



BARNSTABLE COUNTY COMMISSIONERS

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September 12, 2024

OFFICIAL ELECTRONIC MAIL SENT VIA EMAIL

The Honorable Maura Healey
Governor
The Commonwealth of Massachusetts
The State House, Boston, MA 02133

Re: The Proposed Machine Gun Range Project on the Upper Cape Water Supply Reserve

Dear Governor Healy:

We are writing to respectfully request that you act to protect the Upper Cape Water Supply Reserve (the "Reserve"), which provides drinking water to residents of Sandwich, Bourne, Falmouth and Mashpee. Specifically, we request that you – as Commander in Chief of the Massachusetts Army National Guard (the "Guard") – terminate the Guard's proposed Multi-Purpose Machine Gun Range (the "MPMGR" or "Project"), to be constructed on the Reserve, by rejecting any bids received and declining to award a contract for the Project.

The Reserve was created by the state Legislature under Chapter 47 of the Acts of 2002 (the "Act") as public conservation land, protected under Article 97 of the Massachusetts Constitution, for the purposes of water supply, wildlife habitat protection and the development and construction of public water supply systems. The Reserve protects the Sagamore Lens of the Cape Cod Aquifer, which the United States Environmental Protection Agency ("EPA") has designated as a sole-source aquifer under the federal Safe Water Drinking Act because it is the predominant source of groundwater for much of Cape Cod.

The Act requires that any military use within the Reserve be compatible with the purposes of water supply and wildlife habitat protection. The Project is not. Indeed, EPA issued an April

2023 preliminary determination that the MPMGR would create “a significant public health hazard” by contaminating the Reserve. Our own Barnstable County Health Department has reached the same conclusion.

The Project is not only inconsistent with the purpose of the Reserve but fails to comply with the Commonwealth’s own environmental regulatory requirements, including recent legislation to ensure and enhance protection of Article 97 land. The state Environmental Management Commission (“EMC”) has not authorized the Project, as required by the Act.

Nonetheless, the Guard appears ready to proceed with construction of the Project.

The Barnstable County Board of Regional Commissioners voted unanimously on September 10, 2024, to reaffirm its opposition to the Project and our intent to pursue litigation, if necessary, to protect the health, safety and welfare of our constituents. We also voted to authorize the law firm of McGregor Legere & Stevens, PC, to file a detailed legal analysis of the MPMGR with the state EMC, expanding upon the issues outlined herein, which we will share with your office. The County Assembly – representing all fifteen Cape Cod towns – also recently reaffirmed its opposition to the Project.

Our request for you to step in and take this course of action is not without precedent. On May 19, 1998, then-Governor Paul Cellucci ordered the Guard to cease and desist any further action on the MPMGR, correctly identifying it as a direct threat to Cape Cod’s drinking water supplies. However, the MPMGR proposal was revived during Governor Baker’s administration and persists despite its well-documented threat to public health and the natural environment.

Today, we are calling on you to take the exact same action that Governor Cellucci took in May of 1998, when he terminated the MPMGR after recognizing that it posed a threat to Cape Cod’s drinking water supplies. We make this appeal on behalf of the fifteen municipalities and 235,000 residents of Barnstable County, and the millions of residents who come to visit Cape Cod expecting clean and safe drinking water.

We and our constituents, who rely on the Reserve for their drinking water, need your help.

Respectfully,

The Barnstable County Board of Regional Commissioners



Ronald Bergstrom, Chair



Sheila Lyons, Vice Chair



Mark Forest, Commissioner