

## Implications of Hunting in Channel Islands National Park

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Since the creation of Channel Islands National Park, Santa Rosa Island has been the focus of struggles over Park Service management efforts. The controversy points to the ability of policy entrepreneurs to influence management of park units. It also highlights the piecemeal nature of enabling legislation for national parks, and contradictions within the Organic Act. These conflicts may have implications extending well beyond the island.

This paper grew out of a study of Channel Islands National Park. In addition to published information, this paper utilizes multiple interviews with stakeholders, and material from archival sources.

The park includes five islands (Anacapa, Santa Cruz, Santa Rosa, San Miguel, and Santa Barbara) and totals nearly 250,000 acres. The statute establishing this park was signed by President Carter on March 5, 1980 (Public Law 96-199). In addition to numerous significant natural and cultural resources, the islands experienced extensive human use prior to their acquisition by the park. Introduced domestic animals damaged habitat and disrupted eco-systems on several islands. By 1980, a number of introduced species were eliminated or removed from Santa Barbara and San Miguel Islands. Removal efforts and management hunting on Santa Cruz Island eliminated feral sheep and pigs from that island.

Introduced domestic and wild animal species were present on Santa Rosa Island at the time the park was created. The Vail and Vickers partnership operated ranching activities on the island since 1901 (Ehrlich and Vail 2000). Mule deer and elk were introduced for hunting purposes in the early 1900s, and a commercial trophy hunting operation was initiated in the 1970s.

Although “management” hunting for the purpose of maintaining healthy herds, preserving habitat, and removing non-native animals is within the overall conservation mission of the Park Service, sport or commercial hunting has been viewed as incompatible with the mission of Park Service units. Section 1 of the Organic Act identifies the fundamental purpose of these units as conservation of resources. Sport, commercial, or subsistence hunting is prohibited in national parks, except where “specifically mandated by Federal statutory law” (36 CFR 2.2 2005). The courts upheld this regulatory interpretation of the Organic Act (*National Rifle Association v. Potter* 1986). While Congress has authorized hunting in approximately 60 units of the National Park System that are designated as national preserves, national recreation areas, national seashores, and other types of units that are not “national parks,” the only national parks that allow hunting are Grand Teton National Park, where Congress has authorized the Park Service to allow licensed hunters to act as deputy park rangers (for the park’s elk reduction program) and in selected national parks in Alaska where traditional subsistence hunting has been specifically authorized.

Outside of these statutory exceptions, the only ongoing hunting activity in a national park is located on Santa Rosa Island, in Channel Islands National Park. To understand these circumstances on Santa Rosa Island, it is helpful to examine the history of the park. Although it took more than 40 years from initial recommendations until Congress created the park, the path to Channel Islands becoming a national park was similar to many parks in the system. The two largest islands were privately owned by interests that were skeptical about their inclusion in a national park. The Vail and Vickers partnership, which owned Santa Rosa Island, was initially opposed to including the island in the park. The language of the park's authorizing legislation includes several accommodations made to address political concerns associated with Santa Rosa Island.

After easy passage in the House of Representatives, the park's enabling legislation met opposition in the Senate, from California's Republican Senator S.I. Hayakawa and the Vail family. The Vail family objected to Santa Rosa Island's inclusion in a National Park. Following the defeat of a Hayakawa amendment to exclude the island, another provision was added, requiring acquisition of land on Santa Rosa be given "priority" over purchase of other privately owned land within the park. The papers of former parks sub-committee Chairman Philip Burton, contain multiple references to the desires of the Vail family, indicating that the enabling legislation's language on land acquisition was crafted with the Vail family in mind.

Once the park was established in 1980, it took several years for the Park Service to obtain sufficient appropriations for purchase of Santa Rosa Island, and conclude negotiations over terms of the purchase. The sale included a reservation of use and occupancy clause allowing Vail and Vickers to retain non-commercial use of a 7.5 acre area on the island for a period of 25 years. In addition a legislative provision permitted the park to enter a lease with them for "compatible" uses on the island.

