Prepared Statement of

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U.S. House Natural Resources Committee, Subcommittee on Federal Lands
Hearing on Discussion Draft of H.R. ___ (Rep. Westerman), To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.
April 17, 2024

Main Points

- America's wildfire crisis is getting worse. There is broad agreement that increasing active forest restoration efforts, such as mechanical thinning and prescribed burning, will improve ecosystem health and reduce the risk of catastrophic wildfires.
- Red tape and litigation encourage conflict and create barriers to forest restoration activities. Policy change is needed to advance positive work.
- Partnerships with the private sector, states, counties, and tribal nations can help overcome federal capacity challenges to forest restoration.

Introduction

Chairman Tiffany, Ranking Member Neguse, and members of the committee, thank you for the opportunity to participate in this important discussion on forest conservation and how this proposal from Chairman Westerman can remove obstacles and bring in additional resources to improve the pace and scale of forest restoration.

My name is Hannah Downey, and I am the policy director at the Property and Environment Research Center. PERC is the national leader in market solutions for conservation, with over 40 years of research and a network of respected scholars and practitioners. Through research, law and policy, and innovative applied conservation projects, PERC explores how aligning incentives for environmental stewardship produces sustainable outcomes for land, water, and wildlife. Enhancing forest health has been a primary focus of PERC's research and policy efforts, with recent major reports on how to overcome obstacles to collaborative forest restoration and expand

the use of prescribed fire.[1] Founded in 1980, PERC is nonprofit, nonpartisan, and proudly based in Bozeman, Montana.

Beyond my professional work, my connection to today's topic is deeply personal. As a young girl, I'll never forget the fear of being forced to evacuate a family backpacking trip in Montana's Absaroka-Beartooth Wilderness as an out-of-control wildfire raced toward us. Since then, I married a wildland firefighter and have prayed for my husband and his fire crew as they battled blazes around the United States. I have seen members of my community lose their homes to a devastating wildfire. And as a resident of Bozeman, Montana—which, like many western cities, draws its water from national forest lands with high risk of catastrophic fire—I live with the sobering realization each summer that our community's water supply would likely be cut off in the event of a fire in the nearby watershed.

The reality is that large and destructive wildfires are becoming more common across the West. Although several factors contribute to this trend, the declining health of our nation's forests is a primary cause.[2] America's national forests face an 80-million-acre backlog in needed restoration—a backlog that leaves our forests with excess fuels, more vulnerable to insects and disease outbreaks, and less resilient to climate change and drought.[3] Yet the Forest Service has struggled to treat more than a few million of those acres per year on average.[4]

PERC supports the Biden administration's ambitious strategy to significantly increase its forest restoration work over the next decade, including the goal of treating an additional 20 million acres of national forest above the business-as-usual rate.[5] Meeting that critical target will require greater efficiency in the years-long process of developing, approving, and implementing forest restoration projects.[6] PERC proposed reforms to restore national forests and tackle the wildfire crisis in the 2021 report *Fix America's Forests*. This discussion draft incorporates several of those recommended reforms that would make it easier to do restoration work in high-risk

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[1] *See* Holly Fretwell & Jonathan Wood, *Fix America's Forests: Reforms to Restore National Forests and Tackle the Wildfire Crisis*, PERC Public Lands Report (2021); Jonathan Wood & Morgan Varner, *Burn Back Better: How Western States Can Encourage Prescribed Fire on Private Lands*, PERC Policy Report (2023).

[2] Among the four factors driving fire severity in the western United States, live fuel accounted for an estimated 53.1 percent of average relative influence, fire weather accounted for 22.9 percent, climate accounted for 13.7 percent, and topography accounted for 10.3 percent. *See* Sean A. Parks et al., *High-Severity Fire: Evaluating Its Key Drivers and Mapping Its Probability Across Western US Forests*, Environmental Research Letters (2018).

[3] *See* Forest Service, *Forest Products Modernization* (last visited Mar. 17, 2023). *See also Fix America's Forests*, *supra* n. 1 at 4–16.

[4] *See* Deputy Chief Christopher French, "Testimony Concerning Instrastructure Needs, Western Water and Public Lands, and the Discussion Draft of the Energy Infrastructure Act" (June 24, 2021)..

