





# APPENDICES

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# APPENDIX A: SAN JUAN ISLAND NATIONAL HISTORICAL PARK LEGISLATION

**An Act to authorize the establishment of the San Juan Island National Historical Park in the State of Washington, and for other purposes. (80 Stat. 737)**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized to acquire on behalf of the United States by donation, purchase with donated or appropriated funds, or by exchange, lands, interests in lands, and such other property on San Juan Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the sites of the American and English camps on the island, and of commemorating the historic events that occurred from 1853 to 1871 on the island in connection with the final settlement of the Oregon Territory boundary dispute, including the so-called Pig War of 1859. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only by donation.

SEC. 2. The property acquired under the provisions of the first section of this Act shall be known as the San Juan Island National Historical Park and shall commemorate the final settlement by arbitration of the Oregon boundary dispute and the peaceful relationship which has existed between the United States and Canada for generations. The Secretary of the Interior shall administer, protect, and develop such park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 3. The Secretary of the Interior may enter into cooperative agreements with the State of Washington, political subdivisions thereof, corporations, associations, or individuals, for the preservation of nationally significant historic sites and structures and for the interpretation of significant events which occurred on San Juan Island, in Puget Sound, and on the nearby mainland, and he may erect and maintain tablets or markers at appropriate sites in accordance with the provisions of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

SEC. 4. There are hereby authorized to be appropriated such sums, but not more than \$3,542,000 for the acquisition of lands and interests therein and for the development of the San Juan National Historical Park.

Approved September 9, 1966.

#### ***Legislative History***

House Report No. 1665 accompanying H.R. 2623 (Committee on Interior and Insular Affairs).

Senate Report No. 510 (Committee on Interior and Insular Affairs).

Congressional Record:

Vol. 111 (1965): July 29, considered and passed Senate.

Vol. 112 (1966):

July 18, considered and passed House, amended, in lieu of H.R. 2623.

Aug. 25, Senate concurred in House amendments.

## APPENDIX B: PERTINENT LAWS, POLICIES, AND PROCEDURES

This section summarizes the laws, executive orders, NPS policies, and operational procedures related to the preparation of park planning documents. The following section highlights those that are most pertinent to the planning for the future protection, use, and management of San Juan Island National Historical Park.

### Americans with Disabilities Act of 1990

This act states that all new construction and programs will be accessible. Planning and design guidance for accessibility is provided in the Architectural and Transportation Barriers Compliance Board (36 CFR Part 1191). Additionally, NPS Special Directive 83-3 states that accessibility will be proportional to the degree of development, i.e., areas of intense development (visitor centers, museums, drive in campgrounds, etc.) will be entirely accessible and areas of lesser development, (backcountry trails and walk-in campgrounds) may have fewer accessibility features.

### Antiquities Act of 1906

As the Archeological Resources Protection Act's forerunner, the Antiquities Act (, P.L. 59-209, 34 Stat. 225, 16 U.S.C. §§431-433 and 43 CFR 3) constituted the first general act providing protection for archeological resources. It protects all historic and prehistoric ruins or monuments on federal lands and prohibits their excavation, destruction, injury or appropriation without the departmental secretary's permission. It also authorizes the President of the United States to proclaim as national monuments public lands having historic landmarks, historic and prehistoric structures, and other objects of historic or of scientific interest. The Antiquities Act authorizes the President to reserve federal lands, to accept private lands, and to accept relinquishment of unperfected claims for that purpose.

The Act authorizes the departmental secretary to issue permits to qualified institutions to examine ruins, excavate archeological sites, and gather objects of antiquity. Regulations at 43 CFR Part 3 establish procedures for permitting the excavation or collection of prehistoric and historic objects on federal lands. ARPA permits replace Antiquities Act permits. It is superseded by the Archeological Resources Protection Act (1979) as an alternative federal tool for prosecution of antiquities violations in national park system areas.

### Archeological Resources Protection Act of 1979

This act (P.L. 96-95, 93 Stat. 721, 16 U.S.C. §470aa et seq. and 43 CFR 7, subparts A and B, 36 CFR 79) secures the protection of archeological resources on public or Indian lands and fosters increased cooperation and exchange of information between the private/governmental/professional community in order to facilitate the enjoyment and education of present and future generations. The act regulates excavation and collection on public and Indian lands. It defines archeological resources to be any material remains of past human life or activities that are of archeological interest and are at least 100 years old and requires notification of Indian tribes who may consider a site of religious or cultural importance prior to issuing permit. It was amended in 1988 to require the development of plans for surveying public lands for archeological resources and systems for reporting incidents of suspected violations.

### Bald and Golden Eagles Protection Act, as amended, Act of June 8, 1940

This act (16 U.S.C. 668a-d) prohibits the taking, possessing, and trade in bald and golden eagles. It provides criminal and civil penalties.

