

107TH CONGRESS
2^D SESSION

H. R. 4766

To declare the existence of a fire risk emergency for the Beaver Park Roadless Area and Norbeck Wildlife Preserve of the Black Hills National Forest in the State of South Dakota, to direct the Secretary of Agriculture to endeavor to use expedited alternative processes to address forest health conditions in these areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2002

Mr. THUNE (for himself and Mrs. CUBIN) introduced the following bill; which was referred to the Committee on Resources

A BILL

To declare the existence of a fire risk emergency for the Beaver Park Roadless Area and Norbeck Wildlife Preserve of the Black Hills National Forest in the State of South Dakota, to direct the Secretary of Agriculture to endeavor to use expedited alternative processes to address forest health conditions in these areas, 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 National
5 Forest Preservation and Public Safety Act of 2002”.

1 **SEC. 2. USE OF EXPEDITED ALTERNATIVE PROCESSES TO**
2 **ADDRESS EMERGENCY FOREST HEALTH CON-**
3 **DITIONS IN BLACK HILLS NATIONAL FOREST,**
4 **SOUTH DAKOTA.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Forest health conditions in the Beaver Park
7 Roadless Area of the Black Hills National Forest in
8 the State of South Dakota have deteriorated signifi-
9 cantly due to mountain pine beetle infestation, storm
10 damage, and drought since the agreement, dated
11 August 1, 2000, that settled Civil Action No. 99–N–
12 2173 was signed and filed in the United States Dis-
13 trict Court for the District of Colorado (referred to
14 in this section as the “agreement”).

15 (2) Dense undergrowth and storm-related dam-
16 age in the portion of the Norbeck Wildlife Preserve
17 managed by the Black Hills National Forest have
18 led to deteriorating forest health conditions in the
19 Preserve.

20 (3) The Act of June 5, 1920 (16 U.S.C. 675
21 et seq.), which established the Norbeck Wildlife Pre-
22 serve, contemplated active management of wildlife
23 habitat in the Preserve to benefit wildlife over the
24 long-term.

25 (4) Actions to reduce the fire hazard in the
26 Norbeck Wildlife Preserve are consistent with pro-

1 tection of wildlife and breeding places even if indi-
2 vidual game animals and birds are adversely affected
3 in the short term.

4 (5) The fire hazard associated with deterio-
5 rating forest health conditions in the Beaver Park
6 Roadless Area and the Norbeck Wildlife Preserve
7 poses a significant threat to the health and well
8 being of residents who live adjacent to these areas.

9 (b) DECLARATION OF EMERGENCY.—In recognition
10 of the significant number of dead and dying trees in the
11 5,109 acre Beaver Park Roadless Area of the Black Hills
12 National Forest, South Dakota, as depicted on the map
13 entitled Beaver Park Roadless Area, dated March 31,
14 2002, the deteriorating forest health conditions in the
15 34,873 acre Norbeck Wildlife Preserve, as depicted on the
16 map entitled Norbeck Wildlife Preserve, dated March 31,
17 2002, and the resulting imminent risk of devastating wild-
18 fire in both areas, Congress declares that the fire hazard
19 in the Beaver Park Roadless Area and the Norbeck Wild-
20 life Preserve constitutes an emergency circumstance with-
21 in the meaning of section 1506.11 of title 40, Code of Fed-
22 eral Regulations, one of the implementing regulations for
23 the National Environmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.).

1 (c) USE OF ALTERNATIVE ARRANGEMENTS.—The
2 Secretary of Agriculture shall request from the appro-
3 priate officials in the executive branch the authority to use
4 alternative arrangements to address forest health condi-
5 tions and the imminent risk of devastating wildfire in the
6 Beaver Park Roadless Area and the Norbeck Wildlife Pre-
7 serve of the Black Hills National Forest, and to provide
8 relief from provisions of the agreement that would hamper
9 use of the alternative arrangements. The alternative ar-
10 rangements, and actions implementing decisions made
11 pursuant to such alternative arrangements, may be imple-
12 mented notwithstanding stipulations 1(b) through 1(d) of
13 the agreement and section 322 of Public Law 102–381
14 (16 U.S.C. 1612 note).

15 (d) RELATIONSHIP TO NORBECK ORGANIC ACT.—
16 Congress deems that actions taken pursuant to this sec-
17 tion are consistent with the Act of June 5, 1920 (16
18 U.S.C. 675 et seq.).

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