Public Law 97-333
97th Congress

An Act

To establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington.

Oct. 15, 1982
[H.R. 1486]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Protection Island National Wildlife Refuge Act".

Protection Island National Wildlife Refuge Act.
16 USC 668dd note.

SEC. 2. The Congress finds that—

(1) Protection Island provides nesting habitat for 72 per centum of the entire seabird population of Puget Sound and the Strait of Juan de Fuca;

(2) this island also provides refuge for other species, including the endangered bald eagle and the harbor seal; and

(3) this island is a nationally significant environmental resource threatened with destruction through residential and related development.

Definitions.

SEC. 3. As used in this Act:

(a) The term "refuge" means the Protection Island National Wildlife Refuge that includes those lands and waters, and interests therein, located in Jefferson County, State of Washington, that are depicted on the map entitled "Protection Island National Wildlife Refuge", dated September 1980, and on file at the United States Fish and Wildlife Service. The purposes of the refuge are to provide habitat for a broad diversity of bird species, with particular emphasis on protecting the nesting habitat of the bald eagle, tufted puffin, rhinoceros auklet, pigeon guillemot, and pelagic cormorant; to protect the hauling-out area of harbor seals; and to provide for scientific research and wildlife-oriented public education and interpretation.".

(b) The term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) Subject to subsections (b) and (c), the Secretary is authorized to acquire lands and waters or interests therein within the boundaries of the refuge by donation, purchase with donated or appropriated funds, or exchange.

(b)(1) In the case of any person who is the owner of land as of January 1, 1982, that—

(A) is within the boundaries of the refuge and contains a structure, suitable for use as a personal residence, that was located on the land on January 1, 1982; and

(B) in the judgment of the Secretary the United States should acquire a fee simple interest therein;

the Secretary shall first offer to acquire the land subject to a life use, or, at the option of the owner, to an extended use reservation for a shorter term of years, subject to such terms and conditions as the Secretary deems necessary or appropriate to insure that the land will be used in a manner that is compatible with the purposes for which the refuge is established.

(2) Acquisition of land subject to life uses or other extended use reservations under paragraph (1) shall be made on the basis of the fair market value of the land and improvements thereon at the time

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of acquisition less 1 per centum of such value for each year of the reservation. The term of life uses shall be calculated on an actuarial basis.

(c) With respect to land within the boundaries of the refuge other than land described in subsection (b), the Secretary, in order to lessen the impact of Federal question on the present owners, shall give special consideration to providing for extended use reservations to the extent compatible with the purposes for which the refuge is established.

(d) Any owner of property within the refuge may offer to sell his property to the Secretary for the amount determined by the Jefferson County assessor to be the assessed value of the property as of the date that the offer is tendered. Prior to two years after Congress has appropriated funds to the Secretary to make purchases under this Act, the Secretary may immediately purchase such properties pursuant to such offers, may tender immediate payment for such properties, and may take immediate possession of such properties, in order to accommodate such owners. Any purchase made pursuant to this section shall not be subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (42 U.S.C. 4601-4655).

(e) Prior to two years after Congress has appropriated funds to the Secretary to make purchases under this Act, the Secretary shall not acquire any of the property within the refuge by exercising the power of eminent domain except as may be necessary to control public access to concentrated nesting sites within the refuge.

Notice; publication in Federal Register.

SEC. 5. The Secretary shall establish the refuge by publication of a notice to that effect in the Federal Register at such time as he determines that lands, waters, and interests therein sufficient to constitute an efficiently administrable refuge have been acquired. The Secretary may make such minor revisions in the boundaries of the refuge as may be appropriate to carry out the provisions of this Act.

Administration.

SEC. 6. Prior to the establishment of the refuge and thereafter, the Secretary shall administer the lands, waters, and interests therein acquired for the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee). The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities compatible with the wildlife resources, and interpretive education as he deems appropriate to carry out the purposes of the refuge.

SEC. 7. Beginning October 1, 1982, there are authorized to be appropriated $4,000,000 for acquisition of lands and waters, and interests therein, for the refuge.

Jones Island National Wildlife Refuge, transfer to State of Washington.

SEC. 8. In consideration of the prior transfer of certain properties now in the San Juan National Wildlife Refuge by the Washington State Parks and Recreation Commission to the Department of the Interior, the Secretary of the Interior shall transfer all ownership, jurisdiction, and control over the Jones Island National Wildlife

Refuge, more particularly described as section 10, tract B; section 11, tract A, lots 1, 2, and 3; section 14, tract C, lots 1 to 5 inclusive, and the northeast quarter of the northwest quarter, all of township 36 north, range 3 west, Willamette Meridian, all in the State of Washington, to the State of Washington for use as a public recreation area to be managed in accordance with the applicable laws of the State of Washington.

Approved October 15, 1982.

LEGISLATIVE HISTORY—H.R. 1486:

HOUSE REPORT No. 97-403 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 97-426 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 127 (1981): Dec. 15, considered and passed House.
Vol. 128 (1982): June 9, considered and passed Senate, amended.
Sept. 30, House concurred in Senate amendments.