## **Director's Order – 28**

Authority for cultural resource management activities derives from a variety of laws, including the 1916 NPS Organic Act. Also fundamental are the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Director's Order-28 states basic principles governing the management of cultural resources in the national park system, consistent with law and the Secretary's Standards and Guidelines for Archaeology and Historic Preservation. Director's Order 28 directs the NPS to follow the cultural resources management guidelines relative to policy standards.

## **Director's Order – 77**

The NPS Natural Resources Management Guideline, Director's Order – 77, is a comprehensive guideline on natural resource management, combining existing guidance with documentation of unwritten practices and procedures of NPS natural resource management. It guides the actions of park managers so that natural resource activities planned and initiated in the parks comply with federal law, regulations, and the Department of the Interior and NPS policies.

## **Endangered Species Act**

The Endangered Species Act of 1973 (ESA), as amended, directs federal agencies to ensure that any action it authorizes, funds, or implements is not likely to jeopardize the existence of any listed species or destroy or adversely modify critical habitat (50 CFR 400). When a project or proposal by a federal agency has the potential to impact a known endangered, threatened, or candidate plant or animal species, Section 7 of the Endangered Species Act requires that agency to enter into consultation with the U.S. Fish and Wildlife Service. National Park Service Management Policies (4.4.3.4 Management of Threatened or Endangered Plants and Animals) direct the NPS to give the same level of protection to state-listed species as is given to federally listed species. Prior to implementing any development proposals at the park, the NPS will consult with the USFWS to obtain species listings, and to ascertain the need to prepare a biological assessment of the proposed actions. Similar contact will be made with the appropriate state agencies. (National Park Service 2006: p.35)

## **Executive Orders 11988 and 11990**

The objectives of Executive Orders 11988 (Floodplains Management) and 11990 (Protection of Wetlands) are to avoid, to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands. Application of the final NPS procedures for implementing those executive orders will occur if an NPS proposal affects the 100-year floodplain (500-year for critical actions), coastal high hazard zone, flash flood area, or wetland. If a proposed action involves adverse impacts to a floodplain or wetland areas (at the scale identified by the Executive Orders), a Statement of Findings (SOF) will be prepared that documents the rationale for determining that there will be no practicable alternative to locating in or impacting these areas. The SOF is prepared for concurrence signature by the Chief, NPS Water Resources Division (WRD), and approval by the appropriate NPS Regional Director.

## **Executive Order 12898**

Executive Order 12898 requires an analysis of impacts on low-income populations and communities, as appropriate. The Department of the Interior's policy on environmental justice (No.ECM95-3) is based on this Executive Order. It requires the NPS, in all environmental documents, to "...specifically analyze and evaluate the impacts of any proposed projects, actions, or decisions on minority and low income populations and communities, as well as the equity of the distribution of the benefits and risks of those decisions." If significant or no impacts are predicted on minority or low-income populations, then this should be stated and the reasons provided.

## **Executive Order 13007: Indian Sacred Sites**

To the extent practicable, permitted, and consistent with essential agency functions, all federal land management agencies must accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Consistent with this executive order, if a federal action may affect the physical integrity of, the ceremonial use of or the access to these sites by Native American religious practitioners in federally recognized tribes, then the Superintendent will consult with the tribe as part of the planning and approval process.

## **Executive Order 13112**

The objectives of this executive order are to restrict the introduction of exotic species into the natural ecosystems on federal lands and to encourage states, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the United States. This order provides a legal basis for the NPS to conduct vegetation management activities to restrict the introduction of those exotic species, which do not naturally occur within the park, and provides the basis for the park to work with others to restrict the introduction of exotic species.

This order does not pertain to plantings that are historically appropriate for the period or event commemorated. National Park Service Management Policies (4.4.2.5 Maintenance of Altered Plant Communities) state that where necessary to preserve and protect the desired condition of specific cultural resources and landscapes, plants and plant communities generally will be managed to reflect the character of the landscape that prevailed during the historic period. Efforts may be made to extend the lives of specimen trees dating from the historic period being commemorated. An individual tree or shrub known to be of historic value that is diseased beyond recovery and has become hazardous will be removed and may be replaced. While specimen trees or shrubs that need to be perpetuated are still healthy, their own progeny will be propagated from seed or through vegetative reproduction, such as cuttings (National Park Service, 2006: p.36).

## **Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds**

This executive order defines federal agency responsibilities to protect migratory bird populations, in furtherance of the purposes of the migratory bird conventions, the Migratory Bird Treaty Act (16 U.S.C. §§ 703-711), the Bald and Golden Eagle Protection Acts (16 U.S.C. §§ 668-668d), the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661-666c), the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544), the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4347), and other pertinent statutes.

This executive order directs each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service that shall promote the conservation of migratory bird populations.

## **General Authorities Act of 1970**

This act defines the national park system as including "...any area of land and water now or hereafter administered by the Secretary of the Interior through the NPS for park, monument, historic, parkway, recreational, or other purposes..." (16 USC 1c[a]). It states "...each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area..." (16 USC 1c[b]) and in addition with the various authorities relating generally to NPS areas, as long as the general legislation does not conflict with specific provisions.