Park Service ownership of Santa Rosa Island began in 1987. Initially, the Park Service did not establish meaningful presence on the island. Since the acquisition of the island, the park was encouraged by Republican members of the California Congressional delegation, including Senator Pete Wilson and representatives Lagomarsino, Seastrand, and Radinovich, to rapidly approve permits and take other actions favorable to Vail and Vickers. Since the park's creation, Representative Don Young (R-AK) was a key actor in efforts to influence park policy. Following the sale of the island, the park granted a five year special use permit to Vail and Vickers allowing ranching and hunting operations to continue.

Initially, the relationship between the park and Vail and Vickers was positive. Bill Ehorn, the first superintendent, and a driving force behind the development of Channel Islands National Park, developed a close working relationship with the Vail family. There may have been some understanding between Ehorn and Vail about maintaining "traditional" land uses on the island, including ranching and hunting. However, there does not appear to be documentation of any such agreement. While the Congressional record contains positive references to the Vails' management of the island, there is no language in the enabling legislation, the deed of sale, or park management documents indicating ranching or hunting activities would be permitted in the park.

In 1989, Bill Ehorn left Channel Islands to become superintendent of Redwood Na-

ional Park. This began a shift from the personal relationships and informal understandings that appeared to shape early decisions concerning management of the island. The second superintendent of the park reported:

My first major job when I got there was to renew the special use permit for the Vail's operation, and the original special use permit read like a special use permit that the Vail's had written permitting the Park Service to use the island. And I rewrote it to make it a Park Service document (Shaver 2007, 4).

The relationship with the former island owners changed and became strained. Concerns grew about the impact of ranching and hunting activities as park staff learned more about the population of endemic species on the island. As the park expanded its research activities, and attempted to assert greater management authority on Santa Rosa Island, its relationship with Vail and Vickers became more contentious. Park staff reported objections to research activities involving the island fox and noted that

... the permittee pulls considerable weight politically, and the park carefully chooses the battles it wishes to fight with it. As it turned out, the park management chose not to pursue fox research on Santa Rosa (Coonan and Schwemm 1995, 22).

A source of conflict between the park and Vail and Vickers is the annual count of ungulates on the island.

The impact of Vail and Vickers operations on endangered species led to several legal actions including a suit by the National Parks and Conservation Association. A settlement agreement between the association, the Park Service, and Vail and Vickers required removal of cattle within 6 months and stipulated that it was the responsibility of Vail and Vickers to steadily reduce the number of ungulates ending with their completed removal by the end of 2011. It also stated that the ungulates on the island were the private property of Vail and Vickers (United States District Court 1998).

The status of hunting on the island was further complicated when Congressman Duncan Hunter (R-CA), the chairman of the House Armed Services Committee, pushed through highly unusual legislative provisions dealing with Santa Rosa Island. This language, included in the FY 2007 defense appropriations bill, was designed to ensure the continuation of hunting despite the court settlement. However, the language was clumsily worded and, in effect, only served to prevent the Park Service from assisting with the removal of elk and deer at the end of the settlement period. Despite efforts by Hunter and his colleague Don Young to maintain the Santa Rosa Island provision, it was repealed by the Consolidated Appropriations Act of 2008. While Vail and Vickers took no public position on this proposal, they, along with a limited number of veterans and military personnel, appear to have been its only beneficiaries. Although the motivations behind this episode remain unclear, this unusual amendment is a reminder of the impact that a single policy entrepreneur can have on the growth and development of a park.

Despite a comment by Tim Vail that "we are ranchers, not politicians" (Tiron 2006, 1),

Vail and Vickers appears to have carefully crafted efforts to influence policy. The partnership has been represented in Washington by well connected advocacy firms with strong ties to the Alaska congressional delegation, including Mike Henry of Alpine Group, who is a former legislative aide for Representative Young. Tim Vail noted that Representative Young “has actively shown his support to keep the animals alive” (Tiron 2006, 1). Representative Young is among a group of Republican members of the Congress who communicated with the National Park Service and Department of the Interior on behalf of Vail and Vickers.

