

117TH CONGRESS
2D SESSION

S. 3709

To require the Secretary of Agriculture to carry out vegetation management projects and timber production projects on certain National Forest System land in the States of Montana, South Dakota, and Wyoming, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2022

Mr. THUNE (for himself and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of Agriculture to carry out vegetation management projects and timber production projects on certain National Forest System land in the States of Montana, South Dakota, and Wyoming, 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 “Black Hills Forest
5 Protection and Jobs Preservation Act of 2022”.

1 **SEC. 2. VEGETATION MANAGEMENT PROJECTS ON BLACK**
2 **HILLS NATIONAL FOREST USING EXPEDITED**
3 **NEPA AUTHORITIES.**

4 The Secretary of Agriculture, acting through the
5 Chief of the Forest Service (referred to in this Act as the
6 “Secretary”), shall issue 1 or more decisions using expe-
7 dited authorities for compliance with the National Envi-
8 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
9 including sections 603 and 605 of the Healthy Forests
10 Restoration Act of 2003 (16 U.S.C. 6591b, 6591d) and
11 a determination of NEPA adequacy described in section
12 220.4(j) of title 36, Code of Federal Regulations (or suc-
13 cessor regulations), to carry out vegetation management
14 projects on land in the Black Hills National Forest.

15 **SEC. 3. FUNDING FOR TIMBER PRODUCTION PROJECTS.**

16 (a) IN GENERAL.—Of the amounts made available to
17 the Secretary by section 40803(c)(11) of the Infrastruc-
18 ture Investment and Jobs Act (16 U.S.C. 6592(c)(11)),
19 the Secretary shall use \$40,000,000 for the period of fiscal
20 years 2022 through 2026 to carry out projects on the Big-
21 horn National Forest, the Custer Gallatin National For-
22 est, and the Black Hills National Forest that will result
23 in timber production.

24 (b) USE OF CATEGORICAL EXCLUSION AND EMER-
25 GENCY ACTION AUTHORITIES.—In carrying out projects

1 under subsection (a), the Secretary shall use, to the extent
2 practicable—

3 (1) the categorical exclusion established by sec-
4 tion 40806(b) of the Infrastructure Investment and
5 Jobs Act (16 U.S.C. 6592b(b)); and

6 (2) the emergency action authority under sec-
7 tion 40807 of that Act (16 U.S.C. 6592c).

8 (c) EXCESS AMOUNTS.—If any amounts made avail-
9 able under subsection (a) are not used by the Secretary
10 by September 30, 2026, and the Secretary has exhausted
11 all reasonable means to use those amounts for the pur-
12 poses described in that subsection, those amounts shall re-
13 main available to the Secretary until expended to carry
14 out projects described in section 40803(c)(11) of the In-
15 frastructure Investment and Jobs Act (16 U.S.C.
16 6592(c)(11)).

17 **SEC. 4. WOOD PRODUCTS INFRASTRUCTURE.**

18 In the ranking system developed under section
19 40804(d)(1) of the Infrastructure Investment and Jobs
20 Act (16 U.S.C. 6592a(d)(1)), the Secretary shall cat-
21 egorize the Black Hills National Forest and the Bighorn
22 National Forest as being very high priority for ecological
23 restoration involving vegetation removal.

1 **SEC. 5. ADMINISTRATION.**

2 (a) JUDICIAL REVIEW.—A project carried out under
3 section 2 or 3 shall not be subject to judicial review.

4 (b) EXCLUDED LAND.—A project carried out under
5 section 2 or 3 may not be carried out on—

6 (1) a component of the National Wilderness
7 Preservation System; or

8 (2) an inventoried roadless area.

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