Historic Sites Act of 1935



This act (P.L. 74-292, 49 Stat. 666, 16 U.S.C. §§461-467, and 36 CFR 65) establishes a national policy “to preserve for public use, historic sites, buildings, and objects of national significance for the inspiration and benefit” of the American people. The act authorizes the designation of national historic sites and landmarks, authorizes interagency efforts to preserve historic resources, and establishes fines for violations of the act. It authorizes surveys of historic and archeological sites, buildings, and objects to determine which remain significant, and provides for the restoration, reconstruction, rehabilitation, preservation, and maintenance of historic and prehistoric properties of national significance. The act authorizes the Secretary of the Interior, through the National Park Service, to conduct surveys and studies, to collect information, and purchase significant historic properties. The Secretary may also restore, preserve, maintain, and rehabilitate structures and sites; establish museums; and operate and manage historic sites, and develop educational programs.

## **Migratory Bird Treaty Act**

This act (P.L. Chapter 128, 40 Stat. 755, 16 U.S.C. §703 et seq.) prohibits the taking, possession, and trade of migratory birds, except as permitted by regulations. Provides search, arrest, and seizure authority to authorized employees; provides for civil and criminal penalties for violation; allows states to impose more restrictive measures to protect migratory birds; and allows for taking for scientific and propagating purposes.

## **National Environmental Policy Act of 1969**

The National Environmental Policy Act of 1969 (NEPA) requires the preparation of either an environmental assessment or environmental impact statement for all federal proposals that may have significant environmental or sociological impacts, or both, on park resources or adjacent areas.

A policy memorandum dated February 22, 1991 from the NPS Associate Director for Planning and Development specified that EISs are to be prepared in conjunction with general management plans. That position reinforces the policies and procedures of the Departmental Manual, which state that EISs will be the normal rule in preparing GMPs rather than the exception. This EIS describes potential impacts that might result from implementation of any of the alternatives discussed. Following public and agency review of the draft and final EIS, the Superintendent, Deputy Regional Director, and the Regional Director of the NPS Pacific West Region, will sign a Record of Decision indicating the proposed action and the rationale for its selection. Implementation of the GMP may then proceed.

National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) of 1966 (as amended) requires that proposals and alternatives relating to actions that could affect cultural resources both directly and indirectly, and the potential effects of those actions, be provided for review and comment by the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and the Advisory Council on Historic Preservation. Therefore, the document will be submitted to the appropriate offices for review and comment according to the procedures in 36 CFR Part 800 and delineated in the 1995 Programmatic Agreement signed by the NPS, the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation.

## **NHPA Section 106**

Section 106 states that any federal agency having jurisdiction over a proposed federal undertaking, and any federal department or independent agency having authority to license an undertaking must take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. This must be done prior to the approval of spending federal money. In addition, the agency must allow the Advisory Council on Historic Preservation (established under Title II of this Act) a reasonable opportunity to comment on this undertaking.

## **NHPA Section 110**

Section 110 of the National Historic Preservation Act gives federal agencies positive responsibility for preserving historic properties in their ownership or control. Agencies are directed to establish preservation programs to identify, evaluate, protect, and nominate to the National Register historic properties, whether they are of significance at the local, state, or national level. It calls for them to use such properties, where feasible and compatible with their preservation, in preference to acquiring, constructing, or leasing others. The law emphasizes cooperation with SHPOs in establishing such programs.

## **NHPA Section 111**

This section of law states that federal agencies, after consultation with the Advisory Council on Historic Preservation, will establish and implement alternatives for historic properties that are not needed for current or projected agency purposes. Federal agencies may lease historic properties owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency determines that the lease or exchange will adequately ensure the preservation of the historic property.

## **NHPA Section 112**

This section of the law provides that each federal agency having responsibility for the protection of historic resources, including archaeological resources, will ensure that all actions taken by employees or contractors will meet professional standards. These standards will be guided by regulations developed by the Secretary of the Interior in consultation with the Advisory Council on Historic Preservation, other affected agencies, and appropriate professional societies of the disciplines involved. Agency employees or contractors will also meet qualification standards established by the Office of Personnel Management in consultation with the Secretary of the Interior and appropriate professional societies. Section 112 also provides that records and data are permanently maintained in appropriate databases and made available to potential users.

## **National Park Service Management Policies 2006**

The NPS has detailed written guidance to help managers make day-to-day decisions. The primary source of service-wide policy is contained in the recently updated publication *Management Policies 2006*, revised and published in 2006 by the National Park Service. These policies state that all parks are complex mixtures of values and resources, each with its own unique qualities and purposes, each requiring specific treatment in the development and implementation of management strategies and operational plans. However, the managers of all parks are required to apply policies in a consistent and professional manner to achieve the congressional mandate for management of the national park system.