In 2009, trophy hunting continues on Santa Rosa Island. According to reports, trophy hunters are charged between \$5,000 and \$16,000 to participate in hunts (Capps 2006). According to an Assistant Secretary for Fish and Wildlife, “deer and elk hunting operations that currently close about 90 percent of the island to National Park Service visitors engaged in other recreational activities for 4 to 5 months every year” (Hogan 2006, 2).

On January 1, 2009, the park issued its final special use permit for Santa Rosa Island to Vail and Vickers. This permit “extends to the end of the period covered by the settlement agreement” and specifies that “under no circumstances will the Hunting Operation be authorized for the permittee, or any other entity, after December 31, 2011.” The permit allows for hunting of deer and elk through the end of 2011 and includes a provision that the Park Service will share in “unusual” costs to remove animals remaining at the end of 2011 if, “the Permittee meets all deer and elk reduction requirements in every year prior to 2011,” and meets other conditions demonstrating diligent efforts specified in the permit (NPS 2009, 8). Although detailed in the terms of special use permits and the settlement agreement, the management of deer and elk on the island has been an ongoing source of conflict between Vail and Vickers and the park. As recently as January 2009 there have been conflicts between Vail and Vickers and the park over counting ungulates and the results of those counts.

Given this controversy, there are questions about the actual number of ungulates remaining on the island. The uncertainty about the counts focuses attention on Vail and Vickers’ efforts to reduce the number of animals on the island. These efforts, and their results, are particularly important to Vail and Vickers, given the potential costs if ungulates remain on the island at the end of 2011.

## **Discussion**

This study is not complete. Although there is considerable information about forces shaping the issues described in this paper, more information is needed about the role of members of Congress, lobbyists, interest groups, and leadership within the Department of the Interior in decision making concerning Santa Rosa Island. Although this study benefited from interviews with many stakeholders, as of the time of this writing, we were not able to interview any of the principals in the Vail and Vickers partnership.

Although a period of transition may occur when units are integrated into the Park Service, this transition is still not fully complete, more than 30 years after Santa Rosa Island came under park ownership. Throughout this period, it appears that the park’s ability to establish and enforce management authority over the island has been limited due to a combination of legal, organizational, and political constraints. These experiences may have implications for a range of pre-existing uses in units throughout the Park Service.

The Organic Act offers general guidance for the operation of national parks and similar units. However, in the case of Santa Rosa Island, neither the Organic Act, nor the park's enabling legislation appears to have been sufficient to ensure that pre-existing uses were managed in a manner consistent with the norm for parks in the system. Martin Nie writes, "Sometimes conflict is caused, or at least not resolved, due to what is in a law" (2003, 5329). He points to references to recreation and conservation in the Organic Act as an example and notes that, despite a significant body of legal and administrative precedent, "various interests have used the 'recreation mandate' as a way to challenge park decisions they do not like" (Nie 2003, 529). To obtain political support for park expansion or acquisition, the Park Service has accommodated pre-existing uses within park units, sometimes with long lasting implications. A senior Park Service official (Anonymous 2007), observed reserved or special uses granted to prior owners, like Vail and Vickers, often produce conflict near the end of the term:

... they put up a fight and they put up every possible way that they fight it. Public forums, in the media, they fight it with lobbyists, they fight it politically with members (of Congress) that they have. They attack us on our science, they attack us on our polices. They use every possible way to keep the Park going.

The assessment more than a quarter century ago that "Congress has yet to articulate a comprehensive national scheme to meet the problems of incompatible private land uses" (Sax 1980, 711) remains an accurate description of the situation at Channel Islands. The reliance on piecemeal provisions in enabling legislation and limited effective policy guidance from Congress leave open the door for continual efforts to redefine policy by interest groups and policy entrepreneurs. Struggles over hunting on Santa Rosa Island directly impact Channel Islands National Park, but they also are a stage on which to fight broader policy battles over hunting in parks. While hunting activities on Santa Rosa Island appear destined to cease at the end of 2011, there are significant incentives for lessees to prolong the presence of ungulates on the island and draw the Park Service into a situation where it is forced to participate in the removal of these animals. Given the island's recent past there are likely to be further conflicts before the final history is written about hunting and introduced species in Channel Islands National Park.

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