

112TH CONGRESS
1ST SESSION

S. 1559

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2011

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

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) land managed by the Bureau of Land Man-
9 agement in the San Juan Archipelago in the State

1 of Washington comprising nearly 1,000 acres of
2 small islands, rocks and reef, headlands, historic
3 lighthouses, and ecologically important areas are 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; and

10 (B) is enjoyed by residents of the area and
11 visitors;

12 (3) in 2010, the area described in paragraph
13 (1) received more than 65,000 visitors in a county
14 with a population of 15,769 residents;

15 (4) the area described in paragraph (1) pre-
16 serves important local, national, and tribal cultural
17 and historic sites, such as—

18 (A) lighthouses on Patos Island, Turn
19 Point, and Cattle Point, which are registered as
20 State Historic Structures;

21 (B) numerous archaeological sites, includ-
22 ing shell middens, plank-house sites, and burial
23 markers; and

1 (C) areas of cultural importance, including
2 ancient Coast Salish camas cultivation sites,
3 homesteads, reef-net sites, and settler cabins;

4 (5) the area described in paragraph (1) includes
5 vanishing coastal flower meadows, spruce bogs,
6 groves of Garry oaks and endemic coastal junipers,
7 and other rare and fragile ecosystems that support
8 numerous plant species and provide nesting habitat
9 for seabirds, songbirds, bats, and other small native
10 mammals;

11 (6) the area described in paragraph (1) is used
12 by several nonprofit, government, and educational
13 organizations for scientific research and education,
14 including the San Juan Islands Experimental Edu-
15 cation Outdoor Classroom; and

16 (7) establishing the San Juan Islands National
17 Conservation Area is the best way to preserve, pro-
18 tect, enhance, and restore a landscape that is of
19 local and national importance.

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

21 (1) to conserve, protect, and enhance for the
22 benefit and enjoyment of present and future genera-
23 tions the ecological, scenic, wildlife, recreational, cul-
24 tural, historical, natural, educational, and scientific
25 resources of the National Conservation Area; and

1 (2) to protect each species that is—

2 (A) located in the National Conservation
3 Area; and

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

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

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

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

19 (3) **NATIONAL CONSERVATION AREA.**—The
20 term “National Conservation Area” means the San
21 Juan Islands National Conservation Area established
22 by section 4(a).

23 (4) **SECRETARY.**—The term “Secretary” means
24 the Secretary of the Interior.

1 **SEC. 4. SAN JUAN ISLANDS NATIONAL CONSERVATION**
2 **AREA.**

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

10 (b) MANAGEMENT PLAN.—

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

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

19 (A) appropriate State, tribal, and local
20 governmental entities; and

21 (B) members of the public.

22 (c) MANAGEMENT.—

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

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

4 (B) in accordance with—

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

8 (ii) this Act; and

9 (iii) any other applicable law (includ-
10 ing regulations).

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

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

21 (4) WILDLAND FIRE OPERATIONS.—Nothing in
22 this Act prohibits the Secretary, in cooperation with
23 other Federal, State, and local agencies, as appro-
24 priate, from conducting wildland fire operations in

1 the National Conservation Area, consistent with the
2 purposes of this Act.

3 (5) INVASIVE SPECIES AND NOXIOUS WEEDS.—

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

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

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

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

20 (d) NO BUFFER ZONES.—

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

24 (2) ACTIVITIES OUTSIDE CONSERVATION
25 AREA.—The fact that an activity or use on land out-

1 side the National Conservation Area can be seen or
2 heard within the National Conservation Area shall
3 not preclude the activity or use outside the boundary
4 of the National Conservation Area.

5 (3) ACQUISITION OF LAND.—

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

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

14 (e) ADVISORY COUNCIL.—

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

20 (2) MEMBERS.—

21 (A) COMPOSITION.—The Advisory Council
22 shall be composed of 7 members, to be ap-
23 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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