

NEPA-Barriers to Active Forest Management

The National Environmental Policy Act of 1969 (NEPA) establishes policy for the review of the environmental impact of actions taken by federal agencies. The goals of NEPA are good, but often it becomes a source of delay and expense for federal land managers putting together hazardous fuel treatment projects. There are 16 bills before Congress that, if passed, would set deadlines for NEPA. The time limits range from 30 days to 3 years. Policy makers at all levels understand the artificial delays caused by NEPA.

NEPA documents:

An environmental review under NEPA can take one of three forms:

1. Category exclusions (CE): Typically CEs are used for minor actions where a project will have no significant impact.
2. Environmental Assessment (EA): EAs are intended to be concise, but are required to have alternatives and undergo draft versions before the final EA is issued.
3. Environmental Impact Statements (EIS): These documents are more complex and tend to draw the most scrutiny.

Congress has passed legislation in the past to encourage the agencies to use CEs for hazardous fuel projects, but litigation has forced agencies to retreat on using CEs on large fuel projects.

The challenge is that the success of any fuel treatment project is based on the scale. Effective fuel treatment projects need to be large enough to effectively treat whole landscapes or watersheds. Projects of this size fall outside the traditional scope of a CE. EISs would apply to such projects under the current interpretation of the rules regarding NEPA.

Suggestions for overcoming the NEPA barrier:

Congressional action: There should be an all out effort made to encourage Congress to pass legislation that would narrow the application of NEPA in regards to hazardous fuel treatment projects to allow CEs and EAs to be used and also limit litigation.

Stakeholder engagement: Aggressively engage stakeholders early and often in the planning of fuel treatment projects.

Design fuel treatment projects that attain desired forest conditions: Use fuel treatment projects to attain other environmental goals such as protecting

watersheds and sensitive species. For example, fuel treatment projects could be used to improve Sage Grouse habitats, effectively hitting two birds with one stone.

Conclusion: NEPA is a large bureaucratic barrier to overcome to effectively implementing necessary large fuel treatment projects, but there does seem to be a growing understanding among stakeholders of the dangers of doing nothing. In dealing with NEPA there should be a 2-pronged approach, push for needed congressional reform of NEPA and aggressively engage all stakeholders in the NEPA process to avoid the litigation pitfall.