



Statement of

Timothy B. Vail, D.V.M

On behalf of  
Vail & Vickers Company  
Santa Rosa Island, California

Before the

Subcommittee on National Parks of the Committee on  
Energy and Natural Resources

Legislative Hearing on S. 1209

Held on

May 15, 2007

Chairman Akaka and Members of the Subcommittee, my name is Dr. Tim Vail and I would like to thank you for the opportunity to provide testimony on S. 1209. I plan to summarize my written testimony and request that you include my full remarks within the record and include the attachments referenced within.

I am a managing partner and fourth generation member of our family's ranching company, Vail & Vickers. We are the previous owners of Santa Rosa Island from 1901 until its acquisition by the National Park Service and inclusion into Channel Islands National Park in 1986, and current operators of a wildlife management enterprise there. We have traveled to Washington, D.C. today to voice our strong objections to S. 1209, a bill that would mandate the slaughter of healthy elk and deer herds currently habituated to Santa Rosa Island, one of the islands within Channel Islands National Park off the southern California coast.

This bill seeks to repeal that Section 1077(c) of Public Law 109-364 (120 Stat. 2406), authored by Congressman Duncan Hunter, and passed into law last year that prevents the eradication of deer and elk on Santa Rosa Island. Further, the Feinstein/Boxer bill doesn't just repeal Congressman Duncan Hunter's law protecting the deer and elk, it also adds language which we feel, if allowed to become law, fails to recognize and violates an existing court ordered settlement agreement between V&V, the National Park Service (Park Service) and the National Parks Conservation Association (NPCA). While Congressman Hunter's provision impacts this agreement with respect to allowing the elk and deer to remain on the island, the provisions within S. 1209 are more broad and troublesome.

We thank you for the opportunity to share our concerns regarding this legislation. As the former landowners and current tenants of this island ranch, with over 100 years and four generations of stewardship, we have been highly impacted by this National Park and National Park Service policies. Ultimately, we will be the private entity most directly affected by this proposed legislation. We would like to provide you with our perspective on some of the issues surrounding the Santa Rosa Island debate based on our family's knowledge of, and experience on Santa Rosa Island. We ask that you consider our testimony regarding the concerns we have for our wildlife operation and contractual agreements with the National Park Service, and for the future of the magnificent deer and elk herds on Santa Rosa Island.

## BACKGROUND

In 1901 my great-grandfather Walter L. Vail, and his partner J.V. Vickers, formed Vail & Vickers Co. (V&V) and purchased Santa Rosa Island, one of the islands in the northern archipelago of the Santa Barbara Channel Islands, converting the island from a 19<sup>th</sup> century sheep station to a 20<sup>th</sup> century cattle ranch after providing several years of habitat rest. Vail and Vickers has operated this historic cattle ranch for nearly 100 years on the island earning awards and accolades for their legacy of good land stewardship on the island. During the mid-1920's, V&V imported Roosevelt elk and Kaibab mule deer to provide species diversity to the island and to provide for personal enjoyment, a popular idea among ranchers in that era. These animals

were not originally intended as commercial livestock. Herd numbers were managed by ranch personnel for meat and hides from the time of the herds' introduction. In 1978, as a result of a proposal born of thesis work completed by myself at the University of California at Berkeley in the College of Natural Resources, V&V began a commercial hunting program in order to better manage these herds responsibly, as well as add additional revenue to their island cattle operations.

Channel Islands National Park (CINP) was created through an act of Congress authored by Congressman Robert J. Lagomarsino in 1980. The Congressman's contribution and leadership was recognized on Nov. 12, 1996 (Public Law 104-333) when the Channel Islands National Park Visitor's Center was named after him. Attached is a statement from Congressman Lagomarsino expressing his thoughts on S. 1209 and some of the island's current issues. His testimony should help provide insight to discussions that took place over 25 years ago. As Congress contemplates the intent of current and future provisions, we hope that you pay special attention to the thoughts of the Member that made the idea of the Channel Islands National Park a reality.

Santa Rosa Island was acquired by the National Park Service in 1986 against the desire of V&V, who wished to continue their ranching operations. Nonetheless, with few options available to V&V and under threat of condemnation, they agreed to sell the island to the federal government for inclusion in Channel Islands National Park. As responsible stewards of the island, part of the attraction of the sale for us was the idea that this unique island's history would be preserved and presented to visitors.

To ease in the transition, part of the island's sale included an important provision to allow the V&V cattle and wildlife operations to continue within the Park through the year 2011. Specifically the family was given a 25-year lease on a 7-acre parcel with right of use and occupancy. Separately, V&V was promised by the Park Service the cattle and wildlife operations were to continue for 25 years through the use of mutually agreed upon successive 5-year Special Use Permits. Rather than fight impending condemnation and government appraisal, V&V chose to work with Park Service to bring Santa Rosa Island into Channel Islands National Park. The Park received Santa Rosa Island at their price along with immediate access in return for the continuation of V&V's commercial operations for 25 years. This agreement also helped the park access much needed moneys both through the direct collection of Special Use Permit fees by the Channel Islands National Park, and by allowing the Channel Islands National Park to obtain funding from the Park Service for Santa Rosa Island management that would not have been available had the island been under a 25-year lease to V&V. Lease money would have gone to the United States Treasury, which would not have directly benefited Channel Islands National Park.

This arrangement was amicable at its inception, and our agricultural and recreational operations were deemed by Park Service negotiators, including the Channel Islands National Park Superintendent William Ehorn, to be perfectly compatible with both National Park policies and their vision for future Channel Islands National Park. It was the intent of all sides involved that these agreements were to be followed for the full 25-year period. We have included correspondence from former Superintendent Ehorn in this testimony. It was due in part to Mr.

Ehorn's persuasion that we accepted this course of action rather than opting for a 25-year lease agreement for the commercial cattle and wildlife enterprises, which would have allowed V&V to operate as it had historically until 2011 with no Park input and no public access. It is also important to note that Congressman Lagomarsino never envisioned the removal of the deer and elk at the end of the family's 25-year term.

As a result of a lawsuit brought against the Park Service and V&V by the National Parks and Conservation Association (NPCA), V&V was forced to shut down their cattle operation without compensation in 1998, 14 years prior to the time agreed upon at the inclusion of SRI within the Park. The resulting Settlement Agreement (Settlement) also detailed conditions under which V&V would continue its hunting operation until 2011, and further specified that both the deer and elk herds need be "removed" from the SRI by the end of that same year. Congressman Duncan Hunter authored legislation last year that provided simply that the deer and elk on Santa Rosa Island may not "be eradicated, or nearly eradicated" from the island.

**We would like to make clear that the language within Congressman Duncan Hunter's legislation, now law, would not continue the current commercial deer and elk management operation nor extend the V&V's Special Use Permits beyond 2011. In addition, V&V played no role in this language and was not consulted by Congressman Hunter in any way regarding it. It is not our intention to advocate for the continuation of our wildlife management program past the year 2011. While Congressman Hunter had a publicly stated goal of allowing our service men and women a place to hunt after 2011, this language does not do this. I don't need to explain to this Committee the reality of compromising what a Member wants versus what is possible in the legislative process. Unfortunately, the media and individuals with their own agenda confuse what Congressman Hunter wanted with what was passed into law.**

While Congressman Hunter's language may be politically complicated, its legislative impact is direct and simple. First, this language eviscerates the portion of the Settlement Agreement that requires a 25% per year drawdown in deer and elk populations beginning in 2008, and ultimate elimination of the elk and deer herds in 2011. It then requires the Department of the Interior to allow the elk and deer to remain on Santa Rosa Island beyond 2011. While we think the language is relatively straight forward, it causes some significant questions for all involved and particular problems for V&V. Namely, what number of elk and deer should remain beyond 2011? It appears the intent is to transfer the herds from private ownership to public use, but how would this occur?

## THE PROBLEM TODAY

The language of the Feinstein/Boxer bill repeals Congressman Hunter's legislation which prevents the eradication of the deer and elk herds on Santa Rosa Island. In repealing the current law protections provided by Congressman Hunter's language, this legislation would require the slaughter of these animals under Park Service direction beginning next year. Further, this bill as written raises questions as to its impact upon the current wildlife management enterprise and other Special Use Permit provisions upon enactment. It appears to topple the court-ordered

Settlement Agreement of 1997 of which V&V, the Park Service and NPCA are party to. It would apparently negate the court ordered settlement and place us in a position of having to sue the United States to return the rights they agreed to in the Settlement. As such, this law could amount to a legislative taking without providing the funding to do so. This legislation makes no mention that a taking is intended. We feel that this is yet another example of the steady erosion of the once amicable agreement between V&V and the Park Service.

We ask the Committee to oppose this bill based on two basic issues. As written, this bill could be interpreted to cause the cessation of our business prior to the time agreed upon by all involved parties, both at the time of Channel Islands National Park acquisition of Santa Rosa Island in 1986, and as acknowledged by the Settlement Agreement of 1997. The bill contravenes the Settlement between the parties by alluding to the Settlement in its introductory remarks, but then failing to include the Settlement as part of the management criteria within the law. It further fails to dictate that the Settlement must be included in the manner of management of SRI in the future. In so doing, this bill fails to provide for our wildlife operations as afforded by our various agreements with the National Park Service. The passage of this bill would likely bring about a number of problems nobody has anticipated or wants, not the least of which would be the damages caused by legislative taking.

**Secondly, and perhaps more important in the broader picture, we ask our Senators and this Committee to engage in an open conversation that acknowledges that these magnificent herds will be slaughtered if this National Park, or this legislation and the similar bill in the House has its way. We believe that these animals should not be slaughtered, and that they should remain on Santa Rosa Island as a well-managed and valuable wildlife resource. In fact, having the public be able to view these animals on Santa Rosa Island is a great biological and recreational asset which is ignored by CINP, but often remarked upon by Park visitors. The herds can and have been managed so as not to adversely affect the mission of the National Park Service for over twenty years, in spite of rhetoric to the contrary.**

## ISSUES AND FACTS

Those supportive of the slaughter endorsed within the Feinstein/Boxer bill cite some of the following reasons why these animals should be eradicated from the island. The following facts are based upon science and a working knowledge of this island exceeding a century.

### ***1. The presence of deer and elk, and the commercial hunting operation precludes visitation of Santa Rosa Island by visitors.***

This argument, often promoted by Park Service and some elected officials, is disingenuous. Not a single visitor to Santa Rosa Island has been denied access by wildlife operations on Santa Rosa Island since the management program's beginnings in 1979, a well-known fact to those with first-hand knowledge of Santa Rosa Island and V&V's commercial operation. The commercial wildlife management program had been in existence for nearly a decade prior to Park Service acquisition of the island. At the onset of Park Service presence on

Santa Rosa Island, V&V and our partners in this enterprise, Multiple Use Managers, began an efficient program that coordinates our daily operations with Park Service managers on the island in order avoid any danger or conflicts with Park visitors.

