

ORIGINAL

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Richard M. Feldman**  
1415 East Mountain Drive  
Santa Barbara, California 93108  
Telephone: (805) 969-4188  
Facsimile: (805) 969-7889

**In Pro Per**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

RICHARD M. FELDMAN,  
an individual and a citizen of the  
United States,

Plaintiff,

v.

THE NATURE CONSERVANCY,  
an international nonprofit organization,  
and NATIONAL PARK SERVICE,  
a bureau of the U.S. Department of the  
Interior,

Defendants.

) Case No.

) COMPLAINT AND REQUEST  
) FOR PRELIMINARY AND  
) PERMANENT INJUNCTION  
) (Violation of 18 U.S.C. § 41)

1. Plaintiff, Richard M. Feldman, an individual and a citizen of the United States residing in Santa Barbara, California, in pro per (hereinafter referred to as "Plaintiff Feldman"), hereby sues The Nature Conservancy, an international nonprofit organization (hereinafter referred to as "Conservancy") and The National Park Service, a bureau of the U.S. Department of the Interior (hereinafter referred to as "NPS") for violation of federal law, specifically

COPY

1 18 U.S.C. § 41,\* with respect to the massacre of thousands of Santa Cruz Island  
 2 Pigs on Santa Cruz Island in Santa Barbara County, California, under the false  
 3 guise of "the Santa Cruz Island restoration project" (hereinafter referred to as  
 4 "the Project") and hereby respectfully requests a Preliminary and Permanent  
 5 Injunction to halt the Project.

6 2. Defendants Conservancy and NPS, each owning respectively two-  
 7 thirds and one-third of Santa Cruz Island located off the coast of Santa Barbara,  
 8 California, though the latter owning same on behalf of the people as a Federal  
 9 Park, have begun on April 6, 2005, a massacre of thousands of Santa Cruz Island  
 10 Pigs under the false guise of "the Santa Cruz Island restoration project" allegedly  
 11 designed to save the Santa Cruz Island Fox.

12 3. The Project was allegedly begun pursuant to an Environmental  
 13 Impact Statement (hereinafter the "EIS") which was required and filed and for  
 14 which numerous objections were received from the populace before the requisite  
 15 deadline. Therefore all administrative remedies have been exhausted. Thereafter  
 16 and until a public meeting was held at the Santa Barbara Museum of Natural  
 17 History on March 21, 2005, Plaintiff Feldman as well as the general populace  
 18 was unaware that the EIS was no longer valid and should have been completely  
 19 revised and resubmitted for approval prior to any action being taken thereunder.  
 20 Defendants Conservancy and NPS admitted at said public meeting that questions  
 21 could not be directed to specific provisions contained in the EIS as these were no  
 22 longer going to be followed. Despite this, Defendants Conservancy and NPS  
 23 have begun a massive eradication of over 2,000 animals. Unless and until this  
 24

---

25 \* "§ 41. Hunting, fishing, trapping, disturbance or injury on wildlife refuges  
 26 *Whoever, except in compliance with rules and regulations promulgated by*  
 27 *authority of law . . . willfully disturbs or kills any . . . wild animal of any kind*  
 28 *whatever . . . on any lands . . . which are set apart or reserved as sanctuaries,*  
*refuges or breeding grounds for . . . such animals under any law of the United*  
*States . . . shall be fined not more than \$500 or imprisoned not more than six*  
*months, or both."*

COPY

1 Court intervenes, Defendants Conservancy and NPS will be permitted to continue  
2 the Project illegally and with great harm to living creatures as well as to the  
3 island itself especially including but not limited to the very vegetation which the  
4 Project allegedly is in part designed to save.

5 4. In addition to proceeding illegally due to a no longer valid EIS,  
6 Defendants Conservancy and NPS are proceeding with the Project despite an  
7 admission by the former Park chief, Tim J. Setnicka, that the entire Project was  
8 based upon a false premise which admission was memorialized in an editorial to  
9 the Santa Barbara News-Press on March 25, 2005. A true and correct copy of  
10 said editorial is attached hereto as "Exhibit A" and incorporated herein by this  
11 reference. Specifically, said article contained among other things the following  
12 statement: *"To help sell the fox restoration program for which we had no money,*  
13 *we came up with the media spin that one of the main reasons golden eagles*  
14 *reside on park islands was because of pigs. This would help vilify the pigs and*  
15 *help support the pig removal project."*

16 5. On April 27, 2005, another public meeting was held at the Museum  
17 of Natural History presented by the Audubon Society by representative Kate  
18 Faulkner but with the local head of Defendant Conservancy, Lotus Vermeer,  
19 assisting by presenting the slide show. At that meeting, admissions were made  
20 that only 12 golden eagles remained on Santa Cruz Island and that the 2,000 plus  
21 Santa Cruz Island Pigs were being massacred at the cost of approximately Seven  
22 Million Dollars (\$7,000,000.00) so that the Santa Cruz Island Pigs would not be  
23 attractive food for the 12 golden eagles who might then prey upon the Santa Cruz  
24 Island Fox. The other golden eagles had been successfully relocated to areas on  
25 the mainland and had not returned to the island. Rather than relocating the  
26 remaining 12 birds, the Project of total eradication of an entire species of the  
27 Santa Cruz Island Pigs was continuing allegedly due to the urgency of  
28

