

Interim Management Policy

San Juan Islands National Monument

Prepared by

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Introduction

The San Juan Islands National Monument (NM) was established by Presidential Proclamation on March 25, 2013. The Proclamation brought approximately 970 acres of public lands, already being administered by the Bureau of Land Management (BLM) into the National Landscape Conservation System (NLCS), and created the newest of nineteen BLM-administered national monuments. The NLCS was codified into law by the Omnibus Public Land Management Act of 2009¹, creating a system of land managed with the goals of conservation, protection, and restoration for those lands legislated by Congress or designated by the President.

The Presidential Proclamation establishing the San Juan Nation Monument directs the BLM to prepare a Resource Management Plan (RMP) specific to the National Monument. BLM has initiated the planning process with efforts to establish the Resource Advisory Committee as directed by the Proclamation to be involved in the RMP process. When that committee has been formed, a Notice of Intent to Prepare a Resource Management Plan will be posted and public input will be solicited through a Public Scoping process. Scoping recommendations that were made previously, prior to the designation, will be revisited, and included or adapted, as appropriate.

Until BLM completes the San Juan Islands National Monument RMP, BLM will continue to manage lands within its jurisdiction in accordance with existing federal law, regulation, and policy. This document outlines applicable laws, regulations and policies that will continue to guide BLM management until completion of the San Juan Island National Monument RMP.

The Proclamation

The designating language for the San Juan Islands National Monument is clear about the purpose for preservation, the values of the landscape, and in describing the breadth of scope for management response.

Native American Sites

“The Coast Salish people often lived in villages of wooden-plank houses and used numerous smaller sites for fishing and harvesting shellfish. In addition to collecting edible plants, and hunting various birds and mammals, native people used fire to maintain meadows of the nutritionally rich great camas. Archaeological remains of the villages, camps, and processing sites are located throughout these lands; including shell middens, reef net locations, and burial sites.”

Historic Lighthouses

“In the late 19th century, the Federal Government built several structures to aid in maritime navigation. Two light stations and their associated buildings are located on lands administered by the Bureau of Land Management (BLM): Patos Island Light

¹ Pub.L. 111-11

Station (National Register of Historic Places, 1977) and Turn Point Light Station (Washington State Register of Historic Places, 1978).”

Diverse Habitats

“The lands on Patos Island, Stuart Island, Lopez Island, and neighboring islands constitute some of the most scientifically interesting lands in the San Juan Islands. These lands contain a dramatic and unusual diversity of habitats, with forests, woodlands, grasslands, and wetlands intermixed with rocky balds, bluffs, inter-tidal areas, and sandy beaches. The stands of forests and open woodlands, some of which are several hundred years old, include a majestic assemblage of trees, such as Douglas fir, red cedar, western hemlock, Oregon maple, Garry oak, and Pacific madrone. The fire-dependent grasslands, which are also susceptible to invasive species, are home to chick lupine, historically significant great camas, brittle cactus, and the threatened golden paintbrush. Rocky balds and bluffs are home to over 200 species of moss that are extremely sensitive to disturbance and trampling. In an area with limited fresh water, two wetlands on Lopez Island and one on Patos Island are the most significant freshwater habitats in the San Juan Islands.”

Wildlife

“The diversity of habitats in the San Juan Islands is critical to supporting an equally varied collection of wildlife. Marine mammals, including orcas, seals, and porpoises, attract a regular stream of wildlife watchers. Native, terrestrial mammals include black-tail deer, river otter, mink, several bats, and the Shaw Island vole. Raptors, such as bald eagles and peregrine falcons, are commonly observed soaring above the islands. Varied seabirds and terrestrial birds can also be found here, including the threatened marbled murrelet and the recently reintroduced western bluebird. The island marble butterfly, once thought to be extinct, is currently limited to a small population in the San Juan Islands. To fulfill these purposes while the Resource Management Plan (RMP) is being generated through the National Environmental Protection Act Planning Process, the following direction will supplement the existing management plans² until long-term comprehensive management guidance is developed through the NM RMP process and, where applicable, the Travel Management Planning process. These interim guidelines are not all-inclusive and will be read in combination with the legislation when making commitments and decisions to ensure that long-range management is understood before such commitments are made.”

