

Study counters claim that NEPA hobbles projects

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Logging at Manti-La Sal National Forest in Utah. Forest Service/Flickr

A new study takes aim at the idea that environmental reviews take too long for timber and other projects in national forests.

Forrest Fleischman, a professor at the University of Minnesota's Department of Forest Resources, said his research largely shows the opposite: that the Forest Service completes environmental reviews faster than other federal agencies and that the vast majority of projects on land the service oversees proceed without a major hitch.

The real problem, Fleischman told E&E News, is staffing or funding shortages or both, and the difficulties seem to vary from Forest Service region to region.

"I think the main story is budgeting," said Fleischman, who added that he had long accepted that the National Environmental Policy Act is a roadblock to forest management — a narrative popular with many Republican lawmakers and the Trump administration. "That really doesn't seem to be the case."

The study was published in the April 27 issue of the *Journal of Forestry*. It's the first step in a longer review of how science shapes decisions on national forests, with funding from the National Science Foundation, Fleischman said.

Using Forest Service data, Fleischman and a team of researchers determined that the agency reviews the great majority of projects through categorical exclusions from NEPA, which speed the process, as well as less-rigorous environmental assessments rather than more intensive environmental impact statements.

The median time for NEPA analyses at the Forest Service — meaning half took longer, half shorter — is 131 days. The longest is 882 days for an environmental impact statement, according to the study. Fewer than 1% of all completed NEPA analyses at the agency led to litigation.

Further, the researchers said, the number of environmental analyses at the Forest Service has plummeted through three White House administrations — both Democratic and Republican. From 2005 to 2009, the agency typically started about 60 analyses a year; the number fell to 19 annually in 2017 and 2018.

The researchers' work may shed light on the long-running debate about streamlining NEPA. The Trump administration has proposed several measures to ease the regulations, both at the Forest Service and broadly throughout federal agencies. Those moves have won praise from Republican lawmakers with large swaths of public lands, who see the environmental law as impeding timber, mining and basic forest management to reduce wildfire threats.

Forest Service Chief Vicki Christiansen has said repeatedly, including in congressional testimony, that legal challenges impede her agency's efforts to tackle a backlog in forest thinning and related projects. She has supported efforts by Sen. Steve Daines (R-Mont.), for instance, to cut down on lawsuits.

Daines, through a spokeswoman, told E&E News: "In Montana, litigation continues to delay and block job-creating timber projects, restoration projects, wildlife habitat restoration projects, and time-sensitive wildfire mitigation and public safety projects." He said he will continue to pursue bipartisan approaches to help move projects faster.

'Creative litigants'

While the study calls efforts to streamline NEPA into question, it suffers from gaps and caveats, sources on the other side of the issue said.

One of the biggest is a lack of information about the acreage involved. Most categorical exclusions are for small jobs such as extending a forest road, improving campsites or clearing hazardous trees near roadways after a wildfire, they said, but the Forest Service doesn't keep close track of acreage.

"Categorical exclusions do not enable the agency to implement the large scale land management projects that three successive administrations have said are needed to restore the health of our national forests," said Bill Imbergamo, executive director of the Federal Forest Resource Coalition, representing timber companies.

"When the Forest Service uses EAs or EISs to reduce hazardous fuel loads in regions hardest hit by the forest health crisis, they are routinely challenged both administratively and in court," Imbergamo said.

Among the most egregious examples, Imbergamo said, is a nine-year delay in a "modest" 4,500-acre project in the Custer Gallatin National Forest in Montana. Despite going through an expedited process for NEPA projects, he said, the proposal stumbled amid a legal challenge.

"Creative litigants found a hook and forced the Forest Service to waste years fighting spurious legal claims," Imbergamo said.

Critics of the administration's approach to NEPA seized on Fleischman's work, saying it proves their point that a revamp of the environmental law isn't necessary. The Western Environmental Law Center sent the study, along with a [letter](#), to Christiansen, Agriculture Secretary Sonny Perdue and other top agency officials.

"The root causes of 'delays' with NEPA analysis and completion are not due to the regulations or the law itself, but rather the way in which the Forest Service staffs, trains, and retains (or not) its employees, as well as declining congressional funding levels for mission-critical work," said the WELC's public lands director, Susan Jane Brown, in the letter.

Fleischman said the variation his team found from region to region could offer lessons to federal officials.

On the Ozark-St. Francis National Forests in Arkansas, for instance, the average categorical exclusion took three months for a NEPA analysis, he said. But similar reviews took more than a year in the Lake Tahoe Basin Management Unit in California.

In the Black Hills National Forest in South Dakota, officials seem to have the NEPA process down well, Fleischman said. There, forest managers conduct more environmental impact statements than in other forests, yet complete them in a year and half, compared with three and a half years elsewhere, he said.

He added: "Maybe we should all be copying them."