H. R. 2912

To establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2011

Mr. LARSEN of Washington (for himself and Mr. INSLEE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the San Juan Islands National Conservation Area in the San Juan Islands, Washington, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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4 SECTION 1. SAN JUAN ISLANDS NATIONAL CONSERVATION
5 AREA.
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7 (a) FINDINGS; PURPOSES.—
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9 (1) FINDINGS.—Congress finds as follows:
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11 (A) Lands managed by the Bureau of
12 Land Management in the San Juan Archi-
13 pelago, Washington State, comprising nearly
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15 1,000 acres of small islands, rocks and reef,
headlands, historic lighthouses, and ecologically important areas are of great value to the people of Washington State and the Nation.

(B) These areas provide recreational opportunities for hiking, wildlife viewing, boating, picnicking, photography, sea kayaking, and camping and are enjoyed by residents of the area and visitors. In 2010, these lands in the San Juan Islands National Conservation Area received more than 65,000 visitors in a county with a population at that time of 15,769 residents.

(C) These areas preserve important local, national, and tribal cultural and historic sites. Lighthouses on Patos Island, Turn Point, and Cattle Point are registered as State Historic Structures. Numerous archaeological sites exist, including shell middens, plank-house sites, and burial markers. Areas of cultural importance include ancient Coast Salish camas cultivation sites, homesteads, reef-net sites, and settler cabins.

(D) These areas include vanishing coastal flower meadows, spruce bogs, groves of Garry oaks and endemic coastal junipers, and other
rare and fragile ecosystems that support nu-
merous plant species and provide nesting habi-
tat for seabirds, songbirds, bats, and other 
small native mammals.

(E) These areas are used by several non-
profit, government, and educational organiza-
tions for scientific research and education, in-
cluding the San Juan Islands Experimental 
Education Outdoor Classroom.

(F) Establishment of the San Juan Islands 
National Conservation Area is the best way to 
preserve, protect, enhance, and restore this 
local and nationally important landscape.

(2) PURPOSES.—The purposes of this Act 
are—

(A) to conserve, protect, and enhance for 
the benefit and enjoyment of present and future 
generations the ecological, scenic, wildlife, rec-
reational, cultural, historical, natural, edu-
cational, and scientific resources of the National 
Conservation Area; and

(B) to protect each species that is—

(i) located in the National Conserva-
tion Area; and
(ii) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this Act:

(1) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d).

(2) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the San Juan Islands National Conservation Area that—

(A) consists of approximately 1,000 acres of public land in the Washington State, as generally depicted on the map entitled “Proposed San Juan Islands National Conversation Area” and dated June 30, 2011; and

(B) is established by subsection (e).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(e) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State of Washington the San Juan Islands National Conservation Area.
(d) Management Plan.—

(1) In General.—Not later than 3 years after the date of the enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) Consultation.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(e) Management.—

(1) In General.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this Act; and

(iii) any other applicable law (including regulations).
(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except when needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) WILDLAND FIRE OPERATIONS.—Nothing in this Act prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this Act.

(5) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the National Conservation Area.

(f) TRIBAL CULTURAL USES.—The Secretary shall work in consultation with Indian tribes to—
(1) ensure the protection of religious and cultural sites in the Conservation Area; and

(2) provide access to the sites by members of Indian tribes for traditional cultural and customary uses, consistent with Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”; 42 U.S.C. 1996).

(g) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around the National Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the National Conservation Area can be seen or heard within the National Conservation Area shall not preclude the activity or use outside the boundary of the National Conservation Area.

(3) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area only through exchange, donation, or purchase from a willing seller.

(B) MANAGEMENT.—Land acquired under subparagraph (A) shall become part of the Conservation Area.
(h) ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory council, to be known as the “San Juan Islands National Conservation Area Advisory Council”.

(2) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(3) MEMBERS.—The Council shall include 7 members to be appointed by the Secretary. The members, to the extent practicable, shall—

(A) reside in or within reasonable proximity to San Juan County, Washington;

(B) have backgrounds that reflect—

(i) the purposes for which the National Conservation Area was established; and

(ii) the interests of the stakeholders that are affected by the planning and management of the National Conservation Area; and

(C) be fairly balanced in terms of the points of view represented and the functions to be performed by the Council.
(4) **APPLICABLE LAW.**—The Council shall be subject to—

(A) the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(5) **DURATION.**—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

(i) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land acquired by the United States after the date of the enactment of this Act that is located in the National Conservation Area shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this Act; and

(C) any other applicable law (including regulations).

(j) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land and interests in land located
in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—Any land acquired by the United States after the date of the enactment of this Act that is located in the National Conservation Area shall be withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 2. TREATY RIGHTS.

Nothing in this Act alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe.