

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.

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## 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

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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  
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-

1 tions the ecological, scenic, wildlife, recreational, cul-  
2 tural, historical, natural, educational, and scientific  
3 resources of the National Conservation Area; and

4 (2) to protect each species that is—

5 (A) located in the National Conservation  
6 Area; and

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

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

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

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

22 (3) **NATIONAL CONSERVATION AREA.**—The  
23 term “National Conservation Area” means the San  
24 Juan Islands National Conservation Area established  
25 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        appropriate, 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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