

NEPA Burned Half a Forest



NEPA is the National Environmental Policy Act. Lawsuits filed under its provisions have slowed countless projects. In 2005, Regional Forester Abigail Kimbell of the the Northern Region of the US Forest Service, estimated that **44% of their proposed projects were currently under litigation.** (The transcript of Ms. Kimbell's Congressional testimony is available at the end of this article.) **Sometimes, delaying a project has disastrous consequences. Read on to learn how NEPA burned half a forest.**

Thomas Hochman (@ThomasHochman on X) pointed this out in a recent tweet:



The Jimtown project was a proposed controlled burn in the Helena National Forest in

Montana. Here's how Ms. Kimbell described it:

An example of how process delays can negate the advantages of appropriate treatment is the Jimtown project on the Helena National Forest in Montana. This project proposed to thin and underburn about 900 acres and underburn 220 acres to make ponderosa pine stands less prone to stand replacing wildfires and protect private property in the wildland-urban fire interface.

Lest you think this was an isolated incident, here's what Ms. Kimbell had to say about another case:

Please refer to Exhibit (1). This photo demonstrates judicial review requirements for documentation of the administrative record for the Clancy-Unionville project on the Helena National Forest in Montana. The original Environmental Impact Statement was a sizeable 592 pages with the appendices, but this seems paltry compared to over 15,000 pages now in the administrative record. Judicial review also requires this record be submitted in electronic format in addition to this mountain of paperwork. These electronic records are extensive with hundreds of hyperlinks that must be carefully inspected to ensure all the supporting documents are appropriately referenced. As the required analysis and documentation increases, these limited resources must also be committed to re-assessing projects that have previously been initiated thus adding another level of delay.

In the case of Jimtown, the public input was extensive and broad-based. Ms. Kimbell's description begins halfway down page 2 and continues onto page 3. (This transcript is available by [clicking here.](#))