[5] *See* Forest Service, *Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America's Forests* (2022).

[6] *See* Eric Edwards & Sara Sutherland, *Does Environmental Review Worsen the Wildfire Crisis?*, PERC Policy Brief (2022). *See also Confronting the Wildfire Crisis*, *supra* n. 9 at 30 (predicting that existing "shovel ready" projects could be completed in years 1 and 2 of the plan); Forest Service, *National Prescribed Fire Program Review* App. A 21 (2022) (identifying the need to "streamline required environmental analysis and consultations").

firesheds, limit disruptions from litigation, and expand capacity through partnerships. Now is the time to implement proactive policies that increase the pace and scale of forest restoration.

Getting to the Root of the Wildfire Crisis

According to the Forest Service, about 40 percent of the acres in the national forest system are in need of restoration.[7] When the Department of the Interior's 54-million-acre restoration backlog is added in,[8] the total area of federal land that needs urgent help is larger than the state of California (*See appendix figure 1)*. The wildfire crisis is the most visible symptom of this problem, but it is not the only one. Due to the backlog, many western forests are stocked full of overly dense, unhealthy, and dying stands that provide lower-quality habitat, are more vulnerable to insects and disease, and are less resilient to climate change and drought.[9]

As with any complex phenomenon, no single factor fully explains declining forest health or the wildfire crisis. A changing climate has increased the risk of drought and extended the West's "wildfire season."[10] A massive jump in the number of people living near or recreating in forests has increased opportunities for human-caused ignitions.[11] But the largest factor, according to a study by Forest Service scientists, is excessive forest density and the buildup of fuels due to a lack of forest management and decades of fire suppression.[12]

Fire is nothing new to western forests, which were traditionally adapted to flames due to climate, terrain, and Indigenous tribes' use of controlled fire for millennia.[13] However, recent catastrophic wildfires are far more destructive than historical fire regimes. They are more likely to threaten old-growth trees, wipe out habitat for wildlife, and cause erosion that degrades watersheds and fish habitat.[14] Even mighty giant sequoias, one of the most fire-adapted tree species, are at risk. The National Park Service estimates that 10–20 percent of the world's remaining sequoias have been killed by wildfires since 2020.[15] Wildfire emissions are also a major climate concern. California's record wildfire year in 2020, for example, released twice the amount of carbon emissions than the state had cut between 2003 and 2019.[16]

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[7] *See Fix America's Forests*, *supra* n. 1 at 4. The Forest Service manages 193 million acres of land, 80 million of which are in need of restoration, according to the agency.

[8] GAO, *Wildland Fire: Federal Agencies' Efforts to Reduce Wildland Fuels and Lower Risk to Communities and Ecosystems* (2019).

[9] *See Fix America's Forests* n. 1 at 8–13.

[10] *See Burn Back Better*, *supra* n. 1 at 4.

[11] *See id.*

[12] *See High-Severity Fire: Evaluating Its Key Drivers and Mapping Its Probability Across Western US Forests*, *supra* n. 2.

[13] *See Burn Back Better*, *supra* n. 1 at 4.

[14] *See Fix America's Forests*, *supra* n. 1 at 8–10.

[15] *See* Dr. Kristen Shive, et al., *2021 Fire Season Impacts to Giant Sequoias* (last visited Mar. 19, 2023).

[16] Michael Jerrett, Amir S. Jina, Miriam E. Marlier, *Up in smoke: California's greenhouse gas reductions could be wiped out by 2020 wildfires*, 310 Env'tl Pollution 119888 (2022).

In 2015, for the first time, the United States eclipsed 10 million acres burned by wildfires in a year—an unfathomable total just a few decades ago—with the vast majority of that acreage concentrated in the West. Since then, we have passed that milestone twice more.[17]

And due to growing populations near forests, modern fires threaten communities and property in ways not seen before.[18] Nearly 100,000 structures have burned in wildfires since 2005, with two-thirds of that destruction occurring since 2017.[19] California's Camp Fire in 2018, for example, was the deadliest and most destructive in that state's history, killing 85 people and destroying most of the town of Paradise in less than 24 hours.[20] In my home of Bozeman, our city's entire water source would be depleted in just three days if our neighboring forests went up in flames. For decades, the watershed has been at high risk of severe wildfire. Yet, despite this risk, the collaboratively designed Bozeman Municipal Watershed Project was tangled in red tape and litigation for 15 years before restoration activities could finally begin several years ago.