In reality, Santa Rosa Island is large enough, and visitation by the public is small enough, that it is very easy to avoid the public during our operations by going to parts of the island that are unvisited by the public. We adjust on a daily basis to ensure the safety of visitors and multiple use of this tremendous island. Currently, the recreational opportunities of camping, hiking, sightseeing, surfing and kayaking exist year-round on Santa Rosa Island. The Park's own regulations dictate overnight visitors may only camp at the designated campground. Citing resources protection, some of the beaches and other areas are closed by Park Service to the public.

We note that this argument is cynically fraudulent because in spite of the complete success of our on-the-ground communications procedures with the Park Service staff, Channel Islands National Park headquarters recently published a new map for visitors this past year citing areas that were to be off limits during the three months of wildlife operations, without any input from us. This transparent stratagem by the Park Service allows them to say that the public is denied visitation to significant portions of SRI. The reality is that our commercial operations do not limit access, and that we are proud of our ongoing relationship with Park personnel on the island and our ability to coordinate public access during our wildlife operation. Further, the General Management Plan for Channel Islands National Park is over 20 years out of date. As a result, public access is limited by the Park Service – not by our activities.

***2. The Congressman Hunter provision allows hunting to continue after 2011 and restricts public access.***

These statements are false. This is a one-sentence law which simply states that the Secretary of the Interior shall cease the plan to exterminate the deer and elk on Santa Rosa Island. There is no mention of continued hunting, disabled veterans or restricted public access. It is not our intention that our commercial wildlife management enterprise continues beyond 2011. We would like to work with members of Congress flesh out this law with better, more specific legislation. However, it is clear that this language does not extend the V&V commercial hunting operation.

***3. The deer and elk cause damage to plants listed as threatened or endangered.***

By the time the Settlement Agreement was reached in 1998, eight plant species had been listed on SRI as rare, and threatened or endangered under EPA guidelines. The Settlement created an independent scientific panel to monitor the effect the deer and elk had on these plants and report to the Park. Per the Settlement, only two of the eight plant species listed were thought to have the potential to be affected by deer or elk on SRI. The scientific panel was empowered to monitor Castilleja mollis (paintbrush) and Arctostaphylos confertiflora (manzanita).

As of 2007, the scientific panel has gathered and analyzed data for eight years and has declined each year to recommend reductions in herd size based on their independent analysis. The following are some of the scientific panel's conclusions, as well as those from another independent agency, the National Resources Conservation Service of the USDA (NRCS), who has also surveyed Santa Rosa Island.

1. Within two years into the monitoring it was determined that neither deer nor elk had any negative effect on the paintbrush and the scientific panel has discontinued monitoring that plant species. This site was picked specifically to monitor the impact of grazing by elk (Settlement section 6d).
2. It has been shown that the elk have no effect on any of the target plant species and are not a threat to the habitat. Elk, grazing animals whose diet consists entirely of grasses, annuals and forbs (they are not browsers), are found to have no effect on any of the listed plants. (scientific panel reports 2000-2005)
3. While evidence of browsing by deer on manzanita is inconsistently evident, the general trend of the data gathered annually is positive (Peterson Individual Recommendation Letter 2003). The scientific panel does not believe the manzanita species is in imminent danger of extinction (scientific panel report 2000). Evidence of browsing of manzanita by deer is seen mostly in drought years when other more palatable deer browse is diminished. In spite of the fact that occasional use of manzanita by deer can be demonstrated, all monitored trends for this plant have either increased or stayed the same since the time monitoring began.
4. A field observation study conducted by the Natural Resource Conservation Service (USDA) in June of 2006 revealed healthy stands of manzanita in six different areas on the island. As we had known, there were many more plants on SRI than the Park Service had stated were present. In researching the available data on the SRI manzanita, the agency found contradicting theories on the plants reproduction habits, noting ...“It is not clear how browsing and fire affect the distribution and abundance of [manzanita] on Santa Rosa Island and further studies may be necessary”. (preliminary NRCS Report 2006)
5. There are other environmental factors which appear to affect manzanita to a greater extent island-wide than browsing, including rainfall, soil composition, insect damage, fungus, lack of fire (NRCS Report). The scientific panel was only charged with monitoring the impact of the deer and elk. To date we are unaware of any other studies looking at other influences on these plants.

More research is certainly needed to find out what the current status of the Santa Rosa Island manzanita, but it is clear that browsing by mule deer is only one of a multitude of factors that affect the well-being of this plant. What is clear is that the vegetation trends monitored by the scientific panel are positive since monitoring began, in the face of the existing deer population. This most clearly contradicts rhetoric regarding the mule deer impact.

Santa Rosa Island is comprised of nearly 55,000 acres, largely grassland. Both the current deer and elk herds are very small indeed and do not approach the sustainable carrying capacity of Santa Rosa Island. It should be noted that over the past 150 years, the island has sustained as many as 7,000 head of cattle, 1,500 head of elk, as many as 3,000 deer, well over 30,000 sheep and tens of thousands of feral pigs, yet the manzanita has survived. It is clear that the presence of deer and elk on Santa Rosa Island do not prevent native plants and animals from flourishing. We have demonstrated that a well-executed wildlife management operation would allow both the herds and the manzanita to thrive.

***4. The presence of deer and elk on Santa Rosa Island attract Golden eagles to the island from the mainland. The eagles, in turn, prey on and have decimated the native fox population.***

The logic of this statement is untenable. V&V and previous ranching interests have raised livestock on Santa Rosa Island for over 150 years. During all those years, the numbers of animals (biomass) that might have attracted predatory birds which could then have preyed on the foxes numbered more (on an animal unit basis) than ten times (a conservative estimate) that which exists on Santa Rosa today. Yet, Santa Rosa Island fox populations remained steady and healthy during the ranching tenure. Island Fox decline was first observed only after dramatic reductions were made to island wildlife and livestock numbers by Park Service & The Nature Conservancy on neighboring Santa Cruz Island, beginning in the late 1980's.

These eradications were made on Santa Rosa Island by Park Service without, to our knowledge, NEPA consultation and included the wholesale eradication of the wild pig population, the removal of all cattle and horses (12 aged horses remain on SRI as of this date), and large reductions in deer and elk numbers. Further, Park Service has removed all cattle and sheep on neighboring Santa Cruz Island, and is projected to complete the eradication of the wild pig population this year. The effect of these wholesale herd eradications on Island Fox populations is unknown because they were never studied.

While it is known that both Bald and Golden eagles will prey on fox, the reason why Golden eagles came to the islands and in what numbers is not at all certain. The Park would like to suggest that there has been a steady stream of Golden eagles drawn by hoof stock on the islands. It is hard to defend that theory since that source of nutrition has been steadily decreasing over the second half of the 20<sup>th</sup> century and is now miniscule compared to the amount it once was. So why would the Golden eagles inhabit the Channel Islands now?

A more plausible theory regarding the arrival of the Golden eagle on the islands has been proposed in Appendix C of the Channel Islands Golden Eagle Translocation Project Summary prepared by the Santa Cruz Predatory Research Group (SCPBRG), University of California at Santa Cruz. The study has suggested that the entire population of Golden eagles on the northern Channel Islands could have been derived from a small number of "transient or dispersing" birds, or even a single nesting pair first sighted on Santa Cruz Island in 1987 or 1988. Researchers have created a model suggesting successful progressive nests since 1988 would produce similar population numbers now occurring on the four islands. If true, the Golden eagle population on

the Channel Islands in the 1990's is much more likely to have been the result of a random distribution of a few Golden eagles to the northern Channel Islands.

Research also suggests the possibility that two major eradication events undertaken by, sheep removal on Santa Cruz by the Nature Conservancy (1981-1989) and pig eradication on Santa Rosa by Park Service (1990-1993) may have sustained Golden eagle colonization of the northern Channel Islands. There may very well have been little or no influx of Golden eagles from the mainland throughout this period, but that the Golden eagle families that were already here were sustained by those herd eradications. It appears that translocation of Golden eagles off the Channel Islands and reintroduction of Bald eagles has apparently rid the islands of Golden eagles at this point in time. Given these points, it appears likely that deer and elk on Santa Rosa Island have played no role in the eagle population dynamics on the Channel Islands.

If there is little or no influence by mainland Golden eagles, how does Park Service current strategy of the eradication of deer and elk on Santa Rosa aid in the restoration of the Island Fox? Also, do Park biologists know that a wholesale deer and elk eradication program might not start another crisis event, supporting an abnormally large population of predatory birds which might again decimate Island Fox populations? It seems clear that more study needs to be undertaken in this field before going forward with deer and elk eradication. It is interesting that members of the SCPBRG staff gathered Golden eagle DNA samples as part earlier studies in order to try to ascertain their origin. The Park Service and the Nature Conservancy have chosen not to provide funds to complete that portion of their study, saying their funds could be better used elsewhere and that any findings resulting from such a study would not alter their intent in so far as managing eagles, fox, deer or elk on the islands. We strongly disagree with this assessment and feel these studies are important to come to an honest biological assessment of eagle/fox population dynamics. It may be that the Park's eradication policies led directly to the present predicament of the Island fox.

#### ***5. Deer and elk cause harm to archeological sites on the Santa Rosa Island by trampling and destroying artifacts.***

This is a new assertion with respect to the island and seems to follow a path used by land management agencies when trying to impart their will upon an area. This issue is a red-herring as our protective measures to support the islands artifacts can be verified and the claim on its face is illogical. Santa Rosa Island contains over 600 archeological sites, one dating back over ten thousand years. Vail & Vickers has a very good reputation in the scientific community for honoring the rich prehistoric island history, and has provided support for the preservation of these sites over many decades.

Vail & Vickers has been an active participant in an eighty-year relationship with the Santa Barbara Museum of Natural History and has supported many investigators in the anthropological field over those years. During our tenure no qualified researcher or institution was ever denied access to the island or denied help if needed with transportation or logistics on the Santa Rosa Island. There was never a complaint lodged about damage caused by livestock or wildlife by these researchers during our tenure here.

Given the number of animals that have been on the island during its' ranching past compared to today, and given the relative pristine condition of the archeological sites that exist on the island now, we believe this argument to be nothing more than self-serving fabrication. We can provide letters of support from the Santa Barbara Museum of Natural History as well as from others in the scientific community. It should also be noted that the Park Service, while hiding behind this disingenuous argument, has not been a particularly good steward of the archeological sites that exist on Santa Rosa Island. As part of former Park Superintendent Setnika's three-part series of articles in the Santa Barbara News-Press, Mr. Setnika exposes this and other examples of the hypocrisy demonstrated by the Park Service while working towards their own anti-ranching agenda. I have attached the entire series and the editorials that accompanied them as part of my testimony today.

As a factual matter, discussions with our acquaintance archeologists note that the value of the archeological site is vested beneath the surface, where the effects of exposure do not exist. The surface is exposed to wind and rain erosion, not to mention the sometimes irresistible human interaction, all of which are much greater threats to the site than the roughly one thousand animals currently spread over 55,000 acres. Discussions with a previous Channel Islands National Park Superintendent indicate that if there is a threat to archaeological sites on these islands, it is in the form of the vastly increased use of island roads by Park Service vehicles. We estimate vehicle use on Santa Rosa Island to be increased ten-fold compared to prior ranch use.

## THE DEER AND ELK ON SANTA ROSA ISLAND

The practical reality is that the term "removal" of these herds from Santa Rosa Island, as stipulated by the Settlement Agreement that Congressman Hunter's legislation overturned, means eradication. We feel strongly, as do others, that the slaughter of these herds is a senseless and avoidable tragedy. We use the term slaughter because it should be noted that this Settlement goes so far as to state that "unusual costs" such as "trained professionals and helicopters" be deployed to "remove" the most challenging animals. It should be made clear that the idea of removal of live animals to meet the requirements of the Settlement is a new one and poses great costs and may be practically impossible.

The deer and elk herds on SRI contain some of the very best examples of these two native North American species. These healthy, thriving herds have lived with sound game management on SRI for approximately 80 years, and are well-adapted to the habitat. Their genetics constitute an invaluable biological resource which should not be squandered. They have lived on SRI isolated from diseases which afflict mainland cervid herds, such as Chronic Wasting Disease. These animals have been protected from predators and habitat destruction, just as mule deer populations across the western United States are in declining health as a result of these pressures. The existence of these superb herds provides the opportunity to protect a genetics pool which could then be available to repopulate mainland herds in the future. It is our opinion that these herd provide a valuable natural resource that should not be needlessly squandered and that it would be short-sighted to think otherwise.

Relocation has lately been proposed as an option to preserve these herds, but it is expensive and fraught with practical complications. Transporting mule deer is particularly problematic and results in high death losses as a result of a condition known as “transport stress myopathy”. Furthermore even if transportation problems could be overcome, the question remains, where would we put the animals? Finding a new home for these animals poses a great challenge and, the movement of these animals back to the mainland negates the very great advantage that isolation has provided these deer and elk species. It would be of great biological advantage for North American wildlife management to maintain the protection and isolation of these closed herds.

Economic factors should also be noted. The cost to transport these herds off the island is not an option V&V ever anticipated at the time of the sale of SRI to Park Service in 1986. “Removal” by transport is a concept only recently given lip service by Park Service for the very transparent reason that they would not like to be seen as responsible for the wholesale eradication of these herds. Our commercial operations on SRI have been steadily eroded by Park Service oversight and Park Service fueled legal challenges. We received no compensation for the unexpected, immediate termination of our cattle business in 1998 and we simply don’t have the financial means for the ambitious undertaking relocation would pose. We have, in the past been able to capture and sell elk cows for mainland breeding operations however, the market for live Roosevelt elk has dried up and recent research has shown that there are no willing buyers.

We feel the best solution is to maintain the herds at well-managed levels on Santa Rosa Island. We know from experience that these herds can be maintained on Santa Rosa Island with no significant impact on island habitat. There are many ways to manage herd size and health, of which commercial hunting is only one. Further, eradication of these animals may trigger unanticipated catastrophic events on other island plant and animal species.

## CONCLUSIONS

Senator Feinstein’s bill (S. 1209) as presently worded would nullify Congressman Hunter’s bill passed into law (Public Law 109-364, Section 1077(c)) last year. At a minimum, this would allow the court-ordered slaughter of deer and elk per the NPCA/NPS/V&V Settlement Agreement to go forward. However, it appears that the enactment of this legislation could bring about the termination of our wildlife management enterprise prior to the time agreed upon by all parties in that Settlement Agreement. It may even be that this legislation overturns the Settlement Agreement in its entirety. We strongly object to this outcome and ask the Committee to refrain from moving this bill forward. It is a highly flawed response to a flawed law.

We urge the Subcommittee members to help us work toward a solution that benefits everyone involved as we have been trying to do for the past several years. Vail & Vickers has a long history of good land stewardship on Santa Rosa Island and has steadily worked for a solution for this current situation. We reiterate that there is no good biological reason to remove the current populations of deer and elk from Santa Rosa Island, and the science supports that conclusion.

We are grateful to have been given the opportunity to have testified today. Vail & Vickers has been caught between competing members of Congress and special interests that seemingly have no interest in our opinion although we will ultimately be burdened with the future of this island legacy herd. We appreciate that while somewhat simple conceptually, the issues discussed today involve important public policy. We hope that you will join us in working towards a sensible outcome that includes honoring our historical agreements with the Park Service. We should also like to avoid being partner to the unnecessary slaughter of healthy and magnificent elk and deer herds.

**Boone and Crockett Club**

**Congressional Sportsmen's Foundation**

**Mule Deer Foundation**

**National Rifle Association**

**Rocky Mountain Elk Foundation**

**Safari Club International**

May 11, 2007

Dear Member of Congress:

We are writing you today on an issue of great concern to our conservation organizations – the proposed eradication of the Kaibab Mule Deer and Roosevelt Elk herds that inhabit Santa Rosa Island. We urge you to oppose both S. 1209 and H.R. 2029, as these bills propose to overturn Sec. 1077(c) of P.L. 109-664 – a provision that currently protects Santa Rosa Island’s elk and deer herds from extermination.

Sec. 1077(c) of P.L. 109-664 protects these herds and without this provision in place these splendid elk and deer herds would lose their current law protections and begin to be slaughtered next year – ultimately to be eradicated by the end of 2011. The National Park Service will assume full management of Santa Rosa Island beginning in 2012. Our organizations believe that these elk and deer herds should remain in their current habitat on the isolated and disease-free environment of Santa Rosa Island – where they will continue to provide enjoyment to park visitors in 2012 and beyond.

Through professional wildlife management practices, we believe that both the ungulate herds and other flora and fauna can successfully coexist. Please understand that these animals have habituated to Santa Rosa Island for approximately 100 years, have assimilated into the ecosystem and are one of the island’s primary tourist attractions.

We urge you to safeguard P.L. 109-664’s protection for Santa Rosa Island’s healthy elk and deer herds by opposing S. 1209 and H.R. 2029.

Sincerely,

**Boone and Crockett Club**

**Congressional Sportsmen's Foundation**

**Mule Deer Foundation**

**National Rifle Association**

**Rocky Mountain Elk Foundation**

**Safari Club International**

Statement of

Robert J. Lagomarsino

On behalf of  
Vail and Vickers Company  
Santa Rosa Island, California

Before the

Subcommittee on National Parks of the Committee on Energy and  
Natural Resources

Legislative Hearing on S. 1209

Held on

May 15, 2007

Chairman Akaka and Members of the Subcommittee:

From 1974 to 1993 I served in the House of Representatives, representing the Ventura and Santa Barbara County area of coastal California. During almost all of that time, I was a member of the Interior & Insular Affairs Committee, now Natural Resources, and held the position of ranking Republican for National Parks.

It was my legislation in 1980 that created Channel Islands National Park. Although no longer in office, I maintain a keen interest in park activities. In fact, since we live on the coast west of Ventura, the islands are, on clear days, always in sight. Indeed, in 1996 the Congress passed, and the President signed into law, legislation naming the park visitor's center after me.

For more than a decade I have been disturbed at developments in the park, especially with regard to the management of Santa Rosa Island.

Today, I have great concern regarding proposed S. 1209, and H.R. 2029. Both aim to repeal Section 1077(c) of Public Law 109-364, but this language in the Senate version attempts to do more than simply reverse Representative Duncan Hunter's one sentence law of last year that halts the eradication of the island's historic deer and elk herds. I am concerned that S. 1209 inadvertently threatens the very existence of the Vail & Vickers operation before 2011, by ignoring past agreements – the special use permit arrangement from 1986 and the litigated Settlement Agreement for 1998 – and citing Park Service directives that through strict interpretation very well could drive the ranchers out of business immediately.

It was my clear intent, and of Congress (including CA Senator Alan Cranston), that the cattle ranching operation that had thrived for a century would continue for 25 years, as a living history of what ranching operations had once been like across the West, let alone the uniqueness of an island ranch somewhat removed from the passing of time. We considered equally important the preservation of the island's unique natural bounty. Then-Park Director William Whelen at the time of the initial bill's passage wrote that grazing, when properly managed, was a compatible use. Later, I clearly remember Park Director William Penn Mott standing in the old Vail & Vickers barn on Santa Rosa commenting how valuable a resource the cattle operation was.

It was over many years from the mid 1970's to 1986 that the Vail family reluctantly agreed to not oppose including their island into the boundaries of the newly proposed park, and to eventually agree to emerging political realities and sell to the federal government. Therefore I expected the historic ranch and hunting operations would continue for at least 25 years.

It was my intent and expectation that the kind of cooperation between the Park Service under then Superintendent Bill Ehorn and Vail & Vickers would continue, especially as it was Mr. Ehorn's recommendation that a special use permit arrangement would be the preferred method of management, not straight lease terms.

As I stated to Interior secretary Bruce Babbitt in 1997, I would not have included Santa Rosa Island in the park boundary, and I doubt the Senate would have approved it, had I known that the ranchers would be caught between competing special interests for the next quarter century. During the unfortunate litigation brought upon the Park Service and Vail & Vickers by the National Parks & Conservation Association, I thought the ranchers were justified in feeling the government had gone back on an agreement they entered into in good faith, and that the Interior Department did not adequately defend the original sale terms. Simply stated, promises made should have been promises kept.

While it is worth noting that Congressman Duncan Hunter's methods last year to insert last minute language into the Defense Authorization Act were unorthodox, the

simple fact is Section 1077(c) does not allow hunting to continue or limit public access on Santa Rosa Island after 2011; it simply prohibits the deer and elk from being eradicated per the Settlement Agreement. It also does not set precedent, as some suggest, that allows for non-native species to exist in national parks, for this precedent has already been set in this very park. I cite the example of the eucalyptus tree, not native to California, and prevalent on the Channel Islands. Will the Park Service be eradicating thousands of trees? Where is the line drawn in this theoretical goal of preserving only what is 'native?'

In my opinion, many of the allegations of abuse by cattle, deer and elk are, to the say the least, greatly exaggerated. If sheep and cattle ranching went on for 150 years, with little if any knowledge of/or concern about rare and endangered species, how come there are any left to be so concerned about now? Probably the most rare and endangered thing here in common sense.

