

The Smokey Wire : National Forest News and Views

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Let's Review Some Forest Service NEPA Stats

January 13, 2025 by Sharon

If you all have been following the California wildfires, you'll discover that everyone tends to attach their favorite hobby horse to the disaster.

Politicians, climate change, patterns of housing, and even... vegetation treatments and permitting. My pet peeve about coverage is how easily folks get into a forest discussion about what, in this case, was coastal scrub and grasslands. Having said that, I think we need to engage with the permitting folks for many reasons, not least because permitting reform of various kinds will be on the table in Congress again. However we might disagree about what should be done, it seems to me that we should work together to get both facts and disagreements on the table.

I try to be hospitable to new people entering the space. Interestingly, permitting reform folks, who work on permitting infrastructure, renewables and so on, tend to use the Forest Service as an example. So we can help them out by adding value and/or questioning their observations.

I'm going to reprint Tom Hochman's [Substack post](#) below. Remember, we want to share our knowledge with a welcoming spirit. Also it doesn't seem (as usual) that partisan-ness helps our policy discussions in any way. I've spent some time talking to DC folks in the last few weeks, and I think both sides needs to take a deep breath and try to move on past the acrimonious past (do politicians forgive?) so we all can move forward together.

So, from what you know, do these observations make sense and track with your experience? Here's Hochman's piece.

By now, everyone has heard about the wildfires sweeping through the Los Angeles area. The sheer scale of destruction is hard to make sense of. My cousin, aunt, and uncle in Pasadena spent days anxiously packed, ready to evacuate at any moment. Their friends lost their homes; the local elementary school is rubble.

It's tough to pinpoint a single cause for any given wildfire—and wildfires sometimes happen regardless of human activity or government policy. But there's no doubt that forest management and wildfire-prevention policies can reduce both the probability and severity of wildfires. In California and at the federal level, those policies have often fallen disastrously short.

With that, here's a wildfire-focused edition of NEPAstats. I've compiled data (all cited at the bottom) on how NEPA and similar review processes intersect with wildfire prevention, and I've pulled together a number of specific case studies.

Case Studies

Jimtown Project (Helena National Forest)

- Proposed thinning/underburning across 900 acres + underburning 220 more
- EIS and Decision Notice released in May 2001
- Project appealed despite support from 12 of 22 local landowners, county disaster services, and a tri-county fire group
- By July 2003: **~45% of the proposed project area had already burned in a wildfire** (Kimbell, 2005)

Six Rivers National Forest

- December 1995: A storm topples trees across 35,000 acres
 - Fuel loads reach 300–400 tons per acre—10x normal
- 1996–1999: Only 1,600 acres treated while “wrestling through analytical and procedural requirements”
- September 1999: **The Megram and Fawn Fires consume the remaining blowdown area *plus* 90,000 additional acres**

- Seven years later: The project remains in limbo after a court injunction (USFS, 2002)

Berry Creek (California)

- Critical thinning projects were delayed by CEQA reviews
- **The North Complex Fire hit in 2020 before completion, resulting in 16 fatalities** (Regan, 2025)

Grizzly Flats (California)

- A forest-restoration project was held up for nearly a decade by NEPA and other environmental reviews
- In 2021, **two-thirds of the community burned before the project was completed** (Regan, 2025)

Timing and Delays

Average time before treatments under NEPA

- 3.6 years to start a mechanical treatment once the Forest Service initiates review
- 4.7 years to start a prescribed burn under the same conditions
- For projects requiring an EIS:
 - 5.3 years on average for mechanical treatments
 - 7.2 years for prescribed burns (Edwards & Sutherland, 2022)

Forest Service resource allocation

- The Forest Service manages 192 million acres—8.5% of U.S. land area—but spends ~40% of direct work hours (>\$250 million/year) on planning/assessment rather than active project work (USFS, 2002)
 - An estimated \$100 million annually could shift from “unnecessary planning” to on-the-ground treatments with improved procedures
- Annually, the Forest Service completes:
 - ~5,000 EAs,
 - ~120 project-level EISs
 - 15,000 CEs per year (USFS, 2002)

Litigation Patterns and Impact

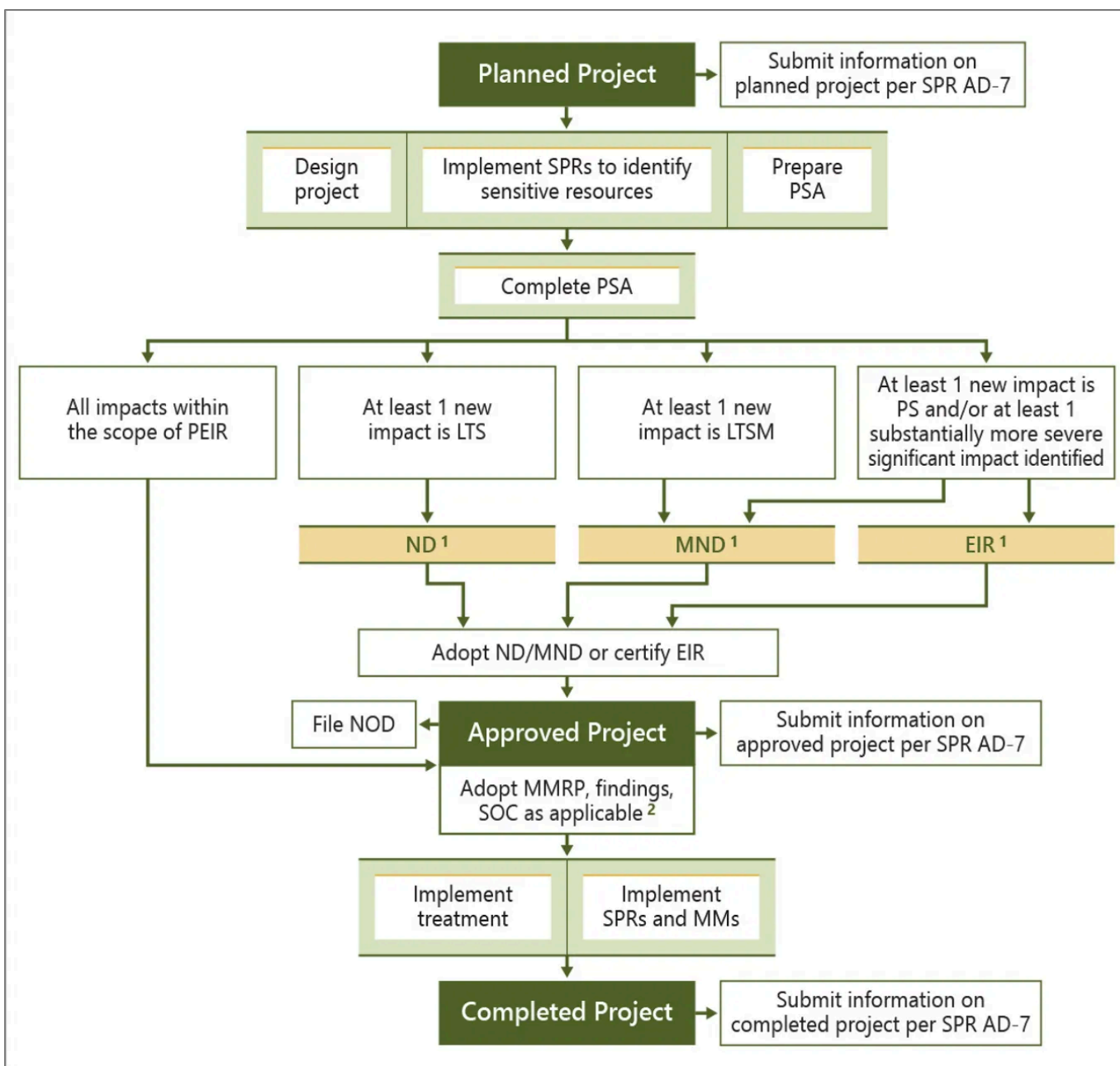
- *Sierra Club v. Bosworth* (2007) invalidated the Forest Service's attempt to create a CE for fuel-reduction projects, meaning prescribed burns require a full EA/EIS
- For NEPA-Related Appellate Court Cases:
 - Fuel-treatment projects that face legal challenges see an additional 1+ year of delay on average
 - Agencies prevail in 93% of NEPA fuel-reduction appeals, with 96% of these challenges brought by NGOs
 - An average of 3 years elapses between permit issuance and final resolution in these cases (Chiappa et al., 2024)

The Human and Environmental Costs

- Forest density: Parts of the Sierra Nevada are now 6–7x denser than a century ago, fueling more intense megafires
- GHG impacts: California's 2020 wildfire emissions wiped out nearly two decades of the state's greenhouse gas reduction progress
- Species: Giant sequoias are dying in megafires; conifer forests are sometimes replaced by shrubland in the aftermath (Regan, 2025)

State-Level Barriers: CEQA and CalVTP

- In 2020, California pledged to treat 500,000 acres per year by 2025—but remains far off due to lengthy reviews, public comment periods, and litigation (Regan, 2025)
- California Vegetation Program aka CalVTP:
 - Projected 45,000 acres of treatments in the first year, but zero completed after 2+ years
 - 28,000 acres approved but not implemented
 - Project managers cite "unfamiliar and burdensome" documentation, multiple CalFire unit boundaries, and a pending lawsuit from the California Chaparral Institute and Endangered Habitats League (Friedman, 2022)



The CalVTP “fast-track” workflow

Recent Reform Efforts

- **California SB1159 (2024)**
 - Would have exempted roadside vegetation clearing within 30 feet from CEQA
 - Died in committee
- **Federal TORCH Act**
 - Would expand NEPA Categorical Exclusions for forest thinning and post-fire recovery, limit repeated ESA re-consultations for new species listings, and create larger “CLEAR Zones” for power line vegetation management (Regan, 2025)
 - Didn’t make it to the Senate floor
- **Fix Our Forests Act (2024)**

- Would expand NEPA Categorical Exclusions for certain forest management projects
- Passed the House, didn't make it through the Senate

What are your thoughts?

📁 CREATE, Forest Products, NEPA, Partizanizing Issues, People's Database, Reform and Enhance Litigation and Appeals, special forest products, Trust Managaement

< Interview with Jon Keeley on LA Wildfires

> History Lesson: Woodsworker Deficit Supplied by POWs in Wyoming in 1940s

24 thoughts on "Let's Review Some Forest Service NEPA Stats"

Larry Harrell Fotoware

January 13, 2025 at 12:23 pm

I highly doubt that any prescribed fire has ever required an EIS. (I saw that statement and stopped reading the rest.)

[Reply](#)

Sharon

January 13, 2025 at 12:25 pm

Many times prescribed fire is part of a larger decision which uses an EIS (requirement is in the eye of the beholder or judge). So that could be what

happened.

[Reply](#)

Anonymous

January 13, 2025 at 1:06 pm

In a similar vein to Larry's above, note that this piece makes another fairly basic error in not noting how many other laws feed into that planning pipeline. I'd reckon the author would say that simply furthers his point, but the error matters when thinking about the politics of how any kind of meaningful change could actually play out.

NEPA is easy to bash. Procedural mumbo-jumbo that nobody reads or cares about except the NIMBYs and ENGOS. But how much time sinks into those other laws, ESA, NFMA, NHPA, tribal and FWS consultation etc?. The kind of change the author would appear to want would require changes in the implementation or interpretation of the requirements of at least these laws if not others, and one imagines those laws poll better than NEPA. So there's a simplistic solution being proffered in the vein of just shouting "more CEs!" or "less NEPA". Maybe those help, maybe not. Pointing at data showing CEs are quicker is kind of meaningless unless you're comparing the same kinds of projects in the most apples-to-apples fashion possible, in terms of scale, consultation requirements, and the like. What would have to happen to have a quicker CE that authorized the same amount of work as an EA treating say, 15k acres mixed thin and burn, kind of a medium-sized USFS classic sort of project? How much of the time and work originates with NEPA itself in EA or EIS requirements? Certainly a good deal depending on the project. But far from all of the work of planning. Pointing to CEs being quicker is kind of a tautology when you're comparing a pile of permit authorizations or re-auths with complex fire and silviculture at scale. "Smaller project is smaller" "simpler project is simpler" is not really worth knowing.

This kind of thing makes one wish that the legacy media (or whatever term you prefer, that one seems least ideologically freighted) hadn't squandered so much

credibility over the past decade or so, because Substack, for all its ups (it's really an ideal blogging space) also really lends itself to toss-off pseudojournalism and insta-expert claims. Maybe that's harsh but at the very least is it too much to ask for a bit more literacy here? In my ideal world, everyone has to read and chew on the USFS 1990 Critique of Land Management Planning (and especially volume 10: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5172352.pdf) before commenting on NEPA in the Forest Service.

Reply

Larry Harrell Fotoware

January 13, 2025 at 1:31 pm

Thank you for this important dose of reality, which seems to be sorely-lacking in this arena, today. The far Right doesn't just want to "streamline" a few NEPA issues. Some want to eliminate ALL the guardrails. Us taxpayers want FULL transparency, from our land management Agencies, but I doubt the Trump Administration is willing to give that to us. We also want accountability, too. Keeps the honest people honest.

Reply

Sharon

January 13, 2025 at 1:48 pm

That's true about the whole panoply of permitting processes.. in another space I was thinking that to know "how long it takes" you'd really need to start at "when people start spending time on it" which is pre NEPA and litigation, which is post NEPA. But since CEQ gets stats for NEPA and no one gets stats for pre and post NEPA, we aren't going to find out, I guess, let alone the contributions of other requirements (consultation, etc.)

I agree with you on apples to apples being important; that's why fuel treatments aren't the same as outfitter guide permits or coal mines.

Reply

Forrest Fleischman

January 13, 2025 at 2:52 pm

Sharon – the good news is that my colleagues published a paper about this. It was published a bit over a year ago, and deserves more attention. Here is the link (appears to be open access). <https://www.nature.com/articles/s41893-023-01218-1>. Struthers et al. combined PALS (Planning, Appeals, Litigation System) data that we had previously published and mostly track NEPA and related processes, with FACTS (Forest Activity Tracking System) data, which track contracting and actual on the ground activities, focusing on projects about fuels management, silviculture and invasive species – so exactly what we're largely talking about when we talk about wildfire prevention on national forests. Here's an excerpt of their main findings:

"Results show that the NEPA process is typically faster than, or equivalent to, awarding first contracts and finishing first activities post-NEPA for the majority of landscape interventions. Median survival—the time at which the probability of the event occurring is 50%—is a standard summary statistic for reporting survival curves¹⁷. For actions processed as CEs (62% of actions), median survival is 4.0 months for completing NEPA compared with 8.9 months for awarding the first contract and 13.8 months for implementing the first activity. For actions processed as EAs (34% of actions), the median survival is 16.0 months for completing NEPA compared with 10.0 months for awarding the first contract and 16.3 months for implementing the first activity. The pattern differs for actions processed as EISs (4% of actions). Whereas first contracts (7.9 months) and first activities (14.8 months) have similar median survivals to actions processed as CEs and EAs, the median survival for NEPA completion is longer: 31.3 months (2.6 years). Results show that across decision types, EIA is a fraction of total implementation time. On the basis of probabilities estimated from the survival curves, officials spend 7% (actions processed as CEs) to 12%

(actions processed as EAs) to 22% (actions processed as EISs) of an action's total planned lifespan on NEPA compliance.

