



Highlights of [GAO-04-52](#), a report to congressional requesters

FOREST SERVICE

Information on Appeals and Litigation Involving Fuels Reduction Activities

Why GAO Did This Study

The federal fire community’s decades old policy of suppressing wildland fires as soon as possible has caused a dangerous increase in vegetation density in our nation’s forests. This density increase combined with severe drought over much of the United States has created a significant threat of catastrophic wildfires. In response to this threat, the Forest Service performs activities to reduce the buildup of brush, small trees, and other vegetation on national forest land. With the increased threat of catastrophic wildland fires, there have been concerns about delays in implementing activities to reduce these “forest fuels.” Essentially, these concerns focus on the extent to which public appeals and litigation of Forest Service decisions to implement forest fuels reduction activities unnecessarily delay efforts to reduce fuels.

The Forest Service does not keep a national database on the number of forest fuels reduction activities that are appealed or litigated. Accordingly, GAO was asked to develop this information for fiscal years 2001 and 2002. Among other things, GAO was asked to determine (1) the number of decisions involving fuels reduction activities and the number of acres affected, (2) the number of decisions that were appealed and/or litigated and the number of acres affected, (3) the outcomes of appealed and/or litigated decisions, and (4) the number of appeals that were processed within prescribed time frames.

www.gao.gov/cgi-bin/getrpt?GAO-04-52.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Barry T. Hill at (202) 512-9775 or hillbt@gao.gov.

What GAO Found

In a GAO survey of all national forests, forest managers reported the following:

- In fiscal years 2001 and 2002, 818 decisions involved fuels reduction activities covering 4.8 million acres.
- Of the 818 decisions involving fuels reduction activities, about 24 percent were appealed—affecting 954,000 acres. However, of the 818 decisions, more than half, 486 decisions, could not be appealed because they involved activities with little or no environmental impact. Of the 332 appealable decisions, 194 (about 58 percent) were appealed. There can be multiple appeals per decision. In addition, 25 decisions (3 percent) affecting about 111,000 acres were litigated.
- For 73 percent of the appealed decisions, the Forest Service allowed the fuels reduction activities to be implemented without changes; 8 percent required some changes before being implemented; and about 19 percent could not be implemented. Of the 25 litigated decisions, 19 have been resolved.
- About 79 percent of appeals were processed within the prescribed 90-day time frame. Of the remaining 21 percent, the processing times ranged from 91 days to 240 days.

The Forest Service, in commenting on a draft of this report, generally agreed with the report’s contents. Their specific comments and our evaluation of them are provided in the report.

Summary of Forest Service Decisions and Appeals Information for Fiscal Years 2001 and 2002

Decisions/Appeals	Little or no impact/Not appealable	Impacts initially uncertain or significant/ Appealable	Total for all decisions
Number of decisions	486	332	818
Number of appealed decisions	3	194	197
Percentage of decisions appealed	<1	58	24
Acreage (in thousands)	2,989	1,804	4,793
Acreage appealed (in thousands)	4	950	954
Percentage of acreage appealed	<1	53	20

Source: GAO data and analysis.