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## Cormorant Killings Near the Herring Run Create Stir Up-Island

By MARK ALAN LOVEWELL

A flap has arisen in Aquinnah over the illegal shooting of a large number of cormorants earlier this month on tribal land. The killings took place near the historic herring run, the oldest operating herring run on the Island. The incident raised questions about how laws are enforced by the tribe.

William (Buddy) Vanderhoop Jr., told the Gazette yesterday he was justified in shotgunning the 11 cormorants on the morning of Saturday, May 3. He said he was helping his brother Brian (Chip) Vanderhoop harvest herring at the run when he became annoyed by cormorants feasting on the fish.

"Cormorants are a problem on this Island. Each cormorant eats 15 pounds a day. They eat so many herring they can't fly," Mr. Vanderhoop said.

Tribe members "are ignorant of the fact that they are doing so much damage," Mr. Vanderhoop said.

It is against the law for anyone to shoot cormorants.

There are federal, state and local laws protecting the animal, known as a species of critical concern under state and federal laws.

Had Mr. Vanderhoop shot the birds anywhere besides tribal land, he also would have come under state violations for discharging a firearm within 500 feet of an occupied building and or within 150 feet of a hard surface roadway.

As soon as the shooting occurred, word was shared with Bret Stearns, director of the tribe's Department of Natural Resources, and an investigation was begun.

Mr. Stearns said the Aquinnah police and Sergeant William L. Searle of the state environmental police were notified.

Mr. Stearns said he conducted "a very thorough investigation.

"This occurred on tribal property and while the state's laws do apply to the tribal lands, the tribe is well within their right to enforce their own regulations as well as state law on their property. Most of their regulations mirror the state and local laws, rules and regulations," he said.

On May 5, the tribe's land use committee met.

They imposed restrictions on Chip Vanderhoop, who was leasing the property. "Chip was

restricted by the land use committee for the amount of days he can take fish from four days to two days a week, as a result of the investigation," Mr. Stearns said.

Buddy Vanderhoop was prohibited "from participating in the commercial activity relating to the taking of herring," Mr. Stearns said.

Mr. Stearns said: "The land use committee members take the herring run very seriously. It is an enormous resource to the tribe."

Mr. Stearns said Chip Vanderhoop's violations were related to littering, which he did not explain further.

In addition, any effort to kill predatory birds must be reported to the director, and the Vanderhoops failed to do that, he said.

"We need to know what is going on down there," Mr. Stearns said.

Mr. Stearns said once the tribe learned of the incident, they reported to Aquinnah police, who came and did their report. "We collected evidence and contacted Bill Searle," Mr. Stearns said. "We want to make sure we maintain a working relationship with law enforcement.

"The sentiment from my office is that we take this very seriously. Any violation of tribal and wildlife law is serious."

As a further development, the Gazette learned, the tribe's council met on the matter Wednesday night in executive session. No further action was taken.

Buddy Vanderhoop said he is troubled by the action of the natural resources office in the tribe. "Now we have non-Indians running the office. First thing they do is go astray from the sovereignty issues," he said.

Mr. Vanderhoop's brother Matthew (Cully) Vanderhoop had been the director of the office, but he stepped down earlier this year.

Buddy Vanderhoop said he should be allowed to shoot the cormorants. "I am protecting the interest of the fishery. I was helping my brother Chip. We weren't making any money. We haven't made enough with the cost of the lease. Eighty-five to 95 per cent of the herring are taken by the cormorants."

Buddy Vanderhoop is a well-known Island figure. Last year he was among the eight top winners in the Martha's Vineyard Striped Bass and Bluefish Derby. His fishing skills are almost legendary. He runs a charter fishing business. For 34 years, Mr. Vanderhoop ran the herring run at spring, as his father had done before him. Harvesting the herring and selling it to many Island and off-Island markets was a spring-time occupation.

But last year Mr. Vanderhoop got in trouble with the tribe, and he was not allowed to lease the herring run this year.

Sergeant Searle said: "There was an investigation regarding a bird shooting a year or so ago,

and it was inconclusive."

Mr. Stearns said only that Buddy Vanderhoop was not allowed to lease the property again this year because "It was not cleaned up to the level that was indicated in the lease."

His brother, Chip Vanderhoop, is well respected in the community. He also runs a fishing charter business. Like his father before him, he is the town's shellfish constable.

"Admittedly, cormorants are a problem," said Mr. Stearns. "But we will find approved and properly regulated solutions. We are looking into a more aggressive way to manage them. But this method is not an approved method."

Buddy Vanderhoop is very serious about the issues that cormorants raise on the waterfront. "Cormorants are feeding in our trout ponds. At some point we should be allowed to shoot cormorants. They are a nuisance," he said.

The sovereignty issue is important to Buddy Vanderhoop. He wants to build a gas station on tribal lands in Aquinnah and not be subject to the same zoning or building issues that others would have to go through on non-tribal land.

On the gasoline station project, Mr. Vanderhoop said yesterday that he is awaiting action on the part of the tribe before he proceeds.

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