

113TH CONGRESS
1ST SESSION

H. R. 1034

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2013

Mr. LARSEN of Washington (for himself and Ms. DELBENE) 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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the land managed by the Bureau of Land
9 Management in the San Juan Archipelago in the
10 State of Washington comprising nearly 1,000 acres

1 of small islands, rocks and reef, headlands, historic
2 lighthouses, and ecologically important areas is of
3 great value to people in the State of Washington and
4 the United States;

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

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

9 (B) is enjoyed by the 15,844 year-round
10 residents of the area;

11 (C) provides attractions for many of the
12 more than 750,000 visitors to San Juan Island
13 County each year;

14 (D) preserves important local, national,
15 and tribal cultural and historic sites, such as—

16 (i) lighthouses on Patos Island, Turn
17 Point, and Cattle Point, which are reg-
18 istered as State Historic Structures;

19 (ii) numerous archaeological sites, in-
20 cluding shell middens, plank-house sites,
21 and burial markers; and

22 (iii) areas of cultural importance, in-
23 cluding ancient Coast Salish camas cultiva-
24 tion sites, homesteads, reef-net sites, and
25 settler cabins;

1 (E) includes vanishing coastal flower
2 meadows, spruce bogs, groves of Garry oaks
3 and endemic coastal junipers, and other rare
4 and fragile ecosystems that support numerous
5 plant species and provide nesting habitat for
6 seabirds, songbirds, bats, and other small native
7 mammals;

8 (F) is used by several nonprofit, govern-
9 ment, and educational organizations for sci-
10 entific research and education, including the
11 San Juan Islands Experimental Education Out-
12 door Classroom;

13 (G) was identified by the Secretary of the
14 Interior in November 2011 as 1 of 18 areas of
15 public land in 9 States that was a “crown
16 jewel” warranting immediate and permanent
17 protection by Congress; and

18 (H) the establishment of the San Juan Is-
19 lands National Conservation Area is the best
20 way to preserve, protect, enhance, and restore
21 a landscape that is of local and national impor-
22 tance.

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

24 (1) to conserve, protect, and enhance for the
25 benefit and enjoyment of present and future genera-

tions 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).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 4. SAN JUAN ISLANDS NATIONAL CONSERVATION**
4 **AREA.**

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

12 (b) MANAGEMENT PLAN.—

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

18 (2) CONSULTATION.—In developing the man-
19 agement plan required under paragraph (1), the
20 Secretary shall consult with—

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

23 (B) members of the public.

24 (c) MANAGEMENT.—

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

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

6 (B) in accordance with—

7 (i) the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1701 et
9 seq.);

10 (ii) this Act; and

11 (iii) any other applicable law (includ-
12 ing regulations).

13 (2) USES.—The Secretary shall only allow uses
14 of the National Conservation Area that the Sec-
15 retary determines would further a purpose described
16 in section 2(b).

17 (3) MOTORIZED VEHICLES.—Except as needed
18 for administrative purposes or to respond to an
19 emergency, the use of motorized vehicles in the Na-
20 tional Conservation Area shall be permitted only on
21 roads designated by the management plan for the
22 use of motorized vehicles.

23 (4) WILDLAND FIRE OPERATIONS.—Nothing in
24 this Act prohibits the Secretary, in cooperation with
25 other Federal, State, and local agencies, as appro-

1 piate, from conducting wildland fire operations in
2 the National Conservation Area, consistent with the
3 purposes of this Act.

4 (5) INVASIVE SPECIES AND NOXIOUS WEEDS.—

5 In accordance with any applicable laws and subject
6 to such terms and conditions as the Secretary deter-
7 mines to be appropriate, the Secretary may prescribe
8 measures to control nonnative invasive plants and
9 noxious weeds within the National Conservation
10 Area.

11 (6) TRIBAL CULTURAL USES.—The Secretary
12 shall, in consultation with Indian tribes—

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

16 (B) provide access to the sites by members
17 of Indian tribes for traditional cultural and cus-
18 tomary uses, consistent with Public Law 95–
19 341 (commonly known as the “American Indian
20 Religious Freedom Act”) (42 U.S.C. 1996).

21 (d) NO BUFFER ZONES.—

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

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

7 (3) ACQUISITION OF LAND.—

8 (A) IN GENERAL.—The Secretary may ac-
9 quire non-Federal land within the boundaries of
10 the National Conservation Area only through
11 exchange, donation, or purchase from a willing
12 seller.

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

16 (e) ADVISORY COUNCIL.—

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

22 (2) MEMBERS.—

23 (A) COMPOSITION.—The Advisory Council
24 shall be composed of 7 members, to be ap-
25 pointed by the Secretary.

1 (B) QUALIFICATIONS.—To the maximum
2 extent practicable, the members appointed
3 under subparagraph (A) shall—

4 (i) reside in or within reasonable prox-
5 imity to San Juan County, Washington;

6 (ii) have backgrounds that reflect—

7 (I) the purposes for which the
8 National Conservation Area was es-
9 tablished; and

10 (II) the interests of the stake-
11 holders that are affected by the plan-
12 ning and management of the National
13 Conservation Area; and

14 (iii) be fairly balanced in terms of the
15 points of view represented and the func-
16 tions to be performed by the Advisory
17 Council.

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

21 (4) APPLICABLE LAW.—The Advisory Council
22 shall be subject to—

23 (A) the Federal Advisory Committee Act
24 (5 U.S.C. App.); and

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

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

7 (f) INCORPORATION OF ACQUIRED LAND AND INTER-
8 ESTS.—Any land acquired by the United States after the
9 date of enactment of this Act that is located in the Na-
10 tional Conservation Area shall—

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

13 (2) be managed in accordance with—

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

16 (B) this Act; and

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

19 (g) WITHDRAWAL.—

20 (1) IN GENERAL.—Subject to valid existing
21 rights, all Federal land (including interests in the
22 Federal land) located in the National Conservation
23 Area is withdrawn from—

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

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

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

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

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

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