² Lands on Lopez Island are currently managed under the 1990 Point Colville Area of Critical Environmental Concern Management Plan; Blind, Posey, James, and Patos islands, are managed collaboratively through a Memorandum of Understanding with Washington State Parks, carrying forward their pre-BLM management status as recreation camp grounds, under WA State Parks and Recreation.

Planning and NEPA

The Federal Land Management Policy Act (FLPMA) requires BLM to prepare comprehensive Resource Management Plans for all public lands and resources under its jurisdiction. To date BLM has not prepared an RMP for lands in western Washington or the San Juan Islands. In the absence of an RMP, BLM has implemented actions on a case-by-case basis within the framework of existing laws, regulations and policies.

The primary vehicle for public participation and agency decision-making has been the preparation of Environmental Assessments (EAs) based on the authorities of the National Environmental Policy Act (NEPA). Moving forward, and until such time as an approved RMP is in place, the BLM will base its consideration for authorizing or denying future activities on the guidelines cited below:

BLM will continue to manage the national monument in compliance with existing laws, regulations, and policies with an emphasis on protecting the resources cited in the designation Proclamation. Any decision to take action must be informed through appropriate NEPA analysis.

BLM will manage with existing management policies, designations and facilities established by previous BLM actions to comply with the designation and protect the resources cited within the purposes of the Proclamation.

BLM will continue to coordinate with other federal, local, state, and tribal governments/agencies under existing agreements. BLM may enter into agreements (Memorandums of Agreement, Memorandums of Understanding, etc.) to share information and cooperate in management actions, consistent with all applicable legal authorities and other directives.

BLM will address all applications and proposals that were pending when the NM was established, subject to the terms of the Proclamation, including its recognition of valid existing rights, and other management directives and decisions.

Discussion of Specific Activities

BLM will continue to make multiple use management decisions that are not precluded by law or Proclamation and which do not conflict with established purposes of the NM.

BLM will restrict activities as necessary to protect the federal lands and resources; or where the agency finds a threat to the designated resources from a use that requires prompt action.

Collection of Natural Materials

BLM will continue to manage the collection of objects, including vegetation or “wildings,” archaeological resources, and rock specimens, for legitimate scientific uses or Native American spiritual or traditional uses.

Facilities, Trails and Roads

BLM will continue to manage existing facilities, subject to compliance with current policies and practices, provided designated resources are protected.

BLM will continue restoration projects at Turn Point Light Station, aimed at preserving cultural resources and addressing health and human safety concerns. These projects are identified through collaboration among BLM, the State Historic Preservation Officer, Turn Point Lighthouse Preservation Society, and the National Operations Center. NEPA compliance was accomplished prior to the designation and is reviewed regularly to ensure that actions are in keeping with the designation.

BLM will limit road improvements to maintenance necessary for safety and to correct resource degradation until a travel management plan has been approved. Temporary and/or emergency closures will continue to be a tool to protect the values for which the NM is designated.

BLM will place signs to identify NM boundaries and develop interpretive materials to provide visitors with valuable information about the resources and values, and to provide environmental education.³

Recreation, Environmental Education and Outreach

BLM will consider on a case by case basis the authorization of Special Use Permits for commercial use and competitive events when they do not adversely affect Monument resources and values.

BLM will consider on a case by case basis the authorization of Special Recreation Permits for limited, one-day events for organized groups and educational purposes when they do not adversely affect Monument resources and values.

BLM will continue to offer and support programming of Environmental Education and outreach activities to provide opportunities for stewardship, appreciation, connection to the natural world and understanding of the objects and values for the NM.

³BLM Policy Manual 6220: Management of National Monuments, National Conservation Areas, and Similar Designations

BLM will continue to allow recreational camping on Blind, Posey, and Patos islands, through shared management with WA State Parks.