Forest restoration efforts, including mechanical thinning and prescribed fire, are urgently needed to reduce wildfire damage and promote forest resilience. A new meta-analysis published in the journal *Forest Ecology and Management* found that combining mechanical thinning with prescribed burns reduces the severity of subsequent wildfires in an area by 62-72 percent.[21] Importantly, the efficacy of these treatments did not vary among forest types assessed in the study and was high across a range of fire weather conditions. The effectiveness of these tools was demonstrated in 2021 during Oregon's Bootleg Fire, which ultimately burned more than 400,000 acres.[22] Firefighters reported that where both treatments had been applied, fire intensity was reduced, the crowns of trees were left intact, and the blaze became a more manageable ground fire (*see appendix figure 2)*. Reports also indicated that an area where scheduled prescribed burns had been delayed suffered more damage than areas where treatments had been completed.[23]

The Forest Service has simply not been able to keep up with forest restoration needs. In 2023, the agency completed more hazardous fuels work than any prior year in its history, reporting that it treated more than 4.3 million acres.[24] The Forest Service's method of tracking and reporting these acres, however, is prone to misinterpretation that overstates the agency's progress at addressing the restoration backlog.[25] For example, the

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[17] National Interagency Fire Center, "Total Wildland Fires and Acres (1983-2022)."
[18] *See Burn Back Better*, *supra* n. 1 at 4.
[19] Headwaters Economics, *Wildfires Destroy Thousands of Structures Each Year* (2022).
[20] National Institute of Standards & Technology, *New Timeline of Deadliest California Wildfire Could Guide Lifesaving Research and Action* (Feb. 8, 2021).
[21] Kimberley Davis, et. al., *Tamm Review: A Meta-Analysis of Thinning, Prescribed Fire, and Wildfire Effects on Subsequent Wildfire Severity in Conifer Dominated Forests of the Western US*, 561 Forest Ecology and Management 121885 (June 2024).
[22] *See Burn Back Better*, *supra* n. 1 at 5.
[23] *See* Sara Sutherland & Eric Edwards, *How Environmental Red Tape Inflames Wildfire Risk*, PERC Reports (2022).
[24] U.S. Forest Service, USDA Forest Service celebrates historic investments in 2023, (January 23, 2024).
[25] *See* Accurately Counting Risk Elimination Solutions (ACRES) Act, H.R. 1567. *See also* Adiel Kaplan & Monica Hersher, "The Forest Service is Overstating its Wildfire Prevention Progress to Congress Despite Decades of Warnings Not

4.3 million acres of restoration work reported last year does not necessarily mean that the restoration backlog has been reduced by 4.3 million acres. Because an area may require multiple treatments over several years, the Forest Service's method of tracking and reporting this information can result in substantial double-counting. While PERC applauds the Forest Service's commitment to increasing forest restoration, we must continue to dramatically increase the pace and scale of this work to make progress against the backlog.

Overcoming Red Tape

While the good news is that we know how to reduce wildfire risk through forest restoration activities, the bad news is it is exceptionally difficult to get that work done on the ground and at the scale needed. Before any chainsaws or drip torches can touch a federal forest, a restoration project must navigate complex bureaucratic procedures, including review under the National Environmental Policy Act (NEPA). Depending on the extent of anticipated impacts, NEPA may require the Forest Service to analyze a project through, in order of increasing complexity and expense, a categorical exclusion, environmental assessment, or environmental impact statement. The agency may also need to develop a range of alternatives to the project and analyze their impacts as well.

While well-intentioned, extensive NEPA reviews can significantly increase project costs and inject substantial delays. In PERC's recent policy report *Does Environmental Review Worsen the Wildfire Crisis?*, researchers compiled and analyzed a novel NEPA dataset and found that the average time to conduct an environmental impact statement is over 2.5 years.[26] Even a categorical exclusion, which is designed to exempt a project from stringent environmental review, takes an average of nine months to complete.[27]

NEPA delays contribute substantially to an overall approval and implementation process that holds up projects for many years. According to PERC researchers, once the Forest Service initiates the environmental review process, it takes an average of 3.6 years to actually begin a mechanical treatment on the ground and 4.7 years to begin a prescribed burn—and those numbers increase to 5.3 years and 7.2 years, respectively, if an environmental impact statement is required (*see appendix figure 3)*.[28] If a project is litigated, that adds on another two years, on average. Given the time it takes to conduct environmental reviews and implement fuel treatments, it is unlikely that the Forest Service will be able to achieve its goal of treating an additional 20 million acres over the next 10 years.

