained the status quo. Look at the FWS history since 1940s to see where FWS stands on shell-fishing. But it is public land and many people care about it and have concerns on it. We'll do our best to make good decisions about this and work with many people. Representative comment: We have tried to provide a legal, economic, social case for why shellfishing should continue here. If a group sues, I expect FWS to stand up for this record. If a group sues, they'll have to sue the town too. We hope to never have to defend shellfishing, but we are prepared to do so if necessary.]
- EIS: Do you look at economic impact? [Answer: Yes, the EIS requires it and we would do it anyway. We at FWS are part of your community and care about what happens to the refuge and the community.]

- Public Meetings in other Places: We are convening six meetings which will all have the same format. They will be in Chatham, Sudbury, and Martha's Vineyard.

Content Questions & Comments

- Shell-fishing ban: Where did the "rumor" of the shell-fishing ban come from? Could it be banned or stay the same as it is now? Yes. I don't know where it came from. We at FWS are meeting with shell-fishers to talk with them. [Comment from audience: the wording in the Wilderness Act is that commercial activity cannot take place in a wilderness area, so that is our biggest hurdle/"brick wall."] [Comment from the audience: If the rumor has no bearing, why is there a lawyer from our town?] That is something the town needs to answer. [Answer from audience: We in the town were told by FWS that they may not be able to allow commercial shellfishing in the future because of the Wilderness, so we found a lawyer to represent us who knows about the intricacies of this subject.]
- Scoping was underway in 1999 and 2000. Concerns about compatibility and commercial use are real concerns, and participants should know that in the breakout groups. Colonial ordinance and uses is important. Would you state anything more about that before the breakout groups? Answer: right now we are just scoping the plan, and we will continue to manage the refuge as we have now.
- Colonial Fish and Fowl – MA law allows any Massachusetts resident fish on the area between high and low tide, how does that apply here? Answer: when declaration was made in designated taking area in the 1940s, it is my understanding that MA gave up those rights, but we'll need to look at that in the coming process. Libby: will get an answer on that.
- Comment: Really appreciate that FWS is trying to work with us, any anger at FWS is misdirected, but we are angry because we feel like our hands are tied.
- Comment: If shellfishing goes away, Chatham's spirit will change. This comment may not come out in small-group meetings, please note the passion on this subject.
- Town Support: Town of Chatham goes a long way to support FWS. Our harbor master patrols the area, users use our docks, etc. This is expensive and is supported by local tax dollars. We have cooperated in supporting the mission of the Wilderness Area. That should be recognized in the management plan.
- Comment: Mark Forest representing Congressman Dellahunt – Clear how strong the sentiment is in this room about management of the refuge. On behalf of the Congressman, I want to let the residents of Chatham know how strongly the Congressman feels that old promises that FWS area would be a benefit to the Town and we want to live up to that. Your Town has done a fantastic job to educate us and other elected officials so that we are caught up on these issues. We have a regular conversation with the state representatives, and town officials and their consultants are briefing us regularly, and many people care about finding a good solution to this situation. I hear from a lot of fishermen who wonder if meetings are useful, and I want to say that this meeting is a critical start to the process of developing the Plan. All feedback will be utilized and will build

an administrative record that will be crucial down the line. I think we are all on the right road.

- Comment: Patrick Quincy from Senator O’Leary’s Boston office – reads testimony to Bill Perry: Want to address the issues of commercial shell fishing. I am in strong support of the continued use of shellfishing on Monomoy. I believe that the Town of Chatham has made a strong case with environmental proof that shell-fishing is good for the area. Important that it continue in the future as it has until now.

Summary of Breakout Group Comments

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

Questions

- Who is opposing the clamming and shell fishing if FWS says they are working with fishers on this issue? Who disagrees?
- 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?
- 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 effect 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?
- 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?
- Harbor at the end of Monomoy – what is going to happen with it?

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

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) need 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 "lifeblood" 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
- 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.

- When govt took it from town and state they 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?
- 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.
- Shellfishing is a type of stewardship – essential to maintaining tourism

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
- 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.
- 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
- How would fishers be compensated for job losses?
- Many shell-fishers put themselves through school on this income.

Shellfishing (Legal issues/Interpretations/Definitions)

- Who is in charge of relevant legal interpretation? FWS? Washington, DC?
- Need for clarification of the Colonial Ordinance 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 can't 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 have 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 with a pole?
- What have the Massachusetts courts decided related to legal definitions? And what definitions apply in this case?
- 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.
- 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.

Shellfishing (ecology)

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

Wilderness

- 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
- “Commercial” designation
- Are flyfishing guides, ferry service, charter fishing, or kayak renters 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. 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.
- Suggestion made to change the barrier to the high tide line: participant suggested that this would protect wildlife and shellfishers; both are important
- Compatible with wilderness character and ecosystem

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?

Jurisdiction

- How does the changing landscape affect definitions, management plans, definitions?
- 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 Monomoy? What's the policy on dredging on adjacent areas, given changing landscape/ dunes?
- 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?

Public Access

- Public access to the island and freshwater ponds.
- Weir fishing in the refuge is still ongoing, and it is a long tradition or style of fishing
- 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?
- 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?

- Causeway is impassable and dangerous because FWS ferry riders park there. This is a FWS commercial activity that should not be happening.
- Where are 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.
- No room for fishermen to park on the causeway when ferry is running.

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 deterrents)

Other species

Seals

- Hurt the environment.
- Good and should be protected

FWS Management

- What is the impact from wildlife refuge tents?

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