S. 1559

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2011

Ms. CANTWELL (for herself and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Juan Islands Na-
tional Conservation Area Act”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) land managed by the Bureau of Land Man-
agement in the San Juan Archipelago in the State
of Washington comprising nearly 1,000 acres of small islands, rocks and reef, headlands, historic lighthouses, and ecologically important areas are of great value to people in the State of Washington and the United States;

(2) the area described in paragraph (1)—

(A) provides recreational opportunities for hiking, wildlife viewing, boating, picnicking, photography, sea kayaking, and camping; and

(B) is enjoyed by residents of the area and visitors;

(3) in 2010, the area described in paragraph (1) received more than 65,000 visitors in a county with a population of 15,769 residents;

(4) the area described in paragraph (1) preserves important local, national, and tribal cultural and historic sites, such as—

(A) lighthouses on Patos Island, Turn Point, and Cattle Point, which are registered as State Historic Structures;

(B) numerous archaeological sites, including shell middens, plank-house sites, and burial markers; and
(C) areas of cultural importance, including ancient Coast Salish camas cultivation sites, homesteads, reef-net sites, and settler cabins;

(5) the area described in paragraph (1) includes vanishing coastal flower meadows, spruce bogs, groves of Garry oaks and endemic coastal junipers, and other rare and fragile ecosystems that support numerous plant species and provide nesting habitat for seabirds, songbirds, bats, and other small native mammals;

(6) the area described in paragraph (1) is used by several nonprofit, government, and educational organizations for scientific research and education, including the San Juan Islands Experimental Education Outdoor Classroom; and

(7) establishing the San Juan Islands National Conservation Area is the best way to preserve, protect, enhance, and restore a landscape that is of local and national importance.

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

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and
(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) 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)).

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term “Advisory Council” means the San Juan Islands National Conservation Area Advisory Council established under section 4(e).

(2) MANAGEMENT PLAN.—The term “management plan” means the management plan for the National Conservation Area developed under section 4(b).

(3) NATIONAL CONSERVATION AREA.—The term “National Conservation Area” means the San Juan Islands National Conservation Area established by section 4(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
SEC. 4. SAN JUAN ISLANDS NATIONAL CONSERVATION AREA.

(a) Establishment.—Subject to valid existing rights, there is established in the State of Washington the San Juan Islands National Conservation Area, consisting of approximately 1,000 acres of public land in the State of Washington, as generally depicted on the map entitled “Proposed San Juan Islands National Conversation Area” and dated June 30, 2011.

(b) Management Plan.—

(1) In General.—Not later than 3 years after the date of 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.

(c) 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 section 2(b).

(3) MOTORIZED VEHICLES.—Except as 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 appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the National Conservation Area.

(6) **Tribal cultural uses.**—The Secretary shall, in consultation with Indian tribes—

(A) ensure the protection of religious and cultural sites in the National Conservation Area; and

(B) 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).

(d) **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 out-
side 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 ac-
cquire non-Federal land within the boundaries of
the National Conservation Area only through
exchange, donation, or purchase from a willing
seller.

(B) MANAGEMENT.—Land acquired under
subparagraph (A) shall become part of the Na-
tional Conservation Area.

(e) ADVISORY COUNCIL.—

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

(2) MEMBERS.—

(A) COMPOSITION.—The Advisory Council
shall be composed of 7 members, to be ap-
pointed by the Secretary.
(B) **QUALIFICATIONS.**—To the maximum extent practicable, the members appointed under subparagraph (A) shall—

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

(ii) 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

(iii) be fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.

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

(4) **APPLICABLE LAW.**—The Advisory 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) TERMINATION.—The Advisory Council shall terminate on the date that is 1 year after the date on which the management plan is adopted by the Secretary.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land acquired by the United States after the date of 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).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land (including interests in the Federal land) located in the National Conservation Area is 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, min-
eral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—Any land acquired by
the United States after the date of 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 acquisi-
tion of the land.

(h) EFFECT.—Nothing in this Act alters, modifies,
enlarges, diminishes, or abrogates the treaty rights of any
Indian tribe.