The 4% of actions processed as EISs are unique in that the NEPA process takes one to two years longer than awarding the first contract and implementing the first activity. Measures of project complexity suggest that a protracted assessment process is potentially prudent. Actions analysed as EISs have implementation horizons that exceed a decade on average (Fig. 1); as illustrated in Fig. 2, these actions tend to be more complex than actions eligible for CE or EA. Grouped by NEPA decision type, Fig. 2 plots the distribution of planned affected area (size) and number of activities. Whereas the median action processed as a CE or EA is 100 and 625 ha, respectively, the median action processed as an EIS is 1,363 ha. Likewise, actions reviewed through EIS have triple the number of activity types as actions processed through CE or EA."

I suspect that some readers can help us understand the reason for these time frames that go well beyond NEPA – I also suspect that some readers will disagree with Struthers et al.'s argument about the implications of their data – this would make an interesting conversation. Nonetheless, USFS comes out as an agency that tracks NEPA-related things and makes the data publicly available, which may be why people interested in NEPA reform in other agencies end up talking about USFS NEPA when they want data. I have not seen similar analyses from other agencies.

As a related aside, I'm currently reading the book "How Big Things Get Done" by Flyvbjerg and Gardner (<https://www.penguinrandomhouse.com/books/672118/how-big-things-get-done-by-bent-flyvbjerg-and-dan-gardner/>) which I would highly recommend to anyone who is trying to accomplish big things. Flyvbjerg spent much of his career assembling large databases of big projects across an array of sectors (e.g. large physical infrastructure, large public & private information technology projects, Olympic Games, etc.), and found that the vast majority of projects across many fields and sectors take *much* longer and cost *much more* than originally anticipated. The book contains a careful analysis of why this is (and why some projects escape this fate), which might be of interest to many readers of this blog. But one lesson that I've taken away from reading the book is that the problems we talk about in terms of managing forests – high costs, slow project completion, etc., are in fact common problems throughout the

public and private sector, and thus are likely to not be caused primarily by particular sets of laws (such as NEPA for the USFS) but broader challenges in the management of ambitious projects.

Reply

Anonymous

January 14, 2025 at 11:03 am

Thanks for the link to this study. Might need to chew on it some to think through what data actually says in the survival curves, I'm not familiar enough with that particular statistical construct to say what it means or if it seems to accurately capture agency work.

I think that the no-single-culprit part of the story is important to tell, but wonder what the next question is: e.g. can the NEPA process, versus other more substantive laws, be said to add anything?

Note: I'm not obliquely saying it doesn't, but rather framing the question that seems to lurk in the background. The emergent YIMBY / self-designated substack-intellegentsia seem to land on NEPA as **the** culprit because, well, aside from not knowing agencies from the inside and selling opinions to a paying audience, one must face the fact that NEPA is a little weird-looking. To what end is all this planning, besides being the law? Is NEPA really required for meaningful public involvement?

And having seen other contributions of yours here, I'd reckon you're fairly "pro" NEPA at least insofar as you don't think it needs to be axed in pursuit of other ends. Given that stance, where do you see meaningful changes being made? What lies between "nothing changes policy wise and the agency just miraculously manages projects better" and "axe NEPA because procedure is a waste of time"?

Reply

Forrest Fleischman

January 14, 2025 at 3:39 pm

Anon – If we believe the analysis in my colleagues' paper, reducing NEPA burdens by half would result in projects being completed 10-25% faster. That's not nothing, but its also not the magic bullet that the substack-intelligentsia (I love it!) present it to be. I've tried to argue before that the NEPA process has value in that it (a) provides the actual structure for public involvement in decisionmaking (certainly a flawed structure, but if you eliminate the notice and comment periods in NEPA processes, I'm not clear that you would have other requirements for public involvement), and (b) provides an opportunity for systematic analysis of the impacts of a decision and thinking about better alternatives. Of course, we could imagine a variety of ways the system might work better – I thought this article did a good job of laying out some ideas which are backed by some evidence <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=3965925>. "Delays, we found, are often caused by factors only tangentially related to the Act, like inadequate agency budgets, staff turnover, delays receiving information from permit applicants, and compliance with other laws. Improving NEPA efficacy, we argue, should therefore focus on improving agency capacity." Improved capacity, btw, is also one of the ideas promoted in Flyvbjerg's book. Unfortunately, I don't think its the direction we're headed. But we can hope that future governments in the US will recognize that increased agency capacity helps get things done, right?