The management policies further state that the NPS will conduct planning activities for the following: to evaluate possible additions to the national park system; to identify how park resources will be preserved and how parks will be used and developed to provide for public enjoyment; to facilitate coordination with other agencies and interests; and to involve the public in decision-making about park resources, activities, and facilities. The NPS plans will represent the agency's commitment to the public and to Congress on how parks will be managed.

## **National Park Service Organic Act**

The NPS Organic Act of August 25, 1916 (16 USC 1) established the National Park Service. "The service thus established shall promote and regulate the use of the Federal areas known as national parks, . . . by such means and measures as conform to the fundamental purpose of said parks, . . . which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."



## **National Park Service Strategic Plan**

A park's strategic plan tiers off the general management plan and program management plans, making decisions about which of the desired conditions identified in the GMP and respective strategies in the program management plan (for example, resource stewardship strategy) should be the highest park priorities over the next three to five years. Information in park strategic plans is used to compile servicewide achievements and to meet requirements of the Government Performance and Results Act of 1993 (GPRA).

## **National Parks and Recreation Act of 1978**

Public Law 95-625, the National Parks and Recreation Act of 1978, requires the preparation and timely revision of general management plans for each unit of the national park system. The NPS Management Policies (National Park Service, 2006) calls for each GMP to "...set forth a management concept for the park [and] establish a role for the unit within the context of regional trends and plans for conservation, recreation, transportation, economic development, and other regional issues. ..." Congress has also specifically directed (16 USC 1a-7[b][4]) the NPS to consider, as part of the planning process, what modifications of external boundaries might be necessary to carry out park purposes.

## **Native American Graves Protection and Repatriation Act of 1990**

The Native American Graves Protection and Repatriation Act (NAGPRA) provides protection to native gravesites on tribal and federal lands. The intent of NAGPRA is to "provide for a process whereby Indian tribes...have an opportunity to intervene in development activity on federal or tribal lands in order to safeguard Native American human remains, funerary objects, or objects of cultural patrimony... [and to afford] Indian tribes...30 days in which to make a determination as to appropriate disposition for these human remains and objects." Under certain conditions, culturally affiliated Indian tribes or lineal descendants will have ownership and control over human remains and cultural items, which are located on federal lands.

A permit must be obtained from the managing land agency where the burial site is located to excavate a burial site. If the site is located on federal lands, the site may be excavated only after consultation with the appropriate tribe. If buried cultural items are discovered during other activities, such as construction, all activities must stop and the responsible federal agency notified, who in turn, notifies the appropriate tribe. This act applies to any federally managed land within the park.

## **Park Planning Standards**

The Park Planning Standards is a companion to Chapter 2 of the NPS Management Policies 2006 and to the Planners' Sourcebook for General Management Planning issued by the Associate Director for Park Planning, Facilities, and Lands in 2004. These two documents had been combined in Director's Order 2: Park Planning, which is now obsolete. Together, the current policies and standards provide the basic policy requirements for all levels of park planning and decision making, from general management planning to program management planning, strategic planning, and implementation planning.

## **Redwood Act of 1978**

The Redwood Act (16 USC 1a-1) in 1978 further states "...that these areas, though distinct in character, are united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage... The authorization of activities shall be construed and the protection, management, and administration of the areas shall be conducted in light of the high public value and integrity of the national park system and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as they have been or shall be directly and specifically provided by Congress."

## San Juan Island National Historical Park Legislation

On September 9, 1966, an act established San Juan Island National Historical Park (80 Stat. 737). The Secretary of the Interior was authorized to acquire “by donation, purchase with donated or appropriated funds, or by exchange, lands, interests in lands, and such other property on San Juan Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the sites of the American and English camps on the island, and of commemorating the historic events that occurred from 1853 to 1871 on the island in connection with the final settlement of the Oregon Territory boundary dispute, including the so-called Pig War of 1859. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only by donation.”

Section 2 states that the above referenced property will be known as “the San Juan Island National Historical Park and shall commemorate the final settlement by arbitration of the Oregon boundary dispute and the peaceful relationship which has existed between the United States and Canada for generations.” The Secretary will “administer, protect, and develop the park” in accordance with the provisions of the Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

Section 3 calls for the Secretary to “enter into cooperative agreements with the State of Washington, political subdivisions thereof, corporations, associations, or individuals, for the preservation of nationally significant historic sites and structures and for the interpretation of significant events which occurred on San Juan Island, in Puget Sound, and on the nearby mainland, and he may erect and maintain tablets or markers at appropriate sites in accordance with the provisions of the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).”

## Washington Coastal Zone Management Act

Congress passed the federal Coastal Zone Management Act in 1972 to encourage the appropriate development and protection of the nation’s coastal and shoreline resources. The Coastal Zone Management Act gives states the primary role in managing these areas. To assume this role, the state prepares a Coastal Zone Management Program (CZMP) document that describes the state’s coastal resources and how these resources are managed. Washington was the first state to receive federal approval of a Coastal Zone Management Program in 1976. The Washington Department of Ecology’s Shorelands and Environmental Assistance Program is responsible for implementing Washington’s program.