Moreover, I find the assertions of the bill sponsors that hunting will continue and public visitation is threatened to be disingenuous. It is worth repeating that public access is not limited due to Section 1077(c) as the language clearly states: "The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk." To speak of speculation and future scenarios is unfair and not productive to building lasting and cooperative solutions.

**Like the existence of 'non-native' mountain goats in Olympic National Park, I strongly believe that the presence of the deer and elk enhances the visitor experience on Santa Rosa Island. While the cattle and vaqueros might be long gone, the deer and elk showcase the living history of the island, illuminating a ranching culture that no longer exists across our country. The Park Service calls these 'historical landscapes,' and this example qualifies. The living documentation of things past is as vital a mission to the national park system as the protection of unique flora and fauna. There is no reason why we cannot manage both our natural and human history to great effect. This is was certainly my intent in the enabling legislation that preserved this national treasure.**

**This Committee has a golden opportunity today to sort out 15 years of confusion by calling on hearings related to the past and future management and oversight of Santa Rosa Island. Can S. 1209 be amended to allow the deer and elk to remain on the island – with no hunting activities involved – as part of a historic, living history of early California ranching life? Certainly, this would require additional hearings and in-depth public discussion, but the timing corresponds well to the ensuing challenges to manage elk herds in Rocky Mountain and Theodore Roosevelt national parks as well as the continued destruction of Kaibab mule deer habitat in the Southwest.**

**Additionally, it should be noted that Channel Islands National Park has not updated its General Management Plan, particularly with regards to Santa Rosa Island, since the 1980's. Due to the dramatic changes of the past 20 years, one would think that this would have happened by now. Perhaps an advisory committee should be created – one with a fair balance of different viewpoints – that oversees a Channel Islands National Park Historical Resources Study. This would be a positive step that this Committee and S. 1209 could take today.**

To conclude, I encourage this Committee to remove any language from S. 1209 that can be used to put Vail & Vickers out of business before the end of 2011. I also call on Congress to use this legislative opportunity to honor the original intent of the agreement, and to find a way to keep an invaluable part of our nation's heritage alive.

**William H. Ehorn  
225 Surfside Drive  
Smith River, CA 95567**

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**(707)487-9271**

## **STATEMENT OF WILLIAM H. EHORN**

My name is William H. Ehorn. I was employed with the National Park Service (NPS) for 34 years and served as Superintendent of Channel Islands National Park (CINP) from 1974 to 1989. In that capacity, I was an active participant in the 1980 legislation to add Santa Rosa Island to the park and the NPS acquisition of the island from Vail & Vickers in 1986.

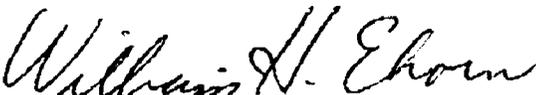
During the 1979-1980 Congressional effort to add Santa Rosa Island to the CINP, it was clearly understood that Vail & Vickers would be allowed to continue a viable ranching operation for a period of 25 years. At the outset, there was substantial opposition to including the island in the park unless there were assurances that the historic ranching operation could be continued. Express assurances were provided by the Congressional leadership (e.g., Sen. Alan Cranston (D-CA)), the committees, and the primary author of the CINP legislation Rep. Robert Lagomarsino (R-CA). The Director of the NPS, Mr. William Whalen, also provided such assurances at the hearing and via correspondence. Only after it was clearly understood that Vail & Vickers could continue their historic operations did opposition to including Santa Rosa Island in CINP diminish. In the absence of these repeated assurances, I believe that the island would not have been added to the park.

In 1986, NPS acquired Santa Rosa Island from Vail & Vickers. At the time of acquisition, it was also clearly understood that a viable ranching operation would be permitted to continue for 25 years. As Superintendent of the park, it was my intention to honor the commitments made by Congress and NPS and allow the ranching operation to continue. Vail & Vickers were offered two procedural options for continuation: a lease or a special use permit. I was able to persuade Vail & Vickers to accept the permit option rather than the lease on the grounds that (1) a permit would be managed locally by NPS while a lease would be administered from Washington, D.C., (2) permit fees could be used to improve and maintain facilities on Santa Rosa Island relative to the management of the permit, and (3) a permit would allow NPS to begin operations on the island in cooperation with the ranch.

Vail & Vickers has a record of outstanding stewardship on the island. Since 1986 they have cooperated extensively with NPS to further improve the quality of the ranching operation and park resources. Conservation measures have included reductions in the number of cattle, elimination of destructive feral pigs, fencing of sensitive riparian zones, and rotational grazing to protect endangered and threatened species. I have a personal knowledge of the condition of Santa Rosa Island resources, both prior to park establishment and since the implementation of cooperative efforts to further enhance the protection of park resources. It is my professional opinion that the measures that Vail & Vickers have willingly taken in a spirit of cooperation with NPS have clearly improved

conditions and have promoted the overall health and vitality of the natural resources on the island.

My personal perspective is that it is important for the federal government to honor the commitments expressed by Congress and clearly understood by all who were involved when the park was created by providing for the continuation of the private ranch until 2011. Park management will obviously change at the end of the allowed ranch operation period since grazing will be discontinued on most of the island with the exception of an interpretive demonstration ranch. Options for protective management of resources as well as for visitor use will increase at that time. In the interim, the management challenge is to honor Congressional intent to this ranching family, as well as protect the island's superlative resources.

  
William H. Ehorn

April 23, 1997

# SANTA BARBARA NEWS-PRESS

## Opinions and Letters

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### Opinion: SANTA ROSA SAGA: PART 1

October 8, 2006 8:55 AM

Russ Vail, shown on his Santa Rosa Island cattle ranch in 1997.

Editor's Note: In this multi-part series, the former superintendent of Channel Islands National Park exposes what's behind the effort to remove the elk and deer from Santa Rosa Island. See today's editorial on G2 for more background.



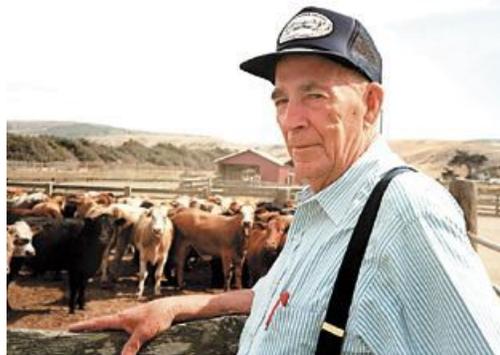
Tim Setnicka

With both sides furiously spinning myths about the values and horrors of continuing to keep deer and elk past 2011 on Santa Rosa Island in Channel Islands National Park, I offer some additional insights and facts based on experience and participation in these issues. It's especially necessary to understand the background of this issue in view of the attempts of the National Park Service staff and the Vail family to cloud the issue.

#### **A Brief History: Channel Islands National Park, the Vail Family, and Santa Rosa Island**

Back in the day, on March 5, 1980, the park's first superintendent, William Ehorn, along with then-U.S. Rep. Robert J. Lagomarsino, was able to get Congressional National Park legislation status passed for the then tiny Channel Islands National Monument. Until then, Channel Islands National Monument consisted of only Santa Barbara and Anacapa islands. Bill Ehorn also took it upon himself to personally campaign, very successfully, to get the Vail and Vickers Companies, largely represented by Russ and Al Vail, to sell Santa Rosa Island to the National Park Service on a willing buyer/willing seller basis. Vail and Vickers agreed to do so for \$28.5 million and in 1987 the deal was done.

As part of the land deal, a 25-year transition period was designated for the former owners, the Vail and Vickers families, to continue cattle, pig, deer, elk, and horse



Russ Vail, shown on his Santa Rosa Island cattle ranch in 1997.



operations on the island. Such a "lease-back" is a common way the federal government acquires private property on a willing buyer/willing seller basis.

Seemingly lost in the spin cycle of deer and elk controversy is the fact that the natural and cultural resources of Santa Rosa Island are truly nationally significant, and the fact that the Vails were excellent caretakers of their island. They were successful cattle ranchers. They were easy on the land. Of course, while being ranched, even after becoming federal property, Santa Rosa Island looked nothing like a national park. But the natural and cultural resources were still there.

Even with the Vails annually stocking Santa Rosa Island typically with 6,000-7,000 head of cattle over the winter months, 2,000-plus elk, 3,000-plus deer, and of course the ever-popular thousands of pigs and the booming island fox population, the value of these resources was easily seen to even the most novice eye. Santa Rosa Island was indeed a "fixer-upper" from a National Park Service point of view. It has had enormous potential for resource preservation.

The plan, or "the deal," as Al Vail would frequently refer to it, was to let the Vails live out their ranching lives until 2011 or until they decided to quit ranching or hunting. As Mr. Ehorn would frequently tell me, "The NPS is forever . . . we shouldn't be in a hurry to push them off the island. They could have fought us on the purchase and they didn't."

He was right. Even though the Vails vigorously fought and testified against the legislation initially creating the park, once it passed, they immediately began to work with the NPS in order to sell Santa Rosa Island to the park and help the NPS set up a small island operation in four tiny trailers.

From a business standpoint, a lease-back from the government, in this case, via a special-use permit, allowed the Vails to receive \$28.5 million in 1987 and continue their business operations -- one of the few ways it is possible to actually have your cake and eat it too. And they didn't have to sell to the NPS; they had successfully ranched on "The Rock," as Russ Vail fondly called the island, since the 1900s. They survived most known problems ranchers and farmers faced except, as it turned out, they couldn't survive the NPS and its allies.

At first all was well. In 1990, Superintendent Ehorn transferred to Redwoods National Park. One of the morals of this saga is that the federal government has no soul; it is an empty shell. It is only good as the people who fill its cubicles and offices. One can never forget that federal government is the Mother of All Bureaucracies and has no heart.

The new superintendent, C. Mack Shaver, was an experienced manager who worked for Mr. Ehorn as a ranger at the Channel Islands in the mid-1970s when it was still a National Monument. About this time, thanks to internal National Park Service lobbying, CHIS received a windfall budget increase of almost \$900,000 to hire 25 or so new resource management staff members. And they needed something to do.

So the new CHIS army of resource management staff were able to concentrate on Santa Rosa Island and the Vails' ranching activities. They soon took the position that the Vails' ranching operations were severely and irreparably damaging Santa Rosa Island park resources and needed

to be severely regulated and downsized, or eliminated entirely. Of course, they had no proof of such a claim of irreparable damage. Again, Santa Rosa Island looked like a cattle ranch because it was still being used as a cattle ranch.

