NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CASCADIA WILDLANDS, an Oregon nonprofit corporation; OREGON WILD,

Plaintiffs - Appellees,

v.

CHERYL ADCOCK, in her official capacity as Field Manager for the Siuslaw Field Office; UNITED STATES BUREAU OF LAND MANAGEMENT,

Defendants - Appellants.

No. 25-4161

D.C. No.
6:22-cv-01344-MTK

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Mustafa T. Kasubhai, District Judge, Presiding

Submitted September 15, 2026**
Portland, Oregon

Before: FRIEDLAND and DE ALBA, Circuit Judges, and LASNIK, District Judge.***

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* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington, sitting by designation.

In this action under the National Environmental Policy Act ("NEPA"), Defendants-Appellants Cheryl Adcock in her official capacity as Field Manager for the Siuslaw Field Office and the United States Bureau of Land Management (collectively, "the BLM") appeal the district court's summary judgment in favor of Plaintiffs-Appellees Cascadia Wildlands and Oregon Wild. Plaintiffs challenge the BLM's adoption of a forest management plan for timber harvesting within a 13,225-acre area in western Oregon ("Siuslaw Plan"). Plaintiffs allege that the BLM's Environmental Assessment ("EA") for the Siuslaw Plan failed to adequately analyze several environmental effects.[1] Because Plaintiffs have not shown that the EA is deficient under NEPA, we reverse.

We review "a district court's grant or denial of summary judgment" and an

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[1] Reviewing de novo, *see Colwell v. Dep't of Health & Hum. Servs.*, 558 F.3d 1112, 1121 (9th Cir. 2009), we conclude that Plaintiffs have standing and that their challenge is ripe. Contrary to the BLM's argument, Plaintiffs have standing to challenge the EA even though it is a programmatic document that does not directly authorize specific timber harvesting projects. *See Jayne v. Sherman*, 706 F.3d 994, 999 (9th Cir. 2013) (rejecting the argument that the plaintiffs' "alleged injury is not imminent because the Idaho Roadless Rule is a programmatic rule that does not authorize the building of any roads or the logging of any trees"); *Citizens for Better Forestry v. U.S. Dep't of Agric.*, 341 F.3d 961, 973 (9th Cir. 2003) (holding that the plaintiffs had standing to challenge programmatic rule that did "not result in any direct environmental effects"). And because Plaintiffs allege a procedural injury under NEPA, their challenge is ripe. *See Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1071 (9th Cir. 2002) ("[A] person with standing who is injured by a failure to comply with the NEPA procedure may complain of that failure at the time the failure takes place, for the claim can never get riper." (alteration in original) (quoting *Ohio Forestry Ass'n v. Sierra Club*, 523 U.S. 726, 737 (1998))).

agency's "compliance with . . . NEPA" de novo. *Cascadia Wildlands v. U.S. Bureau of Land Mgmt.*, 153 F.4th 869, 892 (9th Cir. 2025) (citation modified). Courts review an agency's compliance with NEPA under the Administrative Procedure Act. *See id.* Under that standard, "we may set aside agency action only if it was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *Native Ecosystems Council v. U.S. Forest Serv.*, 418 F.3d 953, 960 (9th Cir. 2005) (citation modified). "[W]hen determining whether an [agency] complied with NEPA, a court should afford substantial deference to the agency." *Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, 605 U.S. 168, 180 (2025).

1. Plaintiffs primarily argue that the EA does not comply with NEPA because it does not analyze four issues—soil disturbances, invasive weeds, sensitive species, or cumulative impacts—at the required level of specificity. In Plaintiffs' view, the BLM was obligated to analyze those issues at "the harvest unit area scale," rather than across the 13,225-acre area. We disagree. The Siuslaw Plan does not authorize any actions at the harvest unit area scale. Instead, it provides that the agency will select parcels for timber harvesting within the 13,225-acre area at a later date. 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." *N. Alaska Env't Ctr. v. Kempthorne*, 457 F.3d 969,

977 (9th Cir. 2006). Plaintiffs' related argument that the EA's proposed mitigation measures are insufficiently site-specific fails for the same reason. *See id.* at 979 ("Because it is impossible to know which, if any, areas . . . are most likely to be developed, BLM development of more specific mitigating measures cannot be required at this stage.").

2. Plaintiffs fail to otherwise identify any specific environmental problems that the BLM overlooked, instead offering unsupported criticisms of the BLM's methodology. Plaintiffs first assert that the BLM assessed the Siuslaw Plan's probable effects on soil through "averaging and guesswork." That assertion is unsupported by the record. The BLM issued 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, and set forth strategies for minimizing soil disturbances. Next, Plaintiffs contend that the EA's analysis of the Siuslaw Plan's effects on sensitive species was "conclusory." But the agency assessed sensitive species in detail in a separate NEPA document, and the EA incorporated that analysis by reference. *See Cascadia Wildlands*, 153 F.4th at 881 (explaining that the "BLM should tier to earlier NEPA review documents when feasible"). And in any event, "[t]he question of how detailed a report must be 'requires the exercise of agency discretion—which should not be excessively second-guessed by a court.'" *Id.* at 905 (quoting *Seven Cnty.*, 605 U.S. at 181).

Plaintiffs also argue that the EA failed to discuss cumulative impacts between the Siuslaw Plan and another forest management plan that governs neighboring land. But the BLM concluded that the two plans would not result in cumulative impacts on some resources, and Plaintiffs fail to show that the agency's conclusion was unreasonable. As for the resources that would be subject to cumulative impacts, the BLM discussed those impacts in the EA or incorporated prior relevant cumulative impacts analysis by reference.

3. Finally, Plaintiffs suggest that the BLM's adoption of the Siuslaw Plan does not comply with NEPA because the agency's future selection of parcels for timber harvesting will not be subject to any NEPA review. That is incorrect. As the record makes clear, before approving any specific timber harvesting projects, "the BLM will complete a tiered environmental assessment, categorical exclusion review, or Determination of NEPA Adequacy (DNA), as appropriate." The BLM also stated that any timber sale decisions would be subject to a 30-day comment period. *See Salmon River Concerned Citizens v. Robertson*, 32 F.3d 1346, 1358 (9th Cir. 1994) ("We assume that government agencies will comply with their NEPA obligations in later stages of development." (citation modified)).

REVERSED and REMANDED.