Under Washington’s program, federal activities that affect any land use, water use or natural resource of the coastal zone must comply with the enforceable policies within the six laws identified in the program document. The six laws are the Shoreline Management Act (including local government shoreline master programs), the State Environmental Policy Act (SEPA), the Clean Water Act, the Clean Air Act, the Energy Facility Site Evaluation Council (EFSEC), and the Ocean Resource Management Act (ORMA). Activities and development affecting coastal resources, which involve the federal government, are evaluated through a process call “federal consistency”. This process allows the public, local governments, tribes, and state agencies an opportunity to review federal actions likely to affect Washington’s coastal resources or uses. Three categories of activities trigger a federal consistency review: activities undertaken by a federal agency, activities that require federal approval and activities that use federal funding.

## APPENDIX C: ANALYSIS OF BOUNDARY ADJUSTMENT AND LAND PROTECTION

As one of the provisions of Public Law 95-625, the National Parks and Recreation Act of 1978, Congress directed that the National Park Service consider, as part of a planning process, what modifications of external boundaries might be necessary to carry out park purposes. Subsequent to this act, Congress also passed Public Law 101-628, the Arizona Desert Wilderness Act. Section 1216 of this act directs the Secretary of the Interior to develop criteria to evaluate any proposed changes to the existing boundaries of individual park units. Section 1217 of the act calls for the NPS to consult with affected agencies and others regarding a proposed boundary change, and to provide a cost estimate of acquisition cost, if any, related to the boundary adjustment.

National Park Service Management Policies state that the NPS will conduct studies of potential boundary adjustments and may make boundary revisions:

- to include significant resources or opportunities for public enjoyment related to the purposes of the park,
- to address operational and management issues such as boundary identification by topographic or other natural features,
- to protect park resources critical to fulfilling park purposes.

NPS policies instruct that any recommendation to expand park boundaries be preceded by determinations that the added lands will be feasible to administer considering size, configuration, ownership, cost and other factors, and that other alternatives for management and resource protection have been considered and are not adequate.

The following is a review of the criteria for boundary adjustments for Alternative C, the Preferred Alternative, as applied to San Juan Island National Historical Park. This analysis is included as supporting documentation for the preferred alternative of the plan, which includes a recommendation for boundary changes to both American Camp and English Camp units of the park.

This boundary change would not require congressional authorization beyond what already exists. The language in the enabling legislation for the park specifically states:

“That the Secretary of the Interior is authorized to acquire on behalf of the United States by donation, purchase with donated or appropriated funds, or by exchange, lands, interests in lands, and such other property on San Juan Island, Puget Sound, State of Washington, as the Secretary may deem necessary for the purpose of interpreting and preserving the sites of the American and English camps on the island, and of commemorating the historic events that occurred from 1853 to 1871 on the island in connection with the final settlement of the Oregon Territory boundary dispute, including the so called Pig War of 1859. Lands or interests therein owned by the State of Washington or a political subdivision thereof may be acquired only by donation.”

In other words, lands proposed to be added to the park boundary do not need new authorizing legislation as long as the Secretary deems it necessary and funding is available.



# 1. Significant Resources or Opportunities for Public Enjoyment Related to the Purpose of San Juan Island National Historical Park

Under Alternative C, the addition of 312.32 acres of land on Mitchell Hill to the park would protect important cultural, natural and scenic resources of English Camp. These lands are directly adjacent to the southeast park boundary and have a strong historic, ecological, and spatial relationship with English Camp. Mitchell Hill contains part of the original historic military road in its landscape setting and potentially other artifacts dating to the encampment period. Its acquisition would allow protection of the historic road and associated landscape, and would enable the public to experience and learn about how the road was used during the joint occupation period. It would also provide an important link in a planned cross-island trail. The Mitchell Hill property, which is in public ownership and currently managed by the Washington State Department of Natural Resources (DNR), presents many other high-quality opportunities to promote public use and enjoyment of the property including hiking, biking and equestrian trails, and nature study. Its protection would prevent impending sale and development that would negatively affect the scenic/landscape resources, water quality and quantity, and wildlife habitat values of English Camp.

Seven parcels are involved in the boundary modification for Alternative C at American Camp. Four of the seven parcels are managed by DNR, one of them cooperatively with the San Juan County Land Bank. One is owned by the Cattle Point Water District. One is managed by the Bureau of Land Management (BLM) and the last of the seven parcels is privately owned.



## Parcel 1

Third Lagoon Preserve is a 20.08-acre parcel jointly owned and managed by DNR and the San Juan County Land Bank. The parcel includes upland conifer forest and 1,100 feet of shoreline. When Third Lagoon was acquired in 2000 by DNR and San Juan County Land Bank, the county's stated intent was to ultimately transfer it to the NPS.

## Parcel 2

Parcel 2 is owned by the Cattle Point Water District. This 2.36 acre parcel contains a reverse osmosis water treatment facility to serve certain residential portions of the Cattle Point Estates. The NPS, in cooperation with private non-profit partners, would explore various less than fee title strategies to protect the woodland habitat of the remainder of the tract not dedicated to water treatment use and road access.

## Parcel 3 and Parcel 4

Both of these parcels make up 78.61 acres of the Cattle Point Natural Resource Conservation Area (NRCA) managed by DNR. Parcel 3 is 39.84 acres and Parcel 4 is 38.77 acres. Natural Resource Conservation Areas in Washington State are lands designated to maintain, enhance or restore ecological systems and habitat for threatened, endangered, sensitive plants and animals while providing opportunities for education and low-impact public use. Parcel 4 has 1,430 feet of beach on the Strait of Juan de Fuca along the southern portion of the property. These two parcels were formerly school trust lands, but were divested out of that program and are now managed as a NRCA.

## Parcel 5

The BLM manages this 27.32-acre site, which includes 1,500 feet of shoreline on the Strait of Juan de Fuca and contains the historic U.S. Coast Guard Cattle Point Lighthouse and Loran Station. The navigation aide is listed in the National Register of Historic Places. The day-to-day management responsibility is by the DNR through a Recreation and Public Purposes Act (RP&P) lease with BLM. This lease is currently up for renewal.

## Parcel 6

This 1.9-acre parcel is privately owned by an out-of-state resident. It would be included in the revised park boundary and acquired only under a willing-seller condition. This property is approximately 75 feet from the shoreline and has extensive views of the Strait.

## Parcel 7

The Cattle Point Interpretive Area is a 10.29-acre site located on the eastern edge of the Cape of San Juan. It consists of some 1,265 feet of shoreline and is the site of a former Navy Radio Compass Station that has been converted into a public picnic shelter with a trail leading to a nearby beach. Interpretive exhibits are also present at the site. Acquisition of this parcel could also allow the NPS to provide a trailhead and parking area for public access to the Cattle Point Lighthouse. This would greatly improve safety for visitors, who now must walk along the narrow road to reach the other properties. It would also promote public access to the east end of the trail system on Mt. Finlayson, which according to public comment is the most popular set of trails on San Juan Island.

## Summary

These proposed American Camp additions were part of the original military reservation where joint occupation activities took place and all of these properties played a role in the boundary dispute and joint occupation that is one of the primary elements in the park's enabling legislation. They are part of the landscape setting crucial to understanding the story of the encampments. Having these lands will allow the NPS to better interpret the park story by improving low-impact trails that take the public to these sites.

Transfer of these properties to NPS management also provides for a continuous protected coastline and coordinated management involving a single public ownership from South Beach on the west around to the eastern portion of Cattle Point. The lands proposed for addition to the park are currently managed by the DNR and the BLM. Once the American Camp boundary is expanded, the NPS would have the opportunity to collaborate with the other agencies on a variety of activities of mutual interest for these properties, including interpretive planning, resource protection, and low-impact public use. Collaborative management would be the model as long as multiple agency ownerships exist in that locale.

Inclusion of these properties at Cattle Point within American Camp would provide for the permanent protection of archeological sites related to the military occupation period and prehistory related to Native American use of the area. Additionally, the area proposed for inclusion within the park boundary has other historical resources including the Cattle Point Lighthouse and Loran Station site, and the Navy Radio Compass Station; all of which are listed in the National Register of Historic Places. Acquiring these properties would provide public accessibility to three and one half miles of continuous public shoreline between American Camp and the former Navy Radio Compass Station. This would be the longest federally protected coastline in the San Juan Island archipelago, with unrestricted public access.

Acquisition of these lands would allow the NPS to better protect and actively manage natural values of the Cattle Point area including what is considered the largest expanse of natural forest on the southern part of San Juan Island and a fragile prairie and sand dune system contiguous with similar habitat on NPS lands. The BLM and the DNR do not maintain any staffing on San Juan Island, so are not able to provide the type of daily on-site resource protection and visitor management that is necessary for these properties, which are heavily used by the public.

Additionally, these five publicly managed properties at Cattle Point provide additional opportunities for public hiking, viewing nature and intertidal sea and birdlife, and photography of unsurpassed scenic vistas of the Strait of Juan de Fuca across to the Olympic Mountains and southeast toward Whidbey Island and Puget Sound.

With road improvements scheduled for the western portion of Cattle Point Road over the next several years, a small portion of these properties could serve as a trailhead parking area, a trail access point for the coastal and

Mount Finlayson trails, and a scenic overlook of the Strait of Juan de Fuca.

