

113TH CONGRESS  
1ST SESSION

# S. 497

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 SENATE OF THE UNITED STATES

MARCH 7, 2013

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

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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. 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

1 State of Washington comprising nearly 1,000 acres  
2 of small islands, rocks and reef, headlands, historic  
3 lighthouses, and ecologically important areas is of  
4 great value to people in the State of Washington and  
5 the United States;

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

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

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

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

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

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

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

23 (iii) areas of cultural importance, in-  
24 cluding ancient Coast Salish camas cultiva-

1           tion sites, homesteads, reef-net sites, and  
2           settler cabins;

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

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

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

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

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

1 (1) to conserve, protect, and enhance for the  
2 benefit and enjoyment of present and future genera-  
3 tions the ecological, scenic, wildlife, recreational, cul-  
4 tural, historical, natural, educational, and scientific  
5 resources of the National Conservation Area; and

6 (2) to protect each species that is—

7 (A) located in the National Conservation  
8 Area; and

9 (B) listed as a threatened or endangered  
10 species on the list of threatened species or the  
11 list of endangered species published under sec-  
12 tion 4(c)(1) of the Endangered Species Act of  
13 1973 (16 U.S.C. 1533(c)(1)).

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **ADVISORY COUNCIL.**—The term “Advisory  
17 Council” means the San Juan Islands National Con-  
18 servation Area Advisory Council established under  
19 section 4(e).

20 (2) **MANAGEMENT PLAN.**—The term “manage-  
21 ment plan” means the management plan for the Na-  
22 tional Conservation Area developed under section  
23 4(b).

24 (3) **NATIONAL CONSERVATION AREA.**—The  
25 term “National Conservation Area” means the San

1 Juan Islands National Conservation Area established  
2 by section 4(a).

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

5 **SEC. 4. SAN JUAN ISLANDS NATIONAL CONSERVATION**  
6 **AREA.**

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

14 (b) MANAGEMENT PLAN.—

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

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

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

25 (B) members of the public.

1 (c) MANAGEMENT.—

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

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

7 (B) in accordance with—

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

11 (ii) this Act; and

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

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

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

24 (4) WILDLAND FIRE OPERATIONS.—Nothing in  
25 this Act prohibits the Secretary, in cooperation with

1 other Federal, State, and local agencies, as appropriate,  
2 from conducting wildland fire operations in  
3 the National Conservation Area, consistent with the  
4 purposes of this Act.

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

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

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

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

22 (d) NO BUFFER ZONES.—

23 (1) IN GENERAL.—Nothing in this Act creates  
24 a protective perimeter or buffer zone around the National  
25 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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