BLM will continue to allow hunting and fishing activities, as regulated by the State of Washington. As stated in the Proclamation, “the jurisdiction of the State of Washington with respect to fish and wildlife management shall not be enlarge(d) or diminish(ed).”

Scientific, Archeological, and Historical Investigations

BLM will consider authorization of scientific and archeological investigations that increase understanding of the NM’s resources.

Environmental Health Management

BLM will consider projects to control fire, insects, or disease on the NM.

BLM will consider projects to control noxious weeds or invasive/exotic species.

BLM will collect water quality information on its freshwater resources. Proper functioning condition of these resources should also be assessed to identify any management actions needed to preserve or enhance aquatic resources on the NM.

Lands with Wilderness Characteristics:

BLM will defer projects which have potential to impact areas containing wilderness characteristics until considered in the RMP process.

Appendix A: Presidential Proclamation

Appendix B: Map of the San Juan Islands National Monument

Appendix C: Criteria for Management:

Existing NEPA Analyses for the NM Landscapes

This document sets the landscape aside for limited, low-impact uses to the extent that they are compatible with the preservation of natural values. Protections of natural values are through interpretive signage, special use permits for groups containing ten or more individuals, patrols by BLM personnel during high use periods. MOUs will be generated to ensure cooperative management between the agency, adjacent landowners, and special interest groups. A monitoring program ensures ongoing awareness for the natural characteristics and user impacts, so that management decisions can be informed by science.

Patos Light Station Triplex Removal – EA#OR-134-FY05-EA-03

The document allows the removal of a dilapidated triplex building near the light station on Patos Island.

Turn Point Light Station Improvements – EA#OR-134-FY05-07

The document allows for restroom construction, trail rerouting, positioning of a recreation vehicle pad, hazard tree management, and designated tree removal. As part of the analysis, the cultural resources were reviewed and no prehistoric archaeological remains are identified at the facility or project area.

Amendment to Turn Point Light Station Utilities Improvements – EA#OR-134-FY05-07

This document allows the BLM to construct utilities (including a well, septic system, and power) at Turn Point Light Station on Stuart Island.

US Coast Guard Categorical Exclusion Determination for Relinquishment of Land and Improvements at Turn Point Light Station, Stuart Island, San Juan County, Washington January 2008

This document indicates the relinquishment of 69.3 acres of land and improvements at Turn Point to the BLM, and indicates that the Coast Guard will continue to manage the property in partnership with the BLM

San Juan Islands CASHE Corrective Actions Phase 1 Categorical Exclusion – CX#OR-134-2009-CX-0002

This document identifies and allows for restoration and mitigation of sites found to be of hazard on Stuart Island at Turn Point Light Station: Cistern caps, barn electrical wiring, historic barn repair.

Turn Point Hazard Trees DNA– DNA#OR-134-2009-0100

This determination of NEPA adequacy (DNA) documents that prior NEPA analysis remains valid for the removal of trees near the photo voltaic arrays.

ARRA Wenatchee Field Office Trail Maintenance – CX#OR-134-2010-CX-0007

This categorical exclusion approves the routine maintenance of trails on Patos Island, Turn Point, Stuart Island, Posey Island, Blind Island, Cattle Point, San Juan Island, and Lopez Island BLM properties.

San Juan Islands CASHE Corrective Actions Phase 2 – CX#OR-134-2010-CX-0002

This analysis allows for corrective actions at Cattle Point to cap the cistern, and to cap the Patos Island historic well.

Turn Point Barn Reroof – CX#OR-134-2010-CX0003

This analysis allows for the routine maintenance and repair of the deteriorating roof of the historic Turn Point Barn.

Patos Island Composting Toilet EA – EA#OR-134-2011-0001-EA

This document analyzed the replacement of two existing pit toilets with two composting toilets, and the conversion of an existing vault toilet into a maintenance storage building, and to construct an access path.

Turn Point Lead Based Paint Encapsulation CX#OR-134-2012CX-0008

This action allows the repair, repainting, removal, encapsulation and proper disposal of existing lead-based paint on the interior and exterior surfaces of the Turn Point Keeper's quarters, Barn, Fog Signal Building, Garage, Pump House, Smoke House, Paint Shed, Oil Storage Building, Oil Storage Tank, ATON Pillar, Monument, and Redwood Cistern.

Watmough Bay Shoreline Sabilization EA#OR-134-2012-0007

This document allows for stabilization of portions of the Watmough Bay shoreline with ballasted logs and plantings.

Flag Pole Walkway and Platform CX#OR-134-2013-0010-CX

This document allows for the construction and siting of a flagpole and adjacent walkway to replace the previously existing flagpole at Turn Point.

NAGPRA Re-interment EA – EA#OR-134-2013-EA

The analysis of this process allows for the re-interment of Native American remains, done collaboratively and in consultation with the appropriate tribes.

Laws and Policies

Along with the Proclamation language, these laws and policies inform management presently, and will continue to guide decisions in the RMP process as well as the implementation of the plan.

American Antiquities Act – 1906

The Act established the basic legislation for the protection and preservation of cultural properties (archaeological and historic, without regard to minimum age) on Federal lands. It provides for permits to authorize scholarly use of properties, for misdemeanor-level penalties to control unauthorized use, and for presidential designation of outstanding properties as national monuments for long-term preservation.

American Indian Religious Freedom Act – 1978

The Act resolves that it shall be the policy of the United States to protect and preserve for the American Indian, Eskimo, Aleut, and Native Hawaiian the inherent right of freedom to believe, express, and exercise their traditional religions, including but not limited to access to religious sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites. Federal agencies are directed to evaluate their policies and procedures to determine if changes are needed to ensure that such rights and freedoms are not disrupted by agency practices.

Archaeological Resources Protection Act – 1979

The Act provides felony-level penalties for the unauthorized excavation, removal, damage, alteration, defacement, or the attempted unauthorized removal, damage, alteration, or defacement of any archaeological resource, more than 100 years of age, found on public lands or Indian lands. The Act also prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archaeological resource obtained from public lands or Indian lands in violation of any provision, rule, regulation, ordinance, or permit under the act, or under any Federal, State, or local law. The Act establishes definitions, permit requirements, and criminal and civil penalties, among other provisions. The Act overlaps with and partially supersedes the Antiquities Act, in its provisions for permits and penalties.

Bureau of Land Management Policy Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations – 2012

This manual directs personnel on managing BLM public lands that are components of the NLCS and that have been designated by Congress or the President as National Monuments, National Conservation Areas, and similar designations.

The Coastal Zone Management Act - 1972

This act is designed 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.

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, the Clean Water Act, the Clean Air Act, the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act.

The Endangered Species Act - 1973

Management activities on private and public lands are subject to the Federal Endangered Species Act of 1973 (ESA), as amended. The ESA directs project proponents or government agencies, as appropriate, to consult with FWS and/or WA DFS to address the effects of management activities on threatened and endangered species and designated critical habitat.

Executive Order 13007 ("Indian Sacred Sites) - 1996

Federal land management agencies to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions—shall accommodate Indian religious practitioners' access to and ceremonial use of Indian sacred sites, shall avoid adversely affecting the physical integrity of such sites, and shall maintain the confidentiality of sacred sites. The responsibility to identify such sacred sites to the managing agency resides with the Indian tribe or appropriately authoritative representative of an Indian religion. The responsibility to inform tribes, where practicable and appropriate, of proposed actions or land management policies that could restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites, rests with the agency.

The Federal Land Policy and Management Act – 1976

This Act determines that public lands will remain in public ownership and directs the Bureau of Land Management, along with other agencies, to allow a balance of uses on the land while preserving or adapting the natural resources. It requires continuing inventories of public land resources and values, and use of those inventories in the development and revision of land use plans.

