117TH CONGRESS
2D Session

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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

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

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 ofRepresentatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Black Hills Forest

4 Protection and Jobs Preservation Act of 2022”.

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

The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this Act as the “Secretary”), shall issue 1 or more decisions using expedited authorities for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including sections 603 and 605 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b, 6591d) and a determination of NEPA adequacy described in section 220.4(j) of title 36, Code of Federal Regulations (or successor regulations), to carry out vegetation management projects on land in the Black Hills National Forest.

SEC. 3. FUNDING FOR TIMBER PRODUCTION PROJECTS.

(a) In General.—Of the amounts made available to the Secretary by section 40803(c)(11) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592(c)(11)), the Secretary shall use $40,000,000 for the period of fiscal years 2022 through 2026 to carry out projects on the Big-horn National Forest, the Custer Gallatin National Forest, and the Black Hills National Forest that will result in timber production.

(b) Use of Categorical Exclusion and Emergency Action Authorities.—In carrying out projects
under subsection (a), the Secretary shall use, to the extent practicable—

(1) the categorical exclusion established by section 40806(b) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592b(b)); and

(2) the emergency action authority under section 40807 of that Act (16 U.S.C. 6592c).

(c) Excess Amounts.—If any amounts made available under subsection (a) are not used by the Secretary by September 30, 2026, and the Secretary has exhausted all reasonable means to use those amounts for the purposes described in that subsection, those amounts shall remain available to the Secretary until expended to carry out projects described in section 40803(c)(11) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592(c)(11)).

SEC. 4. WOOD PRODUCTS INFRASTRUCTURE.

In the ranking system developed under section 40804(d)(1) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592a(d)(1)), the Secretary shall categorize the Black Hills National Forest and the Bighorn National Forest as being very high priority for ecological restoration involving vegetation removal.
SEC. 5. ADMINISTRATION.

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

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

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

(2) an inventoried roadless area.