



September 27, 2021

Andrew Gottlieb
Executive Director

The Honorable Charlie Baker
Governor of the Commonwealth of Massachusetts
State House, Room 360
Boston, MA 02133

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Dear Governor Baker:

On behalf of the Association to Preserve Cape Cod (APCC), I respectfully urge you to use your authority to stop the proposed multipurpose machine gun range project from moving forward on the Upper Cape Water Supply Reserve at Joint Base Cape Cod. The project not only fails to meet the legal standards for compatibility with the protection of the Upper Cape Water Supply Reserve, it is also clear from the Guard's own internal emails that the integrity of the public review process was corrupted by bias and enmity against the comments received from the public. Either reason taken alone, but certainly in combination, are more than sufficient proof that this project should not proceed.

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 military base that contaminated groundwater in the four Upper Cape towns. APCC spearheaded advocacy efforts that led to the designation of the Upper Cape Water Supply Reserve on the northern 15,000 acres of the base.

The recently released emails from General Christopher Faux, JBCC executive director, to U.S. Representative William Keating's staff reveal that General Faux admitted the machine gun range could not survive an independent environmental analysis, saying if such a review were required, the Guard "will most likely lose the project and its funding." It is clear from Gen. Faux's emails that the Massachusetts National Guard and JBCC leadership were fully aware that the machine gun range project could not stand up to independent, rigorous environmental scrutiny, and the JBCC leadership was doing everything in its power to prevent that from happening.

This admission, including the Guard's stated efforts to quash further environmental review, validates the concerns raised by APCC and many others about project threats to the Upper Cape's drinking water supply and to rare species habitat, the significant loss of climate change-mitigating carbon sequestration benefits from the proposed clearcutting of 170 acres of forest, and, fundamentally, the project's unsuitability for the proposed location and its inconsistency with the purposes behind the establishment of the Upper Cape Water Supply Reserve. It explains why APCC, along with the Sierra Club, Cape Cod Climate Change Collaborative, 350 Cape Cod, Mashpee Wampanoag Tribe, Mashpee Board of Selectmen, Cape and Islands Selectmen and Councilors Association, Barnstable County Board of Regional Commissioners, and thousands of Cape Cod citizens over the past year have expressed opposition to the project. It also explains why there is no documented meaningful support for the project beyond that stated by the Guard.

The emails released by the Guard—the result of two public records requests and, ultimately, an official appeal filed by APCC to the Secretary of the Commonwealth—expose the abuse, long suspected but now proven, of the public process in the review of the proposed machine gun range at JBCC. The comments made by JBCC leadership invalidate any legitimacy of the Guard's alleged consideration of public concerns and comments in its decision making. In those released emails, members of the public are denigrated and labeled as “adversaries” of the military because they expressed concern about protecting their drinking water. They are labeled as “Democratic Socialists” and “the extreme left,” and having an “anti-military agenda” simply for exercising their public right to comment on proposed activities on the base.

Several decades ago, deceptions and coverups of serious groundwater contamination from the base and a massive \$1.2 billion cleanup triggered a loss of public trust in the words and actions of JBCC leadership. It wasn't until denial and avoidance of the issues were replaced by transparency, information sharing and thoughtful discussion that trust was restored, and training practices became compatible with water supply protection.

For reasons known only to the Guard, it has chosen to repeat the mistakes of the past and has returned to the practice of hiding information from the public. As a result, current Guard leadership has squandered the hard-earned relationship it had with the people of Cape Cod. Directly and solely as a result of the Guard's own actions, public trust has once again been lost due to the stance the Guard has taken in completely discounting citizen concerns, pushing back against calls for a comprehensive environmental review of the machine gun range project, and instead defending its own internal analysis that reached a predetermined conclusion. Trust has been lost because the Guard has attempted to force a project on the citizens of Cape Cod at an inappropriate location designated as a reserve for water supply and wildlife habitat protection

that, through multiple legal determinations outlined in a letter recently submitted to members of the state's Environmental Management Commission by the Barnstable County Regional Board of Commissioners, has the protective status provided under Article 97 of the Amendments to the Massachusetts Constitution.

As a consequence of the Guard's actions and its own words, it is APCC's position that the Guard has disqualified itself as a trustworthy project proponent in portraying the machine gun range as a benign project that will have no significant impacts on the Cape's environment, especially the drinking water on which the Cape's citizens rely. Given the public process abuses, the project should not even be properly before the Environmental Management Commission for consideration, since the underlying review on which the EMC will rely is not legitimate or fair. As a result of all the foregoing, and on behalf of the millions of Massachusetts residents and visitors who rely on the integrity of the Cape's drinking water, we respectfully ask that you restore faith in the public process by using your authority as governor to stop this ill-conceived project, as your predecessor Governor Cellucci did in 1998.

For further reference, accompanied with this letter are emails released to APCC on September 7, 2021, from the Massachusetts National Guard following two state public records requests and an appeal to the Secretary of the Commonwealth.

Thank you for your careful consideration of this important issue. Please do not hesitate to contact me if you or your staff have any questions.

Sincerely,



Andrew Gottlieb
Executive Director

cc: Commissioner Martin Suuberg, Department of Environmental Protection
Commissioner Ronald Amidon, Department of Fish and Game
Commissioner Jim Montgomery, Department of Conservation and Recreation