Reply

Anonymous

January 15, 2025 at 11:29 am

Thanks! I'll have a look at that paper in more detail, have only skimmed it now. And appreciate the measured reply. I share the general sentiment that NEPA, though dysfunctional, represents (one hopes!) a good if idealistic approach to, well, what it says on the tin, i.e. requiring consideration of environmental tradeoffs in government decisions.

In brief on the recommendations made in that article starting on pg333 and following, some thoughts:

A) the use of programmatic tiering more effectively might have legs, provided that the agency could get to a situation with truly compact quick EAs and some CEs tiered to mid-level programmatic EIS (or EA) level documents. Not sure how thought through this is, but one imagines, say, a Forest Plan (perhaps more general than current ones, though direction has trended more general in recent revisions imo) followed by a unit-wide or district-wide programmatic document focused on a, well, program under the general aegis of the Forest Plan, e.g. fire and fuels program for ranger district X, 2025-2030. This might work better if Forest Plans didn't have specific expiration dates so that the mid-level work could set the schedule incrementally without running afoul of the Plans' somewhat imaginary temporal boundary.

B) the argument around capacity is a bit muddy to me, at least . Putting more resources into a dysfunctional pipeline, so to speak, hasn't worked well in recent history. To go a bit realpolitik on things, the FS is probably not in a position to argue strongly for increased funding (assuming that's the lion's share of capacity) given the budget... situation... or whatever that is. Unfortunately the use of 4FRI as an example might not have aged well either, given the relatively lackluster implementation despite really impressive work and scale that went into that effort.

C) I'm inclined to agree that proliferation of authorities and page limitations are not systemic fixes that actually make much change. Page limits incentivize shell-gaming for where the detail lies, make things more confusing, and are frankly kind of silly. While agreeing on those sentiments, though, I can't quite help but feel that the authors here assume the current way of doing business as more or less sacrosanct (somewhat understandably given case law and this being a legal review, but still frustrating). Why I find it frustrating, potentially, is that there's a certain level of what feels like defeatism or stagnation in dealing with NEPA from where I sit, it's either make more CEs, carve out exemptions, or give the agency more money and people. But hell, why not revisit the entire structure of CE/EA/EIS/? Why not allow for a sliding scale of discretionary complexity in reviews under a general "here's our required EIA for NEPA"

umbrella? Why not move away from the production of paper-style documentation to web-based interactive disclosure systems built out of something like BLM ePlanner but on steroids with an entirely online basis and not ultimately leading to the production of myriad seldom -read documents? Realize I'm getting way, way into the realm of the fantastic here but if what ultimately matters in retaining NEPA is the canonical "twin aims" , then I don't know that holding too tightly to the scaffolding ultimately rooted in the development of the original CEQ regs and old-fashioned issuance of reports is necessarily the only or best way of doing so.

[Reply](#)

Anonymous

January 13, 2025 at 2:07 pm

And to Sharon's larger point I want to be careful not to simply defend the status quo, but I think that realism in NEPA reform needs something other than proliferation of authorities! That's just, understandably, usually the lowest hanging fruit. Proliferating CE authorities or carving out wholesale exemptions leaves much to be desired on my read. Could be opening a massive can of worms / writing a check I'm not remotely prepared to cash, but I think that revisiting fairly foundational assumptions about the role of plan and project level NEPA, tiering, responding to comments, and more could be used for streamlining without taking the foundational idea of the statute out of the picture.

[Reply](#)

Michael T. Rains

January 13, 2025 at 1:59 pm

About five years ago, I began to write about the problem I was seeing regarding destructive wildfires due to the lack of forest management. Nothing special at all, really. Then, a few people joined me. I began to assemble some of the information I received. Then, "the I turned to we" and a document began to take shape. Originally, the document was called, "A National Emergency." Then a contributor said, "...let's call it America's Forests in the Balance: A National Emergency." The title was changed then to "America's Forests in the Balance, A National Emergency: A Call to Action." The name stuck. The document is simply referred to now, because it is easier, A Call to Action.

The document grew and so did the contributors – 250 pages and 82 very skilled people. We began to call the 82, "The NWI and Others" group. The NWI is the National Wildfire Institute formed under the leadership of the great Bruce Courtright. When Bruce passed, the NWI was just a shell of itself. The document was continually revised to include the latest information. Actually, outside of the group, people really liked the A Call to Action, calling it a great assembly of wildfire and forest maintenance information. They were vocal and it was nice to hear. After talking to my 8th Grade Science class, the word "maintenance" seemed to be better. Like, we "maintain" our house; we care for it. So, Forest Maintenance stuck and stayed.

Unfortunately, the A Call to Action began to be "too much" for some. The updates have stopped. I would have liked to see information about the "LA Fires" find its way into A Call to Action. I know the area so well. I was born and raised in Los Angeles. What has happened is so unsettling but not unexpected. So much of the area is a "fire adapted ecosystem" and we know what that means. We talk about development density, home hardening, the criticality of defensible space, the impacts of a changing climate and everything imaginable that we must be aware of to help avoid what is happening. We are starting to see the same thing in the East, clearly at a much smaller scale. But the signs are clear. We know what to do to be safe, or safer, but "nothing changes if nothing changes."

I used to say, "one day a hundred people will be killed in a wildfire, and then real change will take place." I was so wrong. Paradise, California comes along and in 2018 the Camp fire kills 85 people and destroys most of the town. Six years later, so much has been forgotten. It happens. The summers are horrific in their wildfire destruction and the winters help make us forget.

I feel so helpless. It feels like my experience with the USDA Forest Service stopped counting as soon as I retired from the agency. I did not die. Almost all that I and so many others have suggested seems to be ignored. For example, the concept of “managed” or “beneficial” or “let burn” or “move to the next best ridge” wildfire is so clearly wrong during these times, especially in the west. The clogged-up forests, the climate cycle we are within, and the continued expansion of the wildland-urban interface with inadequate “hardening and defensible space” actions yells, “STOP; for now, let’s first put out the fire.” How hard can that be? Yet, nothing changes. If forests (and forests are more than just trees) could talk, they would be extremely angry. “We helped you. Why then are you “monitoring” a fire when you know that putting it out immediately is what’s needed. Look at my watershed that you helped destroy. Please know, my friends and I are pissed.”

When I was involved with the A Call to Action, I was so pleased that so many extremely skilled conservationists shared their voices. We are talking about thousands of years of experience. One thing we begged the USDA Forest Service to do was provide clear, firm direction in 2024 to put out wildfires immediately. Nothing changed. Did you know that about 27 percent of the burned acres from wildfires this past year did not have to burn? Almost 3 million acres! Did you know that about one-half of America’s National Forests are dead and dying due to the lack of care.

Now I turn on the news and people are blaming dry fire hydrants as a dominant issue. Then someone else blames something else. Maybe the first thing we should do is KMS (Keep Mouth Shut) and put out the fires. There will be plenty of time for throwing spit wads later. Then, things that we already know will surface and be probably ignored. Watch what happens in 2025 if a wildfire starts on a National Forest. Knowing what we experienced for the last decade or so, will we “first, put out the fire?” Not likely. I know I sound cynical. Really, I am just so disillusioned. We know exactly what to do to reduce the destruction from wildfires. One of the iconic Forest Supervisors for the Forest Service, now retired, recently stated what should be done to address this wildfire issue:

1. Restore the National Wildfire Institute to be a clinical voice of real, effective change.
2. Declare a National Emergency, now.
3. First Put Out the Fire! A declaration by America’s Chief Forester.
4. Restore the “10am Policy.”

5. Rx burning (Prescribed Fire) only in the spring.
6. Eliminate "managed wildfire" as an option.
7. Initiate salvage and commercial thinning programs.
8. Work together.

My wish is to say, let us be sensitive to these changing times. There are a lot more people

living next to and within the forests than 100 years ago. And yes, we must be aware of the

impacts of a changing climate. We cannot forget the horrific loss of life contributed by smoke.

Not to overstate the obvious, but the more we "manage" a wildfire, the more smoke we help

produce. Knowing what we know, it's just unconscionable that we "watch" (i.e., "monitor") a wildfire. We are not very skilled at "managing" wild things. So, let's stop the foolishness, and "first, put out the fire" as we attempt to slow and then halt this National Emergency of destructive wildfires due to the lack of forest maintenance across America.

The "LA Fires" have brought back so many memories to me. The required restorative work ahead will be monumental in size and scope. If we work together, our resiliency knows no bounds. And, what a legacy it will afford to rise above the destruction and deploy a solution that will enable the land and people to speak as one now and ahead. I sure would like to be a part of that journey.

Very respectfully,

Michael T. Rains

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"Subs Are Also Real Teachers" *

*6th Grade Math Student, May 2, 2024, SLMS, RTMSD

Don't Forget to Live Your Core Values Each Day: RKP

Be Respectful; Kind; and Productive, every day in every way.

Reply

Thomas Hochman

January 13, 2025 at 2:48 pm

Thanks for starting this discourse, Sharon.

Noting that some replies make some unfounded accusations of "errors" here, which is a bit disappointing.

For example, Larry suggests that EISs are never associated with prescribed burns. This is not true, and he needed only to click on the link that the statistic cited for evidence. Attaching the link here: <https://www.perc.org/2022/06/14/does-environmental-review-worsen-the-wildfire-crisis/> and the underlying data here: <https://conservancy.umn.edu/items/5742daa8-5306-40d1-8afc-b5dbc9ae6add>

Anonymous also suggests that it is a "fairly basic error" to not include the fact that NEPA serves as an umbrella for other environmental statutes. But... this article is not a primer on NEPA. It is a collection of statistics related to NEPA and wildfires. As to whether or not I think there should also be reform to underlying procedural statutes and provisions such as NHPA Section 106 and ESA Section 7 Consultation... yes of course! But it's a strange accusation that this was somehow "missed."

I look forward to the continued discussion.