When asked which species the Vail operations were driving to extinction, no facts or proof could be offered by park staff; they just provided emotional arguments. This debate quickly became a large and often irrational discussion among park staff and management. The park staff soon became divided into ranch haters or ranch lovers.

All National Park Service parties agreed that staff should be sent out to Santa Rosa Island to concentrate on first inventorying and then monitoring all the plants and animals on the island. What we found was that there were many more rare and sensitive species than we first imagined. After a few good years of rain we found all kinds of new species.

So the decision at the time was "Do we acknowledge the Vails' successful stewardship of their cattle ranching operations for almost eight decades which allowed these species to exist, or do we use this information to vilify the Vails?"

In the end, for many reasons, the National Park Service ended up vilifying the Vails. With every newly found species, we added them to the increasing list of rare species being impacted by the hoofed critters. Eventually the National Park Service would use this species list to argue the need for immediate "protection" from the Vails' ranching activities, even though these species existed on the islands for thousands of years.

### **A Bird in the Hand**

Because we still could find no "smoking gun" plant species to use to lean on the Vails to limit or even stop their operations, we used the standard federal land management model to manage such events. We ground them down by calling in other agencies to help us and, in the end, outspent them with almost limitless federal money.

We took our time and spent a number of years and millions of dollars gathering data and mapping all Santa Rosa Island species, especially plant species, along with what we determined to be the effects of grazing on them. We attributed the majority of the recorded damage on these species to the deer, elk and pigs.

But, try as we might, even after years of gathering this data, we still couldn't find any species that could prove that continuation of the Vail ranching/hunting operation was driving it into extinction. In fact, due to some good rain years, the plant species were doing better than when we first started inventorying and monitoring them, in spite of the continued grazing.

Damn. This information wasn't helpful. We still had no proof that the Vails' operations were permanently or even seriously harming "park resources." In short, we still had little to no information we could use to severely limit or stop the Vails' ranching operation.

So we took a different tack. We turned to our sister agencies for help. National Park Service staff made contacts with the U.S. Fish and Wildlife Service to begin to set the foundation to use the Endangered Species Act (ESA) as a jackhammer on the Vails. National Park Service species information was freely leaked by the NPS to the Ventura office of the USF&W Service. In turn, the USF&W Service sent us a letter expressing its "concerns" over the effect that ranching had on certain plant and animal species, e.g. "park resources."

One of the first National Park Service and USF&W Service levers we developed was over the proposed listing of snowy plovers under the ESA. A snowy plover is a small, gentle sea bird that nests on various beaches in Southern California, including some on Santa Rosa Island.

Using the theoretical and unproven possible effects that a steer would have if it stepped on, or came close to a snowy plover nest while on the beach, we were able to force the ranch into fencing off a large beach in Old Ranch Pasture. This beach is rarely visited by the public because it is difficult to access by the few visitors who make it to Santa Rosa. Only the Vails and NPS staff used this beach.

We forced the ranch to pay for construction of an electric fence to keep out cattle and horses that might impact nesting plovers. Again, there was no data to show these impacts were occurring. The USF&W Service supported us because, under the ESA, possible effects are reason enough to require a landowner to take action or else suffer the wrath of the USF&W Service and ESA penalties.

What the anti-ranch National Park Service and USF&W Service communities really wanted was to force the ranch to close the pasture to all horses and cattle by making mitigation measures both expensive and difficult to perform. Russ and Al Vail knew this, and refused our alternative suggestion of closing the entire Old Ranch Pasture for the plover.

Nevertheless, we forced them to pay for a fence, which was, in my opinion, not needed to close a remote, non-used public beach over the concern about "possible" impacts to nesting plovers by cattle and horses.

There was more. The USF&W also obligated the National Park Service to start a plover monitoring program. So after a few years of watching nesting plovers, the data showed only one nest that was possibly stepped on by a steer. NPS research showed that the biggest plover predators were wind and ravens. We wanted to stop this expensive monitoring program, but the USF&W Service told me if we simply closed the pasture, then the threat to the plovers would be eliminated and we could stop the monitoring: biological blackmail.

Of course, the Vails saw this pasture closure request as the beginning of the end. As Al Vail said to me, ". . . first Old Ranch Pasture, then Lobo Pasture . . . pretty soon you guys will put us out of business."

As events unfolded, he was correct. An unwritten resource management goal was, in fact, to try to close as many pastures as possible. The USF&W Service caused the National Park Service to

waste hundreds of thousands of dollars monitoring the snowy plover, only to discover wind and ravens were the biggest predators of young plover chicks, not cattle or horses.

In view of the threat to the plovers, with tongue in cheek, I proposed we start a raven relocation program. In a response from the park's resource management staff, I was informed that the reason there were so many ravens on Santa Rosa Island was largely due, in part, to the deer and elk gut piles that hunters left on the island after they had killed an animal. I mused, "So we need a gut-pile management plan?" To which a resource manager replied, most seriously, "Maybe. The Vails should be required to dispose of the gut piles in an appropriate manner. Maybe they need to be required to haul the carcasses off the island."

### **An Ongoing Legal Conspiracy**

Along with snowy plover monitoring information, we gave the USF&W Service all our plant monitoring data showing range and numbers of various plant species. We also continued to voice our findings that the National Park Service biologists had determined that cattle, deer and elk (pigs had been eradicated by 1991) contributed most of the significant impacts on these species. We called the media. We called environmental groups. We called other state and federal agencies.

Again, I was contacted by the USF&W Service which, not surprisingly, advised me that if things didn't change, the USF&W Service would propose listing certain Santa Rosa Island plant species under the Endangered Species Act. This would give the USF&W Service more control over these species, as was the case with the snowy plover.

Once listed, the USF&W Service could approve or disapprove all National Park Service actions on these species, which included the actions of our tenant, the Vail Ranch. Pretty slick process. The NPS established a bi-directional information flow. Information and data were given to the USF&W Service out the back door of National Park Service HQ, and in through the front door came the official correspondence from the USF&W Service. This is how natural resource management at the federal government level frequently works.

We attempted to strike a deal with the USF&W Service to enter into a conservation agreement to protect about a dozen Santa Rosa Island plant species. An approved conservation agreement means that the USF&W Service would agree to not list these species under the Endangered Species Act because all parties would agree to take measures to protect the species from whatever potential or real harm would befall them. The idea is that the species would be protected without the expense and time associated with formally listing these species under the ESA.

Also, even during the Democratic administration, the USF&W Service was taking a lot of heat for listing almost every plant and animal proposed to it and almost never delisting any species. "No money" was the reason for this imbalance. Or, as one top USF&W Service official explained to me, "we've got to list as many as we can and not worry about delisting . . . time is of the essence."

A conservation agreement sounded fine to me. So we spent hundreds of thousands of dollars gathering data for one. However, during its formulation, USF&W Service officials told me, on numerous occasions, they thought that grazing was an inappropriate activity for Santa Rosa Island because it was a part of the National Park System. I agreed. I told them the only reason grazing and hunting was allowed was due to the terms under which the Vails sold Santa Rosa Island to the National Park Service in 1987.

I explained that under the reserved rights of a former property owner, the Vails could actually have sold the island to the National Park Service and reserved its entire use exclusively for 25 years. This would have meant no public visitation and no NPS uses. Rather, they chose to work with the NPS to allow limited public use while they transitioned out of the cattle and hunting business. I explained that, by law, hunting and grazing would end no later than 2011.

Lastly, I explained that the reason Santa Rosa Island was even eligible for inclusion into the National Park System was the fact that the Vails and Vickers did not choose to carve it up into island ranchettes, or overgrazing it. They also were working with us on small projects, such as fencing off island oak groves.

This was the situation well before the Santa Rosa Island lawsuit or the existence of any settlement agreement, which is currently referred to by all parties in this issue.

No dice. Federal "deaf ears syndrome" was in effect by the USF&W Service.

The USF&W Service officials remained resolute and unreasonable. They told me ranching operations should end sooner than 2011, or that cattle, deer and elk numbers needed to be substantially reduced in order to protect rare plant species and satisfy the "ESA."

What did or did not satisfy the ESA was the decision of the Ventura Office of the USF&W Service staff. In addition, they could not tell me how many, other than zero cattle, would make them happy. "That's an NPS management decision . . . you must prepare and send us a BA (biological analysis) and we will send you a BO (biological opinion) on your BA. So the BA's and BO's ruled the day.

When I asked the Vails about reducing cattle numbers, Al and Russ wanted to know why such an arbitrary reduction was being required by the USF&W Service, how much of a reduction was necessary, and how would we set the number for the reduction. I told them we had no facts, because we had little data to support the National Park Service request. The NPS was trying to placate the USF&W Service.

The Vails again angrily expressed to me that it was clear the goal of the National Park Service and USF&W Service was to ". . . push us off the island before 2011." They said that if they began agreeing to closing a few pastures based on the ". . . wishes of the federal bureaucrats" and limiting cattle numbers in others, this would be the equivalent of putting them out of business.

They also said if I could come up with a proposal based on some facts, they would consider it. I couldn't.

The Vails could see the gathering fight and started to push back on the National Park Service. They started to work the political circuit. They explained to National Park Service and Department of Interior officials about how the NPS and USF&W Service were treating them. They began discussions with various members of Congress.

More meetings.

*The author is the former superintendent of Channel Islands National Park.*

# SANTA BARBARA NEWS-PRESS



## Editorials

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### ***Our Opinion: Park Service's WMDs: Wildlife Management Decisions***

October 8, 2006 8:53 AM

Among the media's failures over the last several years has been not holding the National Park Service and the Nature Conservancy accountable for their spin and lack of openness regarding the management of Santa Cruz Island.

Right now, the public knows little about what's happening on Santa Cruz as the Park Service and Nature Conservancy kill thousands of wild pigs on the island in a multimillion-dollar campaign to slaughter every last one of this species on the island. These mammals have co-existed with the rest of the island's animal and plant life for more than 150 years.

Secrecy and manipulation are standard practices of the island's so-called caretakers. Perhaps the media's failure to uncover some of this should come as little surprise in light of the lengths the Park Service apparently goes to in keeping a tight grip on information. In a commentary published on these pages in 2005 by former Channel Islands National Park chief Tim Setnicka, he wrote:

"Some public opposition about the project developed but a couple of controlled five-hour media trips to the island to look at pig-damaged vegetation took the fight and media interest away from the issue. We never allowed the media to accompany hunters to film the hunting activity. Safety reasons were always given as the reason for denial of their request. The real reason was we wanted to avoid images of the ugliness of the hunt."

Now Mr. Setnicka is back with another exposè of the Park Service's practices. This time he's giving the inside story about the predicament of the deer and elk on Santa Rosa Island.

Rep. Duncan Hunter, a Republican from inland San Diego County, for years has been pursuing a plan to allow disabled veterans to hunt these animals on Santa Rosa indefinitely.

The Interior Department says a legal settlement requires the complete removal of elk and deer "from the island by the end of 2011. Until the deer and elk are removed and the hunting operations end, most of the island will remain closed to the public for significant portions of the year."

The Park Service hasn't been opposing Mr. Hunter's plan because of any concern for the lives of the elk and deer. It wants the elk and deer off the island soon, even if that means killing all of them.

As Mr. Setnicka writes: "It's truly disappointing to recently see uniformed NPS employees showing 'before and after' photos of vegetation damage caused by ungulates to Congresswoman Lois Capps and the media. Such old photos showing vegetation and erosion damage were taken during the early years of NPS ownership when large numbers of grazing animals roamed the island and during the drought years of the early 1990s.

"Such photos misrepresent the current issue. They rank along with the visuals used to show Iraq's WMDs as a reason for war. This same misleading tactic is still being used by the NPS in an attempt to garner support for its own WMDs -- Wildlife Management Decisions. By using such photos the NPS is willfully misleading the public. The more accurate data about deer and elk impacts are contained in the annual reports from the panel of three independent biologists who analyzed the vegetation use data every year. These results show minimal elk and deer damage to these plant species. However, the NPS doesn't want you to know that. As park owners, you deserve better."

Yes, you do, and so do the wildlife that the government appears intent on getting rid of on Santa Rosa.

# SANTA BARBARA NEWS-PRESS

## Opinions and Letters

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### Opinion: SANTA ROSA SAGA: PART TWO: Bureaucracy abounds as the battle over Santa Rosa Island continues

October 15, 2006 8:14 AM

**Editor's Note:** In this three-part series, the former superintendent of Channel Islands National Park exposes what's behind the effort to remove the elk and deer from Santa Rosa Island. Read the previous installment on [newspress.com](http://newspress.com).



Tim Setnicka

To aid in our quest for ways to lever the Vails' cattle ranch on Santa Rosa Island to reduce deer and elk numbers, we contacted the Regional Water Quality Board (RWQB) in San Luis Obispo.

We expressed our "concerns" about water quality on the dozen or so streams on Santa Rosa. We took these water board officials to the island and showed them the worst possible cases of cows in the dozen or so year-round creeks, none of which ever flowed enough to support fish populations. In the summer time, these creeks were nasty, fouled areas with the cattle hanging down in the canyon bottoms near the water sources.

We used the same bi-directional information flow that we did with the U.S. Fish & Wildlife Service to get the water board the information to become involved on Santa Rosa Island.

It worked again. Within two years, the Regional Water Quality Board issued the state of California's first ever Clean Up or Abatement Order (CAO) against the National Park Service for non-point source pollution for a ranching operation.

The water board did not issue or name the Vail ranch, which would mean taking the ranching community head-on. All ranchers and farmers should note their action.



Instead they issued the CAO against me and the Park Service -- a very transparent action on their part.

Once the park was under a CAO, the water board ordered me and the Park Service to "clean up Santa Rosa Island streams" and begin a water-monitoring program to document progress. So we spent hundreds of thousands of dollars documenting that island streams which have cattle on and alongside their banks are more heavily polluted than small stream areas where cattle were fenced out.

We proved and documented the obvious, with taxpayer funds, and gave the information to the water board which, in turn, used it to hammer the Park Service and our "tenants," as they referred to the Vails.

The Regional Water Quality Board also did not buy into the argument that ranching and hunting would end no later than 2011, or that water quality -- which was very bad during the summer months -- would quickly clear up once the cattle and elk were gone. Again, no permanent or serious damage was occurring to park resources that wouldn't solve itself after ranching ended.

Nope. As the park superintendent, I had to do something more to make them happy. Whatever I proposed could be given "thumbs up" or "thumbs down" by the water board at their whim. They suggested that beginning to fence off the miles of stream banks on Santa Rosa Island would be ". . . a start at solving the problem."

Until the NPS purchased Santa Rosa Island and called in the Regional Water Quality Board, they never had any concerns over the decades of grazing practices on the island while it was a privately owned cattle ranch.

Now, continuation of past ranching practices, exactly as they had occurred by Vail and Vickers, caused them to issue the first CAO against a cattle ranch. Obviously, they were discriminating against a tenant rancher, but not against a rancher who owns his own ranch.

In 1996, when I did not respond fast enough to their demands, I received a telephone call from a water board staff member telling me that the park service was now being held in violation of the CAO and was facing penalties up to \$10,000 a day in fines.

He also told me that the Santa Rosa Island case was being submitted to the State Water Quality Board in Sacramento. I told him ". . . don't spend the money until the check clears." We never did pay any fines, but the CAO and threat was real because the state board told the Regional Water Quality Board to back off and solve the problem collaboratively.

In the ongoing telephone diplomacy about Santa Rosa Island, the Vails' attitude toward the park service became stiffer and more defiant. Once great supporters of the National Park Service, they knew they were now under attack by a coalition of federal and state agencies.

In turn they began fighting back harder by contacting various central offices of these agencies and support groups, such as the California Cattleman's Association.

## **More meetings.**

At this juncture, Al Vail explained the Vails' complaint about their situation to me, along the lines that the National Park Service was using other federal and state agencies to work together to make their business life ". . . so damn difficult that we can't stay in business" and push them off the island before 2011. He also charged that the park service and its "partners" were not negotiating in good faith and were using "biased information" to fuel the ESA and Clean Water Act "as hammers against us."

He frequently reminded everyone that when Channel Islands National Park was first proposed and established, during the congressional hearings in 1979 and 1980, the park service acknowledged and thanked them for taking care of the island to the point that Santa Rosa Island merited inclusion into the National Park Service.

"Once you guys got title (to Santa Rosa Island), now we're the enemy who is destroying the island," Al Vail said. He also reminded me that Santa Rosa Island was the Vails' home for almost 90 years and ". . . if we'd overgrazed or destroyed it, we would be (expletive) where we eat."

Perhaps more to the point, Al Vail would also frequently ask various managers and legislators, "How come when you wanted the island you kissed our asses, and now, after you got it, you are trying to put a sharp stick in our eye?"

No one had a good answer for him.

My opinion, as articulated by another National Park Service superintendent that I know, was that the park service, as well as all government, has "no soul." Government is only as good as the people filling the ranks.

And who watches over the National Park Service during these events? No one.

This is an example of why local federal government, aka Channel Islands National Park, needs a citizens advisory board made up of non-compensated members of the public.

But establishing an advisory board for Channel Islands National Park is not supported by Congresswoman Lois Capps or the National Park Service.

You can guess why they don't want any oversight. The government does not like to be held accountable for its actions.

## **Dog Pile on the Ranch**

Once the Regional Water Quality Board issued a CAO and started to threaten to fine the National Park Service, the U.S. Fish & Wildlife Service made its next move. The local officials suddenly stopped meeting with us about the Conservation Agreement.

One day I simply got a telephone call from the ranking USF&W Service official who told me that USF&W Service staff had decided to formally list the Santa Rosa Island plant species under the Endangered Species Act. He thanked me for all the information we provided them, which was the basis for the plant listing.

This is known as "Lucy" management. Remember Carl Schultz's great comic strip, "Peanuts?" Remember how Lucy would hold the football for Charlie Brown to kick until the very last second, then jerk it away and Charlie Brown would fall flat on his back? The USF&W Service was "Lucy" in this scenario.

They used the old bait and switch on me and the park service. No Conservation Agreement. They went ahead and listed about a dozen plants under the ESA for Santa Rosa Island.

Now, along with the Regional Water Quality Board, we had other players with real teeth to start seriously chewing on the Vails.

As this occurred, the Vails were able to fight back politically and hired some consultants. The Vails were not cattlemen in sheep's clothing. They, too, took off the gloves.

Because of the obvious piling on that was occurring, in view that the ranch had about a decade to go, the Vails received much support from higher levels of managers within the National Park Service who could see what was going on.

Remember, even with all these agencies involved, still no one could show that ongoing ranch operations were causing any significant or permanent damage to the island that couldn't heal itself after the grazers were gone.

### **Enter the Environmental Groups and The Lawyers**

The next act in the saga began. One day, the regional representative of the National Parks and Conservation Association (NPCA) showed up along with the local Sierra Club representative. The NPCA is a very well-funded, national organization with more than 600,000 members whose purpose is to support the National Park Service.

These representatives were "concerned" about the Santa Rosa Island situation. They wanted to help. They asked for briefings about the situation.

Soon the California Native Plant Society was calling. And the Santa Barbara Botanical Gardens. And the National Audubon Society. Then representatives from the Environmental Defense Center wanted a briefing.

### **More meetings.**

During one of the closed-door sessions in my office, the NPCA representative posed an opportunity to me. He wanted to know if I would amend or cancel the Vails' permit and promised that the NPCA would "fly cover for me and the park service." He obviously had

watched one too many war movies. He explained that the NPCA would take the heat for my actions.

I thanked him for the opportunity and told him I wasn't interested in his offer because we had little evidence, other than emotions, to support a change in the cattle stocking rates of the Santa Rosa Island permit. I added that I would be happy to modify the permit based on finding such evidence, but try as we had, we couldn't find much. We had plenty of evidence to show cattle, deer and elk impacts on Santa Rosa Island vegetation, but no over-grazing.

He, too, would not buy the argument that I told him there would be no reason to arbitrarily amend or cancel the Vail permit, even though the island still looked like a cattle ranch. He wasn't satisfied, thanked me and left.

Within a few weeks, I received a notice from Santa Barbara's Environmental Defense Center of their intent to file a lawsuit against the National Park Service (not the Vails) for various violations of the National Environmental Policy Act (NEPA), Endangered Species Act, and Clean Water Act. The lawsuit was funded by the National Parks and Conservation Association.

I asked the NPCA numerous times to reconsider this action because of its ripple effect. They could not care less that grazing had to end no later than 2011. "No way," I was told, "we are tired of the lack of action on the part of the park service. The Vails are too strong."

### **The Vails filed a countersuit against the National Park Service.**

One of the strangest aspects of this lawsuit was that the park service lawyers were, in essence, tasked to defend the NPS and its permittees, the Vails. So the environmental lawyers for the Clinton administration Department of Interior and Department of Justice were representing cattle ranchers. You can imagine what the Vails had to say about this.

In 1997, after the first court hearing, all parties agreed to mediation. This resulted in the current Settlement Agreement. During these negotiations, the Vails voluntarily offered to end their cattle ranching operation and remove most of their horse herd from Santa Rosa Island. Some horses still remain on the island today.

They also agreed to reduce the number of deer and elk, and would be allowed to continue commercial deer and elk hunting until 2011. Beginning in 2007, the final five-year phase-down period for the total number of elk and deer, down to zero, would begin.