## **2. Operational and Management Issues Related to Access and Boundary Identification by Topographic or other Natural Features**

The lands proposed for addition to the boundary of the park have already been surveyed and are easily identified. Of the eight total parcels proposed for the boundary modification at the park, one parcel is at English Camp and seven parcels are at American Camp. All but two of these seven parcels are owned by a unit of local, state or federal government.

At English Camp, a total of 312.32 acres known as Mitchell Hill would be added to the unit and would make a logical and contiguous addition to the park. Unauthorized activities crossing from Mitchell Hill into English Camp are expected to decrease once the property is acquired by the NPS.

At American Camp, the boundary modification would incorporate a total of 140.56 acres. This would include the headland around Cattle Point along with upland wooded areas that are a part of Mount Finlayson, making it a logical boundary addition to the park. The current managers of the DNR and BLM properties are absentee and do not maintain staff on the island. Although both agencies do the best they can with available resources, the NPS often has to deal with day to day issues that arise on their lands. Having these properties under clear NPS management is expected to allow more efficient management and result in fewer problems with illegal or incompatible uses.

These lands make logical additions to the park, and the NPS has the operational and management capability to manage all these lands; if (1) the Secretary deems it necessary, and (2) if the acquisition, or transfer of these lands can be achieved.

## **3. Protection of Park Resources and Fulfillment of Park Purpose**

The proposed boundary adjustments to San Juan Island National Historical Park would fulfill the park purpose and significance by helping to protect important cultural, natural, and scenic resources described in detail in the park Foundation Statement.

Adjacent to English Camp, the addition of the Mitchell Hill property would allow the NPS to protect an intact remnant of the historic 19th century military road, which historically linked English Camp to American Camp and bisects the northern portion of the property. The Mitchell Hill property is contiguous to the eastern boundary of the park along the south flank of Young Hill.

This parcel represents an important component of the largest block of undeveloped land on San Juan Island. Much of the rest of the area already is protected through a variety of ownerships or agreements. Ecologically, Mitchell Hill serves as a genetic and wildlife habitat connection between Garry oak woodlands on Young Hill and Cady Mountain. Water from Mitchell Hill flows into Garrison Bay next to the historic English Camp. Water quality in the bay has been identified as a high priority for the park as well as the county; acquisition would promote collaborative watershed protection as recommended in the park's 2006 Coastal Watershed Assessment.

Since this land is designated by DNR as Forest Resource Land, and as "Common School Trust Lands", these lands are intended to derive income for the benefit of public schools. However, the DNR is in the process of divesting itself of virtually all of its school trust lands in San Juan County because they have been unable to realize sustained income from them. In 2006, they explored the option of exchanging the Mitchell Hill property to a private developer for forest lands in eastern Washington. Divestiture of these lands by DNR in a public land sale (and almost certain subsequent development) would have wide ranging impacts to park management and the park visitor in terms of potential incompatible land use conflicts, noise, visual intrusion into historic views, damage to the historic road, negative impacts to water resources, fragmentation of Garry oak habitat, and loss of recreational access and opportunities.



As a result of the public outcry against that idea, the DNR agreed to a three-year moratorium while interested parties worked on options for keeping the property in public ownership. A land exchange involving the state of Washington and a non-governmental entity (such as a land trust) would preclude sale to private individuals. Eventually, through direct NPS purchase from the non-governmental entity, it would become part of the park, which in turn would help to ensure the long-term protection of these resources.

At American Camp, the park boundary would be modified to include five publicly owned parcels and two private parcels for a total of 140.47 acres. The lease from BLM for one of the publicly owned parcels is subject to renewal and may not be renewed by DNR if the NPS boundary adjustment goes forward. The addition of the BLM property at Cattle Point to the park would provide permanent protection to the historic Cattle Point Lighthouse and Loran Station and would provide visual and resource protection of 3.5 miles of contiguous coastline along the Strait of Juan de Fuca, forming a logical and visual assemblage of land from American Camp to the end of Cattle Point.

The transfer of the three parcels of DNR lands at Cattle Point would achieve several objectives:

- Enhanced interpretation of the encampment period and historic events. These proposed American Camp additions were part of the original military reservation where joint occupation activities took place. They are part of the cultural landscape setting crucial to understanding the story of the encampments. Having these lands will allow the NPS to better interpret the park story by public improving low-impact trails that take the public to these sites.
- Preserving the natural topography and interpreting how the landscape influenced military strategies. All of these properties were part of the historic U.S. Military Reservation at American Camp and played a role in the boundary dispute and joint occupation that is one of the primary elements in the park's enabling legislation.
- Consistent protection and management of a cultural landscape while providing additional consistent public recreation access. Transfer of these properties to NPS management also provides for a continuous protected coastline and coordinated management involving a single public ownership from South Beach on the west around to the eastern portion of Cattle Point. The lands proposed for addition to the park are currently managed by the Washington State DNR and the Bureau of Land Management. Once the American Camp boundary is expanded, the NPS would have the opportunity to collaborate with the other agencies on a variety of activities of mutual interest for these properties, including interpretive planning, resource protection, and low-impact public use. Collaborative management would be the model as long as multiple agency ownerships exist in that locale.
- Cultural and archeological resource protection related to the military occupation. NPS stewardship of these sites would provide for the permanent protection of archeological resources located there, along with the protection of other cultural resources including the historic Navy Radio Compass Station. Adding these resources to the park would also provide permanent protection to some upland forested areas adjacent to the existing park boundary.