COPY

1 eliminating a food source. There is no dispute that the Santa Cruz Island Pigs  
2 have been on the island since approximately 1850 and have evolved into a  
3 species found nowhere else. It is further undisputed that the Santa Cruz Island  
4 Fox population did not begin to decline until approximately 1990. In fact, charts  
5 shown at the March 21, 2005 public hearing demonstrated and disclosed this fact  
6 to the public. From 1850 to 1990, the Santa Cruz Island Pigs and the Santa Cruz  
7 Island Fox coexisted peacefully for that approximately 140-year period of time.  
8 Also undisputed is that it is the golden eagles which are eating the Santa Cruz  
9 Island Fox as part of their diet. The golden eagles did not appear on Santa Cruz  
10 Island until in the 1980's a project was accomplished which completely  
11 eradicated the island sheep whose carcasses were then left on the island to rot  
12 attracting the golden eagles to the carrion. In the current Project, the Santa Cruz  
13 Island Pigs' carcasses are also being left to rot, perhaps to attract more of the  
14 eagles from the mainland. This time, however, it is claimed that tarps have been  
15 put over the dead bodies instead of simply leaving them out in the open to rot.

16 6. According to representatives of Defendants Conservancy and NPS,  
17 1,000 of the Santa Cruz Island Pigs have already been killed and only  
18 approximately half remain. The island was divided into five sectors beginning,  
19 as was disclosed at the April 27, 2005 public meeting, at the west end of the  
20 island and ending with the eastern end owned by Defendant NPS. The Project  
21 which had been projected to take up to two years to complete is continuing and  
22 great urgency exists for a Preliminary and Permanent Injunction to stop the  
23 Project in order to reevaluate the admittedly no longer valid EIS as well as  
24 evaluating the now admitted false premise upon which the entire Project was  
25 based. Great urgency also exists due to the nature of the "hunt" by professionals  
26 from New Zealand called "Prohunt New Zealand", namely the imminent use of  
27 dogs brought from their foreign country into ours and therefore having been held  
28

COPY

1 in quarantine for 30 days as was disclosed at the public meeting on April 27,  
2 2005. Once the dogs are let loose, they will begin to rip to shreds the proclaimed  
3 innocent Santa Cruz Island Pigs and now motherless piglets. In addition to dogs,  
4 the Santa Cruz Island Pigs are being hunted by helicopters, guns, and electronic  
5 collars on innocent Santa Cruz Island Pigs then innocently leading the hunters to  
6 the rest of their herd when they return to their place of dwelling. Having no  
7 natural defenses and having lived peacefully on the island for now 155 years, the  
8 Santa Cruz Island Pigs are simply running for their lives and deserve nothing but  
9 to be left alone.

10 7. Further urgency exists for a Preliminary and Permanent Injunction  
11 because according to former park superintendent Tim Setnicka: *"Later phases of*  
12 *pig hunting include spraying of poison, which kills native as well as non-native*  
13 *vegetation. But killing native plants is acceptable as collateral damage to many*  
14 *scientists. Others have challenged this practice, especially when the NPS admits*  
15 *that this spraying will not eliminate fennel from the island. Fennel eventually*  
16 *will grow back into all burned and sprayed areas."* (See Exhibit A.) *"To clear*  
17 *the dead vegetation, fire will be used, another nonspecific and widespread*  
18 *action. In particular, the NPS record on setting and managing fires is a poor*  
19 *one. In setting fires, there are too many unknowns, and things can turn bad in a*  
20 *hurry. Not well-known is that in the 1990s a NPS-prescribed fire on Santa Cruz*  
21 *Island escaped and burned hundreds of acres."* (See Exhibit A.) All of this is  
22 being planned despite the statements that in addition to the alleged restoration of  
23 the Santa Cruz Island Fox population by eliminating the Santa Cruz Island Pigs  
24 as a food source to the Santa Cruz Island Fox predator, the golden eagles, another  
25 reason to eliminate the Santa Cruz Island Pigs is to prevent them from eating  
26 native plants. That is, saving native plants.

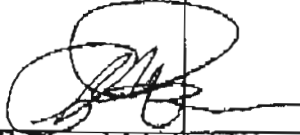
27 ///

1           8.     Plaintiff Feldman therefore prays for a Preliminary and Permanent  
2 Injunction to halt the massacre of the Santa Cruz Island Pigs before the release of  
3 the quarantined dogs, the planned burning, and the destruction of additional life  
4 in order to revisit and revise the admittedly no longer valid EIS which is  
5 admittedly based upon a false premise.

6           9.     No additional cost will be incurred by Defendants to halt the Project  
7 in order to ascertain that all Federal laws and rules have been complied with in  
8 that the Project which was expected to last several years is apparently being  
9 accomplished within a couple of months unless halted. In fact, not stopping the  
10 Project to investigate compliance, will result in a windfall to the hunters who are  
11 being paid approximately Three Million Nine Hundred Thousand Dollars  
12 (\$3,900,000.00) for the actual hunt as well as approximately One Million Seven  
13 Hundred Thousand Dollars (\$1,700,000.00) for transportation and lodging.  
14 Balance this with the great and irreparable harm by the elimination of an entire  
15 species of animal admittedly falsely accused.

16           10.    Due to the urgency of this matter, Plaintiff Feldman respectfully  
17 submits to having the matter heard by a Federal Magistrate rather than a Federal  
18 Judge.

19  
20 Dated: May 18, 2005

  
Richard M. Feldman  
In Pro Per

COPY