



Town of Chatham

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Town of Chatham and U.S. Fish and Wildlife Service Reach Historic Agreement on Nantucket Sound Shellfish Fisheries

Chatham MA - At its meeting on March 9, 2021, the Chatham Select Board approved a Memorandum of Understanding (MOU) between the Town of Chatham (Town) and the Monomoy National Wildlife Refuge (Refuge) continuing the Town's historic management of the shellfish fisheries in the waters of Nantucket Sound claimed as part of the Refuge.

"The MOU creates a process for ensuring the sustainable management of the fishery resources that have been so important to our Town", said Board Chair Shareen Davis. The joint management outlined in the MOU ensures the Town will continue to manage all commercial and recreational clam, oyster, and scallop fisheries consistent with past practice and as evaluated in the Refuge Comprehensive Conservation Plan (CCP). Any proposed new fishery or new fishing method (those not evaluated and approved in the CCP) would need approval from both the Town and Refuge. The MOU sets out a process of timely collaboration and cooperation between the Town and the Refuge to evaluate new proposals.

The MOU became necessary when the Fish and Wildlife Service (Service) issued a draft CCP in April 2014 in which the Service claimed federal ownership over some 3,000 acres of submerged lands and waters west of the Refuge. Since 1944 when the Refuge was created, those submerged lands and waters were never considered part of the Refuge with the Town and Commonwealth of MA managing fisheries. Due to what the Town, and Commonwealth, perceived was an *"illegal taking"*, Chatham held a Special Town Meeting in May 2014 adopting a resolution objecting to the new expanded jurisdictional claim proposed by the Service. The October 2015 Final CCP did not resolve the ownership dispute raising serious concerns in Town about future management of, and access to, fishery resources within Nantucket Sound claimed as part of the Refuge. Since that time the Town has pursued administrative, judicial, and legislative remedies to resolve the ownership dispute without success to date.

"While the Town desires a legislative solution reaffirming the Commonwealths ownership of the Nantucket Sound submerged lands and waters, that outcome remains frustratingly elusive," said Select Board member Jeffrey Dykens. *"However, this MOU does codify that sanctioned commercial and recreational activities within the Disputed Area will continue to be managed by the Town and also sets a foundation for joint discussion with the Service should new fishing techniques or new fisheries themselves be proposed",* said Dykens.

“Nantucket Sound has always supported important commercial and recreational fishery resources for the Town. Chatham is proud of its’ historical role as local stewards of these resources and the MOU ensures that we will be able to continue to do so,” said Davis.

“The Town looks forward to continue working together with the Refuge for the conservation and protection of our natural and cultural heritage”, said Town Manager Jill Goldsmith. *“We also want to thank Congressman Keating and Senator Markey for their help in trying to resolve the ownership dispute,”* remarked Goldsmith.

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