Furthermore, the acquisition of the single private parcel from a willing seller would achieve park purposes by providing uninterrupted public access between the Cattle Point headland and the Navy Radio Compass Station site to the lighthouse and connections to Mount Finlayson trails.

## 4. Feasibility to Administer the Lands Added through Boundary Adjustment

The proposed additions to the park are feasible to administer given their limited infrastructure and locations immediately adjacent to the park. The areas proposed for inclusion in the park are contiguous with the existing park boundary at both camps. The park has a history of willing partners and a volunteer cadre on the island. Any volunteer or partnership efforts would then be realized as cost savings. It would be feasible for NPS to administer these additional areas with the additional staff requested in the proposed alternative. It is projected that the staffing needs for these additions would require one additional seasonal maintenance laborer and one seasonal ranger. These added staffing requirements have been reflected in the staffing chart that is included in the Preferred Alternative (Alternative C) of the document.

The implementation of this or any other alternative will depend on future NPS funding and service-wide priorities and on partnership funds, time, and effort. The approval of the boundary adjustment does not guarantee that funding and staffing needed to implement the plan will be forthcoming.

## 5. Protection Alternatives Considered

Other alternatives considered in the general management plan include Alternative A, the No Action Alternative, which would not add any additional property to the park boundary.

Alternative B would add Mitchell Hill at English Camp and the three DNR properties, a single piece of private property from a willing seller, and the BLM property at American Camp, but not the 20.08-acre DNR/San Juan County Land Bank property or the property owned by the Cattle Point Water District.

Alternative C would add the properties in Alternative B, plus the DNR/San Juan County Land Bank property and the Cattle Point Water District parcel. It would also encourage the acquisition of conservation easements, by private nonprofits, local government, or others, from willing sellers on farmland located at the northern boundary of American Camp.

Various alternative strategies for protecting Mitchell Hill have been discussed, beginning in the 1980s with the San Juan Islands Trust Lands Management Plan (Washington DNR, 1986) and continuing to the present. Although many meetings have been held with a wide variety of stakeholders, no private conservation group has come forward to protect the property, in part because of its high real estate value due to its development potential. The same high value would apply to a conservation easement on the property. San Juan County (County Parks or Land Bank) do not have the resources to purchase or manage the property. The property does not qualify for the Washington State Trust Land Transfer program because of the high ratio of land value to timber value. Basically, the only remaining alternatives are 1) development, or 2) protection by the NPS.

Although the three DNR properties, the BLM property, and the DNR/San Juan County Land Bank property at American Camp are presently in some form of protective status, the management goals differ from those of the park. Cooperative management of these properties between the NPS and the other agencies was considered as an alternative to acquisition. At present, the DNR and BLM do not have staff on the island, which leaves the daily responsibility, particularly for visitors, to the NPS. Many park visitors and neighbors assume the NPS owns the property now and it is common for issues to be brought first to NPS staff because of their presence on site. This is problematic because the NPS does not have legal jurisdiction. Inclusion of these lands within the park boundary under Alternative C would simplify jurisdiction. It would also promote more efficient, consistent management of the area than presently occurs, resulting in benefits to visitors and improved protection of resources. For these reasons, acquisition is preferred over cooperative management.

## 6. Proposed Additions to the Park Boundary and Other Adjustments

A total of 452.79 acres would be added to the park boundary. New lands would adjoin both English Camp and American Camp under the Alternative C, the Preferred Alternative.

All the lands proposed for addition to the park, except for the one private parcel are already in public ownership and not on the tax rolls. Therefore, the impact to San Juan County in terms of loss of future property tax revenues would be negligible. Regarding the DNR lands, only the Mitchell Hill property is within the designated Forest Resource Lands category, which is set aside to provide income to public schools within the state. However, there has been substantial public interest in precluding future timber harvesting activities on the Mitchell Hill property, so the prospect of future loss of revenue from the transfer of the property to NPS management is very low. Additionally, as the state of Washington is compensated for the Mitchell Hill property, the state may acquire other more suitable lands which would provide more long-term income to public schools in the state over the limited ability for the state to generate income from the Mitchell Hill property in the future.

Therefore, except for the small amount of property tax loss anticipated for San Juan County through the acquisition of the 1.9-acre private parcel near Cattle Point, there would be no significant property tax implications for San Juan County as a result of the proposed boundary change to English Camp and American Camp. Additionally, the payment in-lieu of taxes or PILT program would provide property tax income to San Juan County for a five-year period following the willing seller acquisition of the private land parcel by the United States of America.