To monitor the ongoing effects of deer and elk on the Endangered Species Act plant species, an adaptive management monitoring program was mandated. The monitoring panel consisted of one National Park Service biologist, a Vail biologist, and a third, non-affiliated biologist, who was agreed upon by both the park service and the Vails.

Monitoring began in earnest in 1998. This "Gang of Three" has provided the least biased interpretation of any vegetative monitoring data on Santa Rosa Island to date. Their

determination showed ongoing, minimal and acceptable impacts to two certain plant species at the existing number of deer and elk.

And so it was. After almost 90 years of cattle ranching, the last steers were removed in 1998, all the cowboys were fired, and the Vails sold their cattle boat, the Vaquero, which was converted into a private yacht.

It was a sad day for some, a great day for others -- but a day that everyone associated with Santa Rosa Island knew was coming because of the terms of the sale of the island to the Park Service in 1987.

### **End of the First Act**

What stuck in many throats was the reason why and how ranching ended. Many felt that, as Al Vail had accurately predicted, the National Park Service, U.S. Fish & Wildlife Service, and Regional Water Quality Board had succeeded in pushing them off the island.

This early termination caused great pain and anger to all involved in the issue. In my opinion, this residual anger and scarring over how Vail and Vickers were treated is a large part of what is driving the call to keep deer and elk on Santa Rosa Island past 2011 in perpetuity.

A year and half after the ranch closed down, Al Vail passed away. At this point in time, cattle ranching would have ended on its own without snowy plovers, ESA plant species, Regional Water Quality Board CAOs, and lawsuits.

So what was gained by this decade-long feud? Not much that is good.

The federal and state agencies spent millions and millions of tax dollars and hundreds of thousands of hours of staff time on the Santa Rosa Island issue. The end result was to force the ranch to close a few years earlier than it would have under normal circumstances.

To this day, no one has shown that the ranching operation has permanently, significantly or irreparably destroyed park resources. In this process, the National Park Service has lost much credibility in the public eye about how and what it does to carry out its mission.

In turn, the environmental community argues that it had to "save" Santa Rosa Island resources . . . but the facts are that each year the island's resources were in better and better shape. They didn't need saving from the Vails' activities.

All this expensive conflict by the federal government stopped activities that everyone knew were scheduled to be stopped in due time.

### **Post Mortem:**

How Did the National Park Service Do?

With the reduction of thousands of elk and deer and the removal of 7,000 head of wintering cattle, Santa Rosa Island's vegetation has shown remarkable change and recovery toward a natural ecosystem. More stuff is growing because there are fewer animals to eat it.

The fact that the termination of grazing occurred earlier than it would have naturally occurred without all the conflicts and ill will continues to have interesting ripple effects.

Remember, even before the National Parks and Conservation Association lawsuit, removal of the cattle, and the deer and elk reductions, we could find no examples of ranch operations driving any species to extinction.

Of course, the National Park Service documented the impacts of cattle grazing, heavy at times, on the plants and water by these ungulates. But by prior agreement, such use and impacts were acceptable to the park service during the 25-year transition period. Such accepted use allowed the park service to gain ownership to Santa Rosa Island for all time.

One short-term effect of the Santa Rosa Island lawsuit was to help galvanize opposition to establishing the Gaviota National Seashore as part of the National Park Service.

The Santa Rosa lawsuit was used by the opposition as a great example of the federal government breaking its promises. It was argued that, as a landowner, you can't trust the park service because, ". . . look what happened on Santa Rosa Island."

Another longer-term effect was to add fuel to the fires of legislators such as Congressman Richard Pombo's desire to amend the Endangered Species Act due to its history of use on Santa Rosa Island. The Santa Rosa situation and the mis-application of the Endangered Species Act as well as the Regional Water Quality Board's CAO was not missed by members of the Bush administration.

Lastly, the current effect is that the park service continues to lose much credibility about how and why it conducts its resource management activities in the park. "Spinning the data" became the technique to justify the National Park Service's actions.

And this public relations and credibility gap is widening even today.

*Tim J. Setnicka is the former superintendent of the Channel Islands National Park.*

## Editorials

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### ***Our Opinion: Park Service wants all of Santa Rosa's elk and deer gone***

October 15, 2006 8:24 AM

Today's Voices includes the second installment of an insider's commentary on the secretive and suspect management practices of the National Park Service on the Channel Islands. The report is yet another indication of how the media over the last decades failed its responsibility to hold this federal agency accountable.

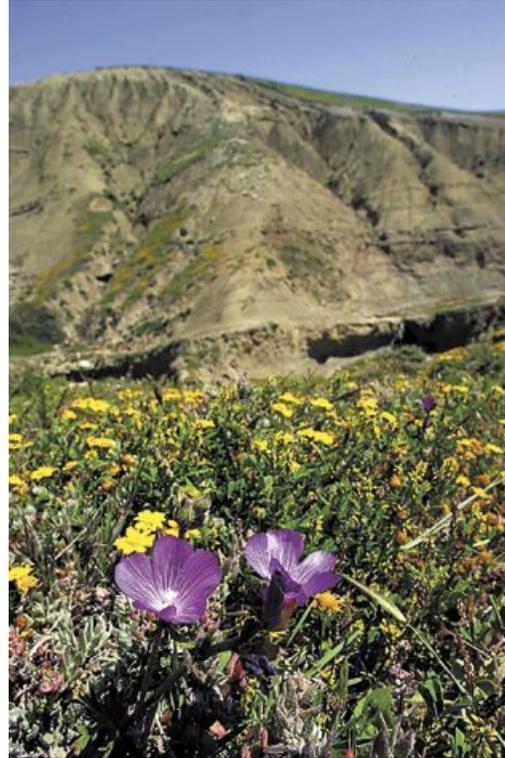
Santa Rosa Island has been an object of national attention because Rep. Duncan Hunter, a Republican from inland San Diego County, for years has been pursuing a plan to allow disabled veterans to hunt its elk and deer indefinitely. The Interior Department says a legal settlement requires the complete removal of these animals from the island by 2011.

The elk and deer could face total extermination at that date.

But why?

The park service doesn't want them there and, according to former Channel Islands National Park chief Tim Setnicka, the agency has used a bag of tricks to push its agenda, such as blaming the elk and deer for supposed problems caused when cattle herds were on Santa Rosa.

Mr. Setnicka has written: "It's truly disappointing to recently see uniformed NPS employees showing 'before and after' photos of vegetation damage caused by ungulates to Congresswoman Lois Capps and the media. Such old photos showing vegetation and erosion damage were taken during the early years of NPS ownership when large numbers of grazing animals roamed the island and during the drought years of the early 1990s. Such photos misrepresent the current issue. They rank along with the visuals used to show Iraq's WMDs as a reason for war. This same misleading tactic is still being used by the NPS in an attempt to garner support for its own WMDs -- Wildlife Management Decisions."



Former Channel Islands National Park chief Tim Setnicka correctly notes that the National Park Service is losing credibility, by spinning the data in order to justify the agency's actions. Santa Rosa Island's elk and deer could face total extermination.

In today's installment, he says after the removal of the cattle, and deer and elk reductions, the park service couldn't find any examples of hunting operations driving any species to extinction. The park service has been using a concern for endangered species as the reason to get rid of the elk and deer.

Mr. Setnicka correctly notes that the park service is losing credibility, by spinning the data in order to justify the agency's actions.

What's happening on Santa Rosa isn't unique.

The repeated poisoning of the Anacapa islets killed an untold number of native deer mice, migratory birds, raptors and lizards. A helicopter mistakenly dropped the brodifacoum pellets in the waters 100 yards off Anacapa.

The long-term impact on the Anacapa ecosystem and beyond is unknown. A 2004 study from Northern California has found rat poison is tainting the cycle of life.

Tests on carcasses of mountain lions, bobcats, coyotes, raccoons, eagles, hawks, owls and other species found nearly three of four examined contained anti-coagulant.

On Santa Cruz Island, there's a multimillion-dollar campaign to kill every wild pig, even though this species has co-existed with other wildlife on the island for 150 years.

The National Park Service may be losing its credibility, but its deadly WMDs continue at full speed.

# SANTA BARBARA NEWS-PRESS

## Opinions and Letters

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### Opinion: SANTA ROSA SAGA

October 22, 2006 6:45 AM

PART THREE:



Tim Setnicka

Deer and elk issue starts new feud over future of Santa Rosa Island

*Editor's Note: In this three-part series, the former superintendent of Channel Islands National Park exposes what's behind the effort to remove the elk and deer from Santa Rosa Island. Read the previous installments on [newspress.com](http://newspress.com).*

For still unclear reasons, Congressman Duncan Hunter's proposal to change land-use activities on Santa Rosa Island, specifically to allow deer and elk to live in perpetuity, has opened a new chapter in the island's history.



Why a non-local congressman would propose such specific, limited legislation is still largely a mystery. But his proposal has brought to the surface the deer and elk issue. It has again pitted the National Park Service (NPS) against the new generation of Vails, Nita and Tim Vail, the daughter and son of Russ and Al Vail.

#### **Cowboys Don't Always Wear White Hats**

What caused the new Vails' sudden epiphany and drives their campaign to save the deer and elk from the "NPS slaughtering" of them? This is interesting because as of this writing, this year's trophy deer and elk hunts are starting on Santa Rosa Island.

The hunting guides employed by Multiple Use Managers (MUM), along with generations of Vails, have been shooting holes in these animals for over 80 years, and, in some cases, cutting off their heads for wall trophies. It was for hunting that the early Vails brought pigs from Catalina, elk from Yellowstone and deer from Arizona, all for shooting purposes.

The MUM Web site, [www.mumwildlife.com](http://www.mumwildlife.com), lists the 2005 prices to kill deer and elk on Santa Rosa Island. Historically, about 40 to 45 trophy elk are killed per year. MUM's Web site tells prospective hunters, "No need to bring bedding, towels, etc., you will be staying in a beautiful old farmhouse." And you are guaranteed a trophy deer or elk. But this guarantee has a price.

Using the 2005 prices, 45 trophy bull elk hunts alone would produce over \$400,000 in income. This amount does not include cow elk hunts, trophy buck hunts, combo hunts, and spring "management reduction hunts."

Trophy buck hunts cost between \$2,500 to \$3,500 each. There are also special doe reduction hunts in the spring. So the annual gross hunting revenue taken in by the Vails is likely between \$700,000 and \$1 million a year.

Many of the hunts are booked up years in advance. The terms of the contract that MUM has with the Vails never have been disclosed, but it is big income for them.

In return for allowing this hunt, according to the Settlement Agreement, the park service gets no revenue; except the Vails do pay the national Animal Unit Month (AUM) rate established for cattle by the Bureau of Land Management, which is a few dollars per month per animal.

