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PRESS RELEASE

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APCC Public Records Request Reveals Military's Concerns Over Increased Environmental Scrutiny of Machine Gun Range Project

The Association to Preserve Cape Cod today received records from the Massachusetts National Guard that contained emails from Brigadier General Christopher Faux, Joint Base Cape Cod executive director, which expressed concern that the proposed multipurpose machine gun range could not sustain the scrutiny of a full environmental study, and if it was required, the Guard “will most likely lose the project and its funding.”

“These emails, addressed to members of Congressman William Keating’s staff, reveal the Guard worried about submitting the project to a thorough environmental review and also demonstrate a complete disregard of the public’s legitimate concerns about the potential environmental impacts of the project,” said Andrew Gottlieb, APCC’s executive director. “I can now see why the Guard would not want the public to see these emails.”

The email correspondence was turned over to APCC after the nonprofit environmental organization filed an appeal to the Massachusetts state secretary’s office, claiming that information requested under the state’s public record law was withheld twice by the Guard, a violation of state law.

Two records requests by APCC in June and July sought email and other correspondence from Faux to federal, state and regional elected officials and their staff regarding the multipurpose machine gun range proposed for the Upper Cape Water Supply Reserve at Joint Base Cape Cod. Documents received by APCC from the Guard in response to the original records requests did not include suspected controversial emails sent to U.S.

Congressman William Keating's staff from Faux. A representative from Keating's staff disclosed the existence of the emails to APCC.

It was only after filing the appeal to the state secretary's office that the emails were finally released by the Guard as required under Massachusetts law.

In an email released by the Guard through APCC's appeal, dated March 24, 2021, and sent from Faux to Keating staff members Andrew Nelson and Ryan Maddox concerning a *Cape Cod Times* article reporting on Keating's call for a closer look at the project, Faux wrote, "Honestly, just the phrase 'further NEPA review or EIS [Environmental Impact Statement] coming from the [congressional] delegation will sink this project and dramatically impact the MA National Guard."

Faux appeared to characterize Keating's motivation behind his public call for additional study of the project by saying, "I fully understand the Congressman needs to work with every constituent and support his re-election activities."

A second email from Faux, dated March 26, 2021, and also addressed to Nelson and Maddox, stated "It troubles me to say this, but the sheer lack of communication on this project is being interpreted by the MANG as a loss of the Congressman's support and shift towards the vocal minority....I truly hope we are wrong! We've heard from multiple agencies and viewed numerous articles stating the Congress [sic] Keating is engaging Senators Warren and Markey to request further NEPA review in the form of an Environmental Impact Statement. If that is the case, we will most likely lose the project and its funding and will have wasted ten years of work, thousands of hours in preparation of an irrefutable, fact based assessment that meticulously followed the codified NEPA process and will significantly impact the readiness of not only the MA Guard, but of the United States Army as a whole."

"It is clear from General Faux's emails that the Guard was fully aware that the machine gun range project could not stand up to independent and rigorous environmental scrutiny, and the base leadership was doing everything in its power to prevent that from happening," said Andrew Gottlieb, APCC's executive director.

"All along, APCC and many others have repeatedly voiced our concerns about the likely impacts from this project on drinking water, rare habitat, the climate and community character. General Faux's comments

suggest that he was also aware of these potential impacts. This validates our concerns that the Upper Cape Water Supply Reserve is not the appropriate place for this machine gun range or this type of intensive training,” said Gottlieb. “We are not in any manner questioning the Guard’s need to train. We are opposed to it happening on top of our drinking water and at the expense of the Cape’s environment.”

Faux characterized opponents of the range as “Cape Cod Democratic Socialists and several others representing the extreme left,” “the vocal minority,” “less than 0.5% of the Capes [sic] population,” and a “small group of activists that manipulate facts to perpetuate their own anti-military agendas...”

During the 2020 public comment period for the proposed machine gun range, the Guard received submissions from 367 individuals and organizations. Of those, 330 commentors were opposed to the machine gun range, while nine were supportive. Twenty-eight requested an extension in the comment period, asked questions or otherwise expressed no opinion.

“Contrary to the general’s assertion that no substantive questions were raised by anyone, APCC submitted four pages of detailed comments and questions about the project that challenged the claims made by the Guard in their environmental assessment,” stated Gottlieb. APCC’s comments are posted on the organization’s website at <https://apcc.org/our-work/advocacy/position-statements>.

In an April 12, 2018 email, Faux again wrote to Keating’s staff members after a letter from Keating and Senators Elizabeth Warren and Edward Markey was sent to the National Guard Bureau seeking further environmental review of the project. In the April 12 email, Faux said, “I guess this explains why my emails have been ignored for the past few weeks, even after multiple explanations and requests for a call with the Congressman. It’s pretty obvious you have deliberately deceived me and my colleagues and created a false sense of trust... In my 34+ years I have dedicated to country and Commonwealth, I have never had to worry about a trusting relationship with ANY staffer from either side of the aisle....until now!”

“APCC is appalled and greatly disturbed by the comments made in the Faux emails, which cross the line for an individual representing the military who is supposed to conduct themselves in a nonpolitical manner,” said Gottlieb. “This is the final proof needed that this project has not been managed legitimately and with fair consideration of public input. The Guard doesn’t get to decide whose comments are worthy of consideration nor does it get to denigrate the public that does comment by disparaging their supposed politics. We call on

Governor Baker to order the Guard to shelve this project. The governor has no other choice if he wishes to restore faith in the integrity of the public process under his administration,” stated Gottlieb.

APCC initiated the public records requests following the revelations last spring of Faux’s threats to Cape Cod businesses if they did not openly support the machine gun range project. “We were concerned that similar threats may have been made to our elected officials, those who may have influence over the future of the proposed project,” explained Gottlieb.

APCC submitted a request in June seeking correspondence from Faux to federal, state, regional and local elected officials. APCC broadened the request in a second public records request to include the staff of public officials. The Guard failed to produce all email communications from Faux even after the second request.

“It has the appearance of the Guard playing word games by not producing all the documents in response to our first public records request in an attempt to hide the contents from the public,” said Gottlieb. “Even though our second records request was more specific, the defamatory and damning emails from General Faux were still withheld. This is the same conduct of hiding the truth that the military used in hiding the contamination to our drinking water prior to the base being listed as an EPA Superfund Site a couple of decades ago. The same mistakes are repeated at the cost of the public’s trust.”

The machine gun range project would require 199 acres of land disturbance, including 170.5 acres of forest area to be clear cut to accommodate the range footprint, operations and control area facilities, roads, firebreaks and other aspects of the project, according to the Environmental Assessment. The project plan also includes the creation of a Surface Danger Zone area on approximately 5,197 acres, or over one-third of the 15,000-acre reserve, where projectiles fired on the range would land.

APCC is on record as opposing the machine gun range, citing potential impacts to groundwater, the destruction of pine barren forest and rare species habitat, and the loss of significant carbon sequestration from the clearcutting of 170.5 acres of forest. The extent of land clearing required for the project would be the largest on Cape Cod in decades, according to APCC.

Established in 1968, APCC is Cape Cod’s region-wide nonprofit environmental advocacy and education organization, working for the adoption of laws, policies and programs to protect and enhance Cape Cod’s

natural resources and quality of life. APCC was a leading voice in the 1980s and 1990s calling for cleanup of toxic plumes originating from the base that contaminated groundwater in the four Upper Cape towns. APCC also spearheaded advocacy efforts that led to the designation of the Upper Cape Water Supply Reserve.

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