Reply

Anonymous

January 13, 2025 at 3:47 pm

Statistics require context, primer or not. The context presented for these statistics implies that sans NEPA you would have been to implementation x amount of time sooner. While no doubt NEPA adds to timelines, it's statistical sleight of hand to present these statistics as showing, unqualifiedly, the time added to projects by a single law. But I'm being a pedant.

That said, I think we'd agree on other substantive items, particularly with respect to the unnecessarily byzantine nature of procedural requirements currently in play. I don't, for instance, think that there's a lot of value added in objection and admin review processes as they're currently conceived. Reducing it to permit-based appeals such as what we have in 36 CFR 214 while all but eliminating 218 objections with highly restrictive standing could save time. (Maybe those older than I can fill in on what exactly 218 objections accomplish?)

Of course, such things would be framed as against "accountability" but I think the basic principles of NEPA's twin aims can be attained while not allowing for a proliferation of procedural hooks to stop projects that can be clearly demonstrated to be in line with programmatic goals a forest plan already adopts.

[Reply](#)

Anonymous

January 13, 2025 at 4:16 pm

The piece quite literally implies none of the things that you claim it does in your first paragraph. I'm not sure what else to add here.

[Reply](#)

Anonymous

January 14, 2025 at 7:40 am

Really?

"Timing and Delays

Average time before treatments under NEPA

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4.7 years to start a prescribed burn under the same conditions

For projects requiring an EIS:

5.3 years on average for mechanical treatments

7.2 years for prescribed burns (Edwards & Sutherland, 2022)

Forest Service resource allocation

The Forest Service manages 192 million acres—8.5% of U.S. land area—but spends ~40% of direct work hours (>\$250 million/year) on planning/assessment rather than active project work (USFS, 2002) An estimated \$100 million annually could shift from "unnecessary planning" to on-the-ground treatments with improved procedures"

This is clearly the straightforward implication of listing these stats and claims under a heading of "timing and delays". Not trying to be confrontational but I don't know what else the claim could be. The plain reading of the text, arranged as it is, appears to be that NEPA adds 4 years to a mechanical thinning project tout court. Don't motte-and-bailey the claim.

Why does this matter? As I said, I think the upshot of streamlining NEPA and reducing procedural chokepoints is one I would share. But, and this matters, if the claim appears to be that "NEPA causes delay of x length". So let's say we go for gold and just say the heck with NEPA and procedural environmental laws altogether, as some in the permit reform camp hold. Is it worth the political capital expended to do that when the reality comes back that NEPA didn't add 4 years to mechanical treatments once all of the other environmental laws and things like contracting requirements for implementing treatments were complied with?

I suppose my thesis, underbaked as it is, is that it's not that we do NEPA but how we do NEPA, and there are things within the USFS NEPA world that could change at a fundamental level without just rehashing ideas that have failed in the past, like doing more CEs.

[Reply](#)

Joe Reddan

January 13, 2025 at 2:51 pm

Prescribed broadcast burning aka "controlled burning" as a prescription for federal land vegetation treatment (nf, np, f&ws refuge, blm, bia & dod reservation) requires a full environmental impact statement and record of decision.

Employing the most eradicate and volatile of all vegetation treatment method – fire, indeed a stone-age tool has significant effects on the quality of the human environment!

If you doubt that ask the people of: Mack Lake, Los Alamos, Panguitch, Las Vegas. All major escaped "controlled burns" over the last 44 years either set by the Forest Service or the Park Service and all either disclosed by a ce or ea and documented by a dm or dn/fonsi. Yet all significantly affected the quality of the human environment.

The hubris of humans to think that fire can be "controlled" in the environment!!

[Reply](#)

Vladimir Steblina

January 13, 2025 at 8:18 pm

Does anybody have the citation for this statement??

“Forest density: Parts of the Sierra Nevada are now 6–7x denser than a century ago, fueling more intense megafires”

The natural resource agencies are held to a much higher standard for NEPA and the required analysis.

One reason I retired was that a Federal judge wanted the Forest Service to do an EIS on a less than a hundred outfitter horses and mules using the 532,000 acre Pasayten Wilderness for less than four months a year.

At the same time, nobody raised an issue with the Deepwater Horizon platform in the Gulf of Mexico. For a brand new, huge drilling platform all it took was a 24 page FONSI. That turned out to be a mistake of epic proportions.

CEQ needs to look at all Federal projects and decide WHICH are worth detailed analysis of environmental impacts and which can be done at a much lower level of analysis.

Really need to “level” the playing field across all the Federal agencies.

[Reply](#)

Rob DeHarpport

January 14, 2025 at 7:57 am

Sharon,

Excellent examples highlighting the insanity levels that the review and appeal process suffer.

The “Sue & Settle” serial litigants have created a little known industry on the backs of taxpayers. As you have shown, the cost is valuable time and money beyond the dollar amounts collected by the “environmental” litigant groups and their lawyers. It’s way past time to fully expose this little known legal industry.

The monetary value is bad enough to open the eyes of the unaware. The real cost of human lives and private property are truly beyond the imagination.

The abuse of the ESA and EAJA must end. Congress needs to act and end this costly nonsense. We must take the fiddle from Nero before more of our forests and communities are incinerated.

Bob Zyback recently wrote about the staggering number of communities that have been destroyed over the past 30 years. I believe Bob's conservative number of communities was around seventy.

These communities coupled with the Los Angeles fires that are still burning should be enough to warrant some sort of massive emergency action by Congress.

If only we could unite all of these communities to share their tragic fire stories and present to the Congress and President. 1/2 of our national forests are at risk according to the USFS. What type of forests do we want to pass on to future generations? 🤔 Black or Green?

Reply

Anon

January 14, 2025 at 9:19 pm

"Bob Zyback recently wrote about the staggering number of communities that have been destroyed over the past 30 years. I believe Bob's conservative number of communities was around seventy."

Bob could not even get basic facts right, like ownership of lands that a fire originated from, their proximity to a built up location, the vegetation type, or address the underlying factors involved in each fire.

At what point is it about the responsibilities of said communities to be a part of the solution? How does one align fire impacts to communities in a rural forested environment to a highly built up, non-federal adjacent urban area?

Do we also need to reign in Congress and the President to address and talk about the innumerable number of urban residents who die in slumlord managed/owned buildings (which also applies heavily to rural areas, but receive far less press)?

A good resource management project, properly written and analyzed, always holds up in court. Scapegoats and paper tigers do not.

[Reply](#)

Rob DeHarpport

January 15, 2025 at 7:41 am

I believe Bob explained that his list of communities was a preliminary list. As a anonymous reply you seem more focused on continuing the status quo rather than reducing the burden of NEPA and actually seeing our forest health restored.

Have a good day Anon.

[Reply](#)

Jon Haber

January 15, 2025 at 3:42 pm

"The abuse of the ESA and EAJA must end"

I don't know how you get to "abuse." The laws are being used properly according to the courts interpreting the laws.

[Reply](#)

Bob Zybach

January 16, 2025 at 5:05 pm

Hi Jon: I think this means "the abusive use of" ESA and EAJA "must end." I completely agree with that, just as I agree with you that these laws are "being

used properly according to the courts” who helped shape these abuses.

[Reply](#)

Jon Haber

January 14, 2025 at 5:26 pm

Here’s what I was going to say but it’s been said: “Delays, we found, are often caused by factors only tangentially related to the Act, like inadequate agency budgets, staff turnover, delays receiving information from permit applicants, and compliance with other laws.”

Those first two match my observations and are something you should be able to fix with money. If this is really a priority, fund it like one first before changing things that would have less predictable results.

[Reply](#)

Anonymous

January 15, 2025 at 8:09 pm

So it appears many of the participants in this dialogue believe that: the fires mentioned in the Substack essay, and perhaps many others, would not have occurred if NEPA didn’t exist; more extensive and intensive vegetation management (“fuel treatment”) on federal lands will substantially reduce or eliminate the probability of wildland fires impacting houses and other infrastructure; and more aggressive fire suppression (and by implication bigger fire departments) will significantly reduce the extent and severity of wildland fires in coming years and decades. IMO, all three of those deductions are grossly overstated or false.

The article linked below more closely aligns with my experiences with wildland fires and federal land management over the last 49 years.

D.E. Calkin et al. 2023. Wildland-urban fire disasters aren't actually a wildfire problem. Proceedings of the National Academy of Sciences 120(51) December 13, 2023.

<https://www.pnas.org/doi/full/10.1073/pnas.2315797120>

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Recommended Comment Considerations

When commenting, please consider the three doors that charitable speech must pass through. The gatekeeper at the door asks, "Is it true?" The second gatekeeper asks, "Is it helpful?" The third gatekeeper asks, "Is it kind?" (adapted from the writings of Krishnamurti by James Martin on p. 169 of his book "Between Heaven and Mirth.")

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My Favorite Forest Photo

Purpose

We intend to provide a forum where different academic communities (social, physical and biological disciplines, law, policy), agency employees and retirees, students and the general public can come together to share perspectives on national forest management and planning.

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Questions? Complaints? Kudos? Contact Sharon at terraveritas at gmail dot com.

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193+

2012 Planning Rule

21st Century Problems

30 x 30

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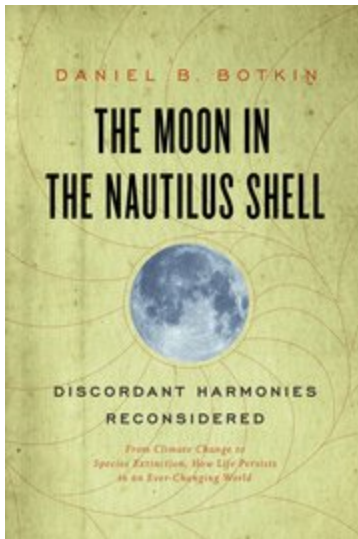
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Virtual Book Club for Dan Botkin's The Moon and the Nautilus Shell can be found [here](#).

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