So, for a cost of \$24 per year, a trophy bull elk will earn them \$15,000 -- and all on public resources that are owned by taxpayers. Peanuts on the dollar.

This is a good deal for the Vails, but remember -- allowing these hunts to continue until 2011 was agreed to as part of the intent of the agreement when the National Park Service purchased Santa Rosa Island from the Vails.

The new Vails know all this. They participated in all the Santa Rosa Island issues during the 1990s. They realize they must remove all their personal property at the expiration of their permit in 2011, which includes the deer and elk. This issue was discussed at length during the settlement negotiations.

For this reason, we placed specific language in the settlement agreement, which the Vails wanted, to allow park service dollars to be used to fund "extraordinary costs" of personal property removal -- such as associated with killing the last deer and elk on Santa Rosa Island if they couldn't be hunted by the standard drive-and-shoot hunting methods.

Specifically, the Vails wanted the ability to have the park service pay for and/or provide a helicopter in order to conduct aerial shooting of the remaining deer and elk on the island. We knew we could quickly sneak out and kill them before the public and animal rights people knew what had occurred. That's the purpose of the language in this section of the settlement agreement.

Now the Vails accuse the National Park Service of a "slaughter" of animals they own when they wanted the ability to pick them off from a helicopter? This is truly a study in contrasts.

The final phase-out begins next year, and deer and elk numbers are scheduled to be lowered each year by hunting them down on an annual basis to zero in 2011.

If, in 2011, the Vails leave any animals, they would likely be eventually prosecuted by the park service for abandoning their property and forcing the park service to kill, capture, and remove the remaining animals. Because the park service would conduct this activity, the cost would be very expensive. The Vails would also likely be sued by the park service to collect all costs associated with removing their animals.

Also, if the Vails want to stop making money by killing deer and elk because of their recent change of heart, they can bring back the same New Zealand crew that they hired in the mid-1990s to live-capture over 200 elk from Santa Rosa Island and successfully ship them off the island to game farms. This live capture cost the Vails nothing; the game farms paid them for the capturing.

So while the current trophy deer and elk hunt begins this month on Santa Rosa Island, and hunters are paying thousand of dollars to blast deer and elk and cut off their heads for trophies, the Vails are lobbying members of the National Park Service and Congress with their own hired gun public relations specialist to express their concerns about the park service's slaughter of animals they own and have been shooting for decades.

### **Crux of the Issue: Spin Cycle on Overdrive**

It's truly disappointing to recently see uniformed park service employees showing "before and after" photos of vegetation damage caused by ungulates to Rep. Lois Capps and the media. Such old photos showing vegetation and erosion damage were taken during the early years of park service ownership when large numbers of grazing animals roamed the island, and during the drought years of the early 1990s.

Such photos misrepresent the current issue. They rank along with the visuals used to show Iraq's WMD as a reason for war. This same misleading tactic is still being used by the National Park Service in an attempt to garner support for its own WMD -- Wildlife Management Decisions.

These results show minimal elk and deer damage to island plant species. However, the park service doesn't want you to know that. As park owners, you deserve better.

More interesting is the public assertion of a Texas archeologist that the 1,100 deer and elk that are scattered over Santa Rosa Island in small groups ". . . are seriously compromising Chumash archeological sites."

This is another self-serving, broad statement by a non-NPS archeologist. Such archeologists are generally given free transportation to Santa Rosa Island on park service vessels, allowed to stay in park service housing, and are given free use of park service vehicles for their research work.

You, the taxpayer, have to pay for your own transportation, walk when you get to the island, and camp in the campground after you pay a fee. If you camp for very long, you will see numerous

NPS four-wheel-drive vehicles driving researchers and resource management staff around the island.

Of course these "park partners" are going to support the park service. They have a good deal going.

The truth of the matter is that true and measurable damage has occurred to Santa Rosa Island archeological sites on an almost daily basis by the park service.

In the mid-1990s, NPS archeologists identified and mapped hundreds of archeological sites on the island. Some of these sites were located right in the middle of island roads: South, Pocket Field, and East Point roads -- major island highways. Each year these roads, and the archeological sites they pass over, are graded by the park service using heavy equipment. Almost every day NPS vehicles drive over these sites located on these roads. In one case, parts of a human skeleton were discovered, and we actually did reroute the road.

In the early 1990s, as the park's management team, we made a decision to continue to use these roads and not deal with the negative impacts to these archeological sites. To solve the problem would have meant closing these road sections, building a bypass around the sites, or capping them with pavement.

It was determined by the natural resource managers that we could sacrifice these cultural resources due to worries over increasing impacts to the vegetation. So, in essence, we chose to sacrifice these archeological resources in favor of preserving natural resources and hoped that no one would notice. We accepted the concept of collateral resource damage.

Now a consultant archeologist is concerned about deer and elk damage on these sites as he drives over others doing his archeological assessment work.

So to help prove the case against deer and elk, the National Park Service rolls out an expert who expresses "concerns" about impacts of an elk possibly lying or grazing on an archeological site while he likely has driven over such sites as part of his research.

If you try to get a map of the specific location of Santa Rosa Island archeological sites in the road, it will likely not be provided to you under the restrictions allowed by the Freedom of Information Act -- somewhat of an oxymoron in this instance.

Again, this is another example of a park service credibility problem when all the facts behind an issue are revealed.

When NPS staff manage public resources in this manner, it clearly shows the need for a Channel Islands National Park advisory board to monitor and review park management decisions and activities --unless you like the current way of managing public resources.

## **Why Deer and Elk Must be Removed**

From a biological viewpoint, the Vails are correct in stating that keeping a limited number of deer and elk on Santa Rosa Island will not have a long-term, significant impact on island resources. The National Park Service, in its attempts to counter the Vails' argument by using biased interpretation of thin monitoring data, leads to continued public mistrust of the federal employees managing the park.

In general, most of the public has become very skeptical and wary about what information the federal government, under the current administration, provides them about important issues.

Under this administration, the park service has fallen into this trap of trying to fool the public about park issues.

There is no clear and convincing biological information that supports the concept that the park service cannot successfully manage Santa Rosa Island with 1,100 deer and elk running around on it forever.

The island may be less pure with some elk and deer residing on it than the park service would like, but the true argument, as accurately reported by one reporter, becomes largely a political, not a biological one.

Removing deer and elk for political reasons is, in itself, enough. The bottom line is that the National Park Service was established to manage a national park system -- one in which Congress has placed some of the world's most unique and spectacular lands and the native species that reside on them, to be managed in a particular manner.

This is the mother of all land-use zoning systems. Lands in national parks are to be managed with the goal of preserving and restoring fully functioning native ecosystems and their native plants and animals, in a manner unimpaired by human activity for all time.

For Santa Rosa Island, this means removing all deer and elk by 2011, as agreed upon in the 1980s. The messy legal and political battles of the past decades of bad faith, biased information, half truths, and nasty politics should not now cloud this legal mandate. This is reason enough for deer and elk removal.

But what Congress giveth, Congress can taketh away. A one-line sentence buried in a Department of Defense appropriations bill by a carpet-bagging congressman could force the park service to allow deer and elk to remain on the island forever.

A scary example of this exists in Olympic National Park. A local congressman likes the non-native goats that crept into the park. He is refusing to let the park service remove them and has threatened to pass a law to allow their existence in the park forever.

In response, in typical fashion, the park service is forced to back down from doing the right thing, and not remove all the goats.

This could be the case with Santa Rosa Island if you are not diligent about watching the situation.

Even while the park service continues to act unethically, it should not be forced to manage such non-native species in perpetuity because of what happened in the 1990s. The descendants of the former owners of Santa Rosa Island should deal with the fact they will no longer have the island as a part of their lives.

Right or wrong, Santa Rosa Island was sold to the National Park Service to be managed as a national park. The 25-year transition period is coming to a close.

The park service needs to be more honest with the public and have more consistent public input, via a Channel Islands advisory board. Without an advisory board, the park will continue to be managed from its shadowy fortress on Spinnaker Drive.

Argument is political, not biological

Tim J. Setnicka

*The author is the former superintendent of Channel Islands National Park.*

# SANTA BARBARA NEWS-PRESS



## Editorials

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### *Opinion: Mismanagement of Santa Rosa*

October 22, 2006 6:52 AM

What's to become of the elk and deer on Santa Rosa Island?

Rep. Duncan Hunter, a Republican from inland San Diego County, has been pursuing a plan to allow disabled veterans to hunt the island's elk and deer indefinitely. President George W. Bush last week signed a bill supporting this.

But the National Park Service in the past has said a legal settlement involving the government and two private entities requires the complete removal of these animals from the island by 2011. You probably can expect legal action before this matter is resolved.

The elk and deer appear to have no real advocate in Washington. One likely outcome of the Park Service plan would be the killing of every last elk and deer, with both of these species being wiped off the island, even though they are part of Santa Rosa's history. The Park Service had been coy about this as it battled Mr. Hunter's proposal to continue the hunting.

Yet the Park Service also had been laying the groundwork in meetings and writings to create a dubious record for why the animals must be gone in case there's a public uproar about their complete extermination.

There's been little serious talk so far of just letting the animals be without hunting, reducing the population through non-lethal birth control, or relocating them to the mainland.

Why not?

Over the last three Sundays, we've published in the Voices section an expose by former Channel Islands National Park chief Tim Setnicka. This whistle-blower has outlined how the federal agency has used a bag of tricks to push its agenda, such as blaming the elk and deer for supposed problems caused when cattle herds were on Santa Rosa.

We don't agree with all of Mr. Setnicka's recommendations, such as his support for the eventual removal of the elk and deer, but his inside information about the Park Service's practices raises questions about how this agency is conducting itself. So far, Rep. Lois Capps and other federal



officials have ignored calls for the Channel Islands National Park to be more honest with the public and establish an outside advisory board.

Mr. Setnicka, for example, notes that since the removal of the cattle from the island and after deer and elk reductions, the Park Service couldn't find any examples of hunting operations driving any species to extinction.

He's written how disappointing it's been to see uniformed park service employees "showing 'before and after' photos of vegetation damage caused by ungulates to Congresswoman Lois Capps and the media. Such old photos showing vegetation and erosion damage were taken during the early years of NPS ownership when large numbers of grazing animals roamed the island, and during the drought years of the early 1990s. Such photos misrepresent the current issue. They rank along with the visuals used to show Iraq's WMD as a reason for war. This same misleading tactic is still being used by the NPS in an attempt to garner support for its own WMD -- Wildlife Management Decisions."

Santa Rosa's elk and deer, just like animals on the other Channel Islands, may die because of the Park Service's penchant to kill rather than accept nature as it is.