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National Environmental Policy Act/Forest Management Plan: Federal Appellate Court Addresses Challenge to Bureau of Land Management Environmental Assessment

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The United States Court of Appeals (“Ninth Circuit”) addressed in a September 17th memorandum an issue arising under the National Environmental Policy Act (“NEPA”). See *Cascadia Wildlands, et al., v. United States Bureau of Land Management, et al.*, 2026 WL 2772092.

The question addressed is whether the United States Bureau of Land Management (“BLM”) proposed an adequate NEPA Environmental Assessment (“EA”) for some timber harvesting activities.

Cascadia Wildland and Oregon Wild (collectively, “CW”) challenged BLM’s adoption of a forest management plan for timber harvesting within a 13,225-acre area in western Oregon (“FM Plan”). They allege that BLM’s EA for the FM Plan failed to adequately analyze four issues:

- Soil disturbances.
- Invasive weeds.
- Sensitive species.
- Cumulative impacts.

The issues were alleged to have not been analyzed at the required level of specificity.

The United States District Court granted a summary judgment in favor of CW.

CW had argued that BLM was obligated to analyze the referenced four issues at the “harvest unit area scale” rather than across the 13,225-acre area.

The Ninth Circuit rejects that argument, stating that the FM Plan does not authorize any actions at the harvest unit area scale. Instead, it provides that BLM will select parcels for timber harvesting within the 13,225-acre area at a later date. It further stated that NEPA does not require agencies to do a:

... parcel by parcel examination of potential environmental effects when the parcels likely to be affected are not yet known.

CW’s additional argument that the EA’s proposed mitigation measures were insufficiently site-specific was held by the Ninth Circuit to fail for the same reason.

The Ninth Circuit also held that CW:

- Failed to identify any specific environmental problems that the BLM overlooked.
- Offered unsupported criticisms of the BLM's methodology.

CW's assertion that BLM assessed the FM Plan's proposed effects on soil through averaging and guesswork was unsupported by the record. The Ninth Circuit cited BLM's issuance of a lengthy and comprehensive soil report that:

- Surveyed baseline soil conditions.
- Predicted total acres of disturbed soil across the 13,225-acre area by modeling possible logging activity.
- Set forth strategies for minimizing soil disturbances.

The Ninth Circuit reached a similar conclusion regarding the assessment of sensitive species, referencing a separate NEPA document stating:

... the question of how detailed a report must be 'requires the exercise of agency discretion—which should not be excessively second-guessed by a court.

The cumulative impact argument was rejected because CW is held to have failed to show how there would be a cumulative impact with the neighboring FM Plan.

The final argument rejected was that the agency's future selection of parcels for timber harvesting will not be subject to any NEPA review. The record was stated to make clear that before approving any specific timber harvesting projects, BLM will complete a:

- EA.
- Categorical exclusion review.
- Determination of NEPA Adequacy.

A copy of the Memorandum can be found [here](#).