

112TH CONGRESS  
1ST SESSION

# H. R. 2912

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

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## 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

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## 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,*

3 **SECTION 1. SAN JUAN ISLANDS NATIONAL CONSERVATION**

4 **AREA.**

5 (a) FINDINGS; PURPOSES.—

6 (1) FINDINGS.—Congress finds as follows:

7 (A) Lands managed by the Bureau of  
8 Land Management in the San Juan Archi-  
9 pelago, Washington State, comprising nearly  
10 1,000 acres of small islands, rocks and reef,

1 headlands, historic lighthouses, and ecologically  
2 important areas are of great value to the people  
3 of Washington State and the Nation.

4 (B) These areas provide recreational op-  
5 portunities for hiking, wildlife viewing, boating,  
6 picnicking, photography, sea kayaking, and  
7 camping and are enjoyed by residents of the  
8 area and visitors. In 2010, these lands in the  
9 San Juan Islands National Conservation Area  
10 received more than 65,000 visitors in a county  
11 with a population at that time of 15,769 resi-  
12 dents.

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

23 (D) These areas include vanishing coastal  
24 flower meadows, spruce bogs, groves of Garry  
25 oaks and endemic coastal junipers, and other

1 rare and fragile ecosystems that support nu-  
2 merous plant species and provide nesting habi-  
3 tat for seabirds, songbirds, bats, and other  
4 small native mammals.

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

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

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

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

22 (B) to protect each species that is—

23 (i) located in the National Conserva-  
24 tion Area; and

1 (ii) listed as a threatened or endan-  
2 gered species on the list of threatened spe-  
3 cies or the list of endangered species pub-  
4 lished under section 4(c)(1) of the Endan-  
5 gered Species Act of 1973 (16 U.S.C.  
6 1533(c)(1)).

7 (b) DEFINITIONS.—In this Act:

8 (1) MANAGEMENT PLAN.—The term “manage-  
9 ment plan” means the management plan for the Na-  
10 tional Conservation Area developed by the Secretary  
11 under subsection (d).

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

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

20 (B) is established by subsection (c).

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

23 (c) ESTABLISHMENT.—Subject to valid existing  
24 rights, there is established in the State of Washington the  
25 San Juan Islands National Conservation Area.

1 (d) MANAGEMENT PLAN.—

2 (1) IN GENERAL.—Not later than 3 years after  
3 the date of the enactment of this Act and in accord-  
4 ance with paragraph (2), the Secretary shall develop  
5 a comprehensive plan for the long-term management  
6 of the National Conservation Area.

7 (2) CONSULTATION.—In developing the man-  
8 agement plan required under paragraph (1), the  
9 Secretary shall consult with—

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

12 (B) members of the public.

13 (e) MANAGEMENT.—

14 (1) IN GENERAL.—The Secretary shall manage  
15 the National Conservation Area—

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

19 (B) in accordance with—

20 (i) the Federal Land Policy and Man-  
21 agement Act of 1976 (43 U.S.C. 1701 et  
22 seq.);

23 (ii) this Act; and

24 (iii) any other applicable law (includ-  
25 ing regulations).

1           (2) USES.—The Secretary shall only allow uses  
2 of the National Conservation Area that the Sec-  
3 retary determines would further a purpose described  
4 in subsection (a).

5           (3) MOTORIZED VEHICLES.—Except when need-  
6 ed for administrative purposes, or to respond to an  
7 emergency, the use of motorized vehicles in the Na-  
8 tional Conservation Area shall be permitted only on  
9 roads designated by the management plan for the  
10 use of motorized vehicles.

11           (4) WILDLAND FIRE OPERATIONS.—Nothing in  
12 this Act prohibits the Secretary, in cooperation with  
13 other Federal, State, and local agencies, as appro-  
14 priate, from conducting wildland fire operations in  
15 the National Conservation Area, consistent with the  
16 purposes of this Act.

17           (5) INVASIVE SPECIES AND NOXIOUS WEEDS.—  
18 In accordance with any applicable laws and subject  
19 to such terms and conditions as the Secretary deter-  
20 mines to be desirable and appropriate, the Secretary  
21 may prescribe measures to control nonnative invasive  
22 plants and noxious weeds within the National Con-  
23 servation Area.

24           (f) TRIBAL CULTURAL USES.—The Secretary shall  
25 work in consultation with Indian tribes to—

1           (1) ensure the protection of religious and cul-  
2 tural sites in the Conservation Area; and

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

8 (g) NO BUFFER ZONES.—

9           (1) IN GENERAL.—Nothing in this Act creates  
10 a protective perimeter or buffer zone around the Na-  
11 tional Conservation Area.

12           (2) ACTIVITIES OUTSIDE CONSERVATION  
13 AREA.—The fact that an activity or use on land out-  
14 side the National Conservation Area can be seen or  
15 heard within the National Conservation Area shall  
16 not preclude the activity or use outside the boundary  
17 of the National Conservation Area.

18           (3) ACQUISITION OF LAND.—

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

23           (B) MANAGEMENT.—Land acquired under  
24 subparagraph (A) shall become part of the Con-  
25 servation Area.

1 (h) ADVISORY COUNCIL.—

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

7 (2) DUTIES.—The Council shall advise the Sec-  
8 retary with respect to the preparation and imple-  
9 mentation of the management plan.

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

13 (A) reside in or within reasonable prox-  
14 imity to San Juan County, Washington;

15 (B) have backgrounds that reflect—

16 (i) the purposes for which the Na-  
17 tional Conservation Area was established;  
18 and

19 (ii) the interests of the stakeholders  
20 that are affected by the planning and man-  
21 agement of the National Conservation  
22 Area; and

23 (C) be fairly balanced in terms of the  
24 points of view represented and the functions to  
25 be performed by the Council.

1           (4) APPLICABLE LAW.—The Council shall be  
2 subject to—

3           (A) the Federal Advisory Committee Act  
4 (5 U.S.C. App.); and

5           (B) the Federal Land Policy and Manage-  
6 ment Act of 1976 (43 U.S.C. 1701 et seq.).

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

10          (i) INCORPORATION OF ACQUIRED LAND AND INTER-  
11 ESTS.—Any land acquired by the United States after the  
12 date of the enactment of this Act that is located in the  
13 National Conservation Area shall—

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

16           (2) be managed in accordance with—

17           (A) the Federal Land Policy and Manage-  
18 ment Act of 1976 (43 U.S.C. 1701 et seq.);

19           (B) this Act; and

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

22          (j) WITHDRAWAL.—

23           (1) IN GENERAL.—Subject to valid existing  
24 rights, all Federal land and interests in land located

1 in the National Conservation Area are withdrawn  
2 from—

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

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

7 (C) operation of the mineral leasing, min-  
8 eral materials, and geothermal leasing laws.

9 (2) **ADDITIONAL LAND.**—Any land acquired by  
10 the United States after the date of the enactment of  
11 this Act that is located in the National Conservation  
12 Area shall be withdrawn from operation of the laws  
13 referred to in paragraph (1) on the date of acqui-  
14 sition of the land.

15 **SEC. 2. TREATY RIGHTS.**

16 Nothing in this Act alters, modifies, enlarges, dimin-  
17 ishes, or abrogates the treaty rights of any Indian tribe.

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