The Marine Mammal Protection Act - 1972

The Act protects the mammals that live in the world's oceans. This legislation is the basis for policies preventing the harassment, capture, injury, or killing of all species of whales, dolphins, seals, sea, otters, and sea lions, and others.

The Migratory Bird Treaty Act - 1918

This is the domestic law that implements the commitment of the United States to four international conventions (with Canada, Japan, Mexico, and Russia, respectively) for the protection of a shared migratory bird resource. The law decrees that all migratory birds and their parts (including eggs, nests, and feathers) were fully protected. Each of the conventions protects selects species of birds that are common to both countries in the convention in question.

The National Environmental Policy Act - 1970

This legislation establishes a national policy to maintain conditions on which man and nature can exist in productive harmony and fulfill social, economic and other interests of present and future generations of Americans. The law requires all federal actions that could result in a significant impact on the environment to be subject to review by federal, tribal state, and local environmental authorities, as well as affected parties and interested citizens. This is known as the NEPA process.

The National Historic Preservation Act - 1966

This act is the primary federal law providing for the protection and preservation of historic and archaeological properties, and includes those of national, state, and local significance. The law directs federal agencies to consider the effects of proposed actions on properties eligible for or included on the National Register of Historic Places.

National Policy for the Stewardship of the Ocean, Our Coasts, and the Great Lakes - 2010

In 2012 the National Ocean Council translated this policy to actions in the *National Ocean Policy Implementation Plan*. The Implementation Plan describes specific actions Federal agencies will take to address key ocean challenges, give states and communities greater input in Federal decisions, streamline Federal operations, save taxpayer dollars, and promote economic growth. The plan incorporates key support for local and regional capacity and self-determination, and the development of more and better information related to ocean conditions. The plan specifies that regional stakeholders will determine the scope, scale and content of collaborative marine planning, that participation is voluntary, and that regional planning bodies will be established only in regions that want them.

Native American Graves Protection and Repatriation Act - 1990

This Act provides protection to native gravesites on tribal and federal lands, 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. 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.

The Omnibus Public Land Management Act of 2009

Though created as a system in 2000 by then Secretary of the Interior Bruce Babbitt, this act codified the National Landscape Conservation System, managed under the Bureau of Land Management. The BLM historically has managed lands under its jurisdiction for many purposes, including extractive uses such as mining, and oil and gas production. This decision expands on the direction of BLM multiple-use management under FLPMA, ensuring the protection of the objects and values of those special areas legislated by Congress or designated by the President, where conservation and restoration of the landscape and its biological or cultural resources is the overriding objective.

List of Current Management Plans within San Juan, Skagit, and Whatcom counties with overlapping resource management concerns.

San Juan County has a total area of 621 square miles, of which 174 square miles are land and 447 square miles are water. Of the 111,360 acres in San Juan County, 33,000 acres have designation of conservation, and 970 acres make up the San Juan Islands National Monument. It is the strategy of National Conservation Lands to manage at the large landscape level, which in this setting is especially appropriate.

The National Park Service San Juan Islands National Historic Park Comprehensive Management Plan – 2011

The actions proposed in this plan will broaden the scope of resource management and interpretation programs to emphasize the connections and interrelationships between the park's cultural and natural resources. Historic buildings and structures will continue to be preserved, and new facilities and programs will provide opportunities for visitors to understand how the park's natural surroundings influenced the settlement and historic events on San Juan Island and help define the cultural landscapes preserved within the park. Boundaries will be expanded to include lands important for resource protection and to public understanding of primary interpretive themes.

The Nature Conservancy Yellow Island Preserve Plan: 2011

The Conservancy has carried out an extensive ecological research program on Yellow Island since 1980. Ongoing studies have focused on understanding the extent and rate of invasion of the grasslands by woody species, controlling and reversing this encroachment, and developing strategies for restoring native species where they have been locally eliminated. The results have been shared with partner organizations and agencies to help maintain and restore grasslands throughout the Puget Sound lowlands.

The San Juan Islands Corridor Management Plan

The corridor management plan presents a collaborative community and organizational approach for accommodating and managing tourism while at the same time preserving and enhancing the qualities of the San Juan Islands Scenic Byway. The plan development was guided by a community-based steering committee composed of area residents and agency representatives, including representatives of San Juan County's Land Bank, Parks & Recreation and Public Works Departments.

The San Juan County Parks, Trails, and Natural Areas Plan: 2011-2016

The 2013 Vision for this plan is: an interconnected, integrated system of parks, trails, and natural areas that provides easy access to the water and natural areas; facilitates safe, non-motorized travel throughout the community; celebrates island culture, character, and a healthy environment; and is delivered through well-funded, efficient County programs and innovative partnerships.

US Fish & Wildlife San Juan Islands Refuge Comprehensive Conservation Management Plan - 2010

Long-range management direction for the Refuges is needed to address Refuge management concerns for wildlife and habitats, including human-caused wildlife disturbance, the risk of oil spills, marine debris...and where possible, to anticipate management concerns related to climate change including sea level rise. There is also a need to evaluate the quality, appropriateness, and compatibility of visitor services programs and activities.

Washington State Parks San Juan Island Region Management Mission

The Washington State Parks and Recreation Commission cares for Washington's most treasured lands, waters, and historic places. State parks connect all Washingtonians to their diverse natural and cultural heritage and provide memorable recreational and educational experiences that enhance their lives. Washington's state parks will be cherished destinations with natural, cultural, recreational, artistic, and interpretive experiences that all Washingtonians enjoy, appreciate, and proudly support. The agency has adopted the following core values:

- Commitment to stewardship that transmits high quality park assets to future generations
- Dedication to outdoor recreation and public enjoyment that welcomes all our citizens to their public parks
- Excellence in all we do
- Involving the public in our policy development and decision making
- Support for one another as we translate our mission into reality

Washington Department of Fish and Wildlife Marine Protected Areas

This management tool is used to protect and conserve fragile or unique habitats, species and culturally historic sites, enhance fisheries abundance and biodiversity, and provide recreational and education opportunities while potentially assisting ecosystem-based management. The greater San Juan Island area holds the most MPAs. Recent direction includes the suggestion to promote coordination between tribes, state and federal agencies, and local jurisdictions in Puget Sound and on the coast, relative to existing MPAs and future MPA planning efforts with dedicated support for coordination.

Planning and NEPA

The Planning Area includes three Washington counties, is of interest to more than four Native American Tribes, is near the Seattle-Tacoma-Bellevue major metropolitan area, includes over 60 partnership entities., Therefore, public notification and participation will be complex as well as crucial to the success of the planning effort. Public participation opportunities for the major stages of the planning process are listed below. The Spokane District will make every effort to ensure meaningful public involvement, including the use of the internet.

- **Scoping Process and Issues**

The public participation process is an integral part of the BLM planning process, and is needed to receive meaningful public involvement throughout the planning process.

- **Formal Consultations**

The BLM will conduct formal consultations with tribes, in addition to working closely with Cooperating Agencies as described above.

- **Cooperating Agencies**

The BLM will invite known interested federal, State and Local agencies and Tribes with jurisdiction or special expertise to become Cooperating Agencies.

- **Planning Resource Advisory Committee**

The Committee will have ongoing involvement as soon as formally established (and prior to development of the Draft Environmental Impact Statement Preferred Alternative). The Committee will “provide information and advice regarding the development of (the Resource Management Plan).

- **Identification of Interested Parties**

A mailing list of individuals, organizations, businesses, and other parties interested in planning and resource management in the Planning Area is being developed. The mailing list will be updated when other interested individuals or groups are identified, ensuring that all interested parties are represented.

- **Ongoing Public Meetings/Events**

The BLM will present formal and informal scoping opportunities in the initial planning phase, as well as other information and input opportunities throughout the planning process.

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