



Highlights of [GAO-10-337](#), a report to congressional requesters

Why GAO Did This Study

Increases in the number and intensity of wildland fires have led the Department of Agriculture’s Forest Service to place greater emphasis on thinning forests and rangelands to reduce the buildup of potentially hazardous vegetation that can fuel wildland fires. The public generally has an opportunity to challenge agency hazardous fuel reduction decisions with which it disagrees. Depending on the type of project being undertaken, the public can file a formal objection to a proposed decision, or can appeal a decision the agency has already made. Appeals and objections must be reviewed by the Forest Service within prescribed time frames. Final decisions may also generally be challenged in federal court.

GAO was asked, among other things, to determine, for fiscal years 2006-2008, (1) the number of Forest Service fuel reduction decisions and the associated acreage; (2) the number of decisions subject to appeal and objection, the number appealed, objected to, and litigated, and the associated acreage; and (3) the outcomes of appeals, objections, and litigation, and the extent to which appeals and objections were processed within prescribed time frames. In doing so, GAO conducted a nationwide survey of forest managers and staff, interviewed officials in the Forest Service’s regional offices, and reviewed documentation to corroborate agency responses.

GAO requested, but did not receive, comments from the Forest Service on a draft of this report.

View [GAO-10-337](#) or [key components](#). For more information, contact Anu Mittal at (202) 512-3841 or mittala@gao.gov.

FOREST SERVICE

Information on Appeals, Objections, and Litigation Involving Fuel Reduction Activities, Fiscal Years 2006 through 2008

What GAO Found

Through a GAO-administered survey and interviews, Forest Service officials reported the following information:

- In fiscal years 2006 through 2008, the Forest Service issued 1,415 decisions involving fuel reduction activities, covering 10.5 million acres.
- Of this total, 1,191 decisions, covering about 9 million acres, were subject to appeal and 217—about 18 percent—were appealed. Another 121 decisions, covering about 1.2 million acres, were subject to objection and 49—about 40 percent—were objected to. The remaining 103 decisions were exempt from both objection and appeal. Finally, 29 decisions—about 2 percent of all decisions—were litigated, involving about 124,000 acres.
- For 54 percent of the appeals filed, the Forest Service allowed the project to proceed without changes; 7 percent required some changes before being implemented; and 8 percent were not allowed to be implemented. The remaining appeals were generally dismissed for procedural reasons or withdrawn before they could be resolved. Regarding objections, 37 percent of objections resulted in no change to a final decision; 35 percent resulted in a change to a final decision or additional analysis on the part of the Forest Service; and the remaining 28 percent were set aside from review for procedural reasons or addressed in some other way. And finally, of the 29 decisions that were litigated, lawsuits on 21 decisions have been resolved, and 8 are ongoing. Of the lawsuits that have been resolved, the parties settled 3 decisions, 8 were decided in favor of the plaintiffs, and 10 were decided in favor of the Forest Service. All appeals and objections were processed within prescribed time frames—generally, within 90 days of a decision (for appeals), or within 60 days of the legal notice of a proposed decision (for objections).

Summary of Appeals of and Objections to Forest Service Fuel Reduction Decisions and Associated Acreage, Fiscal Years 2006-2008

	Subject to appeal	Subject to objection	Exempt from appeal and objection	Total
Number of decisions	1,191	121	103	1,415
Number of decisions appealed or objected to	217	49	Not applicable	266
Percentage of decisions appealed or objected to	18	40	Not applicable	19
Acreage (in thousands)	9,143	1,215	188	10,545
Acreage appealed or objected to (in thousands)	839	225	Not applicable	1,064
Percentage of acreage appealed or objected to	9	19	Not applicable	10

Source: GAO analysis of survey results.

Note: Numbers may not total due to rounding.