Evaluating the costs associated with NEPA compliance is challenging largely because, similar to many other federal agencies, the Forest Service does not routinely track or report the associated costs and personnel time.[29]

To," NBC News (August 9, 2022); GAO, *Wildland Fire Management: Additional Actions Required to Better Identify and Prioritize Lands Needing Fuels Reduction* (2003).

[26] Eric Edwards and Sara Sutherland, *Does Environmental Review Worsen the Wildfire Crisis? How Environmental Analysis Delays Fuel Treatment Projects*, PERC Policy Brief (June 2022).

[27] *Ibid.*

[28] *Ibid.*

[29] Katie Hoover & Anne Riddle, *National Forest System Management: Overview and Issues for Congress*, Congressional Research Service (May 18, 2023).

The Forest Service has, however, historically identified administrative process barriers as a major factor holding up forest restoration goals. As a 2002 Forest Service report on *The Process Predicament* described it, "Even noncontroversial projects often proceed at a snail's pace."[30] In 2022, the Forest Service likewise concluded that environmental review processes must be streamlined to give the agency more tools to use prescribed fire to protect forests and wildlife habitat.[31]

Improving the Process

The current environmental review process delays needed restoration projects and is often further delayed by litigation. Several common sense solutions offered in Chairman Westerman's proposal can help alleviate these barriers.

Make Categorical Exclusions Easier to Apply

One approach to reduce NEPA burdens is to use categorical exclusions to exempt a forest restoration project from rigorous environmental review. Under this proposal from Chairman Westerman, projects in the top 20 percent of riskiest firesheds would be categorically excluded from NEPA analysis, expediting needed restoration activities in the areas that need it most. Additionally, projects in these high-risk firesheds would be included under section 40807(d) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592c(d)), allowing them to move forward as emergency actions under NEPA and the Endangered Species Act. There are major environmental risks to not moving needed forest restoration projects along quickly, and these improvements will help get that work done in the highest-risk areas.

Fix Cottonwood

Chairman Westerman's proposal would also address the problems created by the Ninth Circuit's decision in *Cottonwood Environmental Law Center v. Forest Service.*[32] When the decision was issued, the Obama administration warned that it threatened to "cripple the Forest Service."[33] A temporary legislative fix forestalled that result for a while, but it expired last year. As a result, the Biden administration has reported that restoration projects in 87 national forests could be upended by litigation under *Cottonwood*, and the Forest Service's only option could be to spend millions of dollars and a decade on duplicative and unnecessary paperwork rather than working in the field to restore forests.[34] Simply put, *Cottonwood* harms forests and wildlife and only benefits litigants. That's why a diverse coalition of conservation groups support a permanent *Cottonwood* fix and why the idea has drawn significant, bipartisan support.[35]

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[30] U.S. Forest Service, *The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management* (2002).
[31] U.S. Forest Service, *Nat'l Prescribed Fire Program Review* (2022).
[32] 789 F.3d 1075 (9th Cir. 2015).
[33] See Pet. for Cert., U.S. Forest Serv. v. Cottonwood, No. 15-1387 (filed June 10, 2016).
[34] *See* Forest Serv., *Deputy Chief French testimony on land bills* (March 24, 2023),
[35] *See* Jonathan Wood, *Prepared Statement before the U.S. House Natural Resources Committee, Subcommittee on Federal Lands - Hearing on H.R. 200* (March 23, 2023).

Make Litigation Less Disruptive

While litigation plays an important role in holding the government accountable, it can also be disruptive and warp incentives. It can encourage conflict rather than collaboration, especially where the government pays its opponents' attorney's fees.[36] And it can elevate relatively minor scientific or policy disagreements over broader considerations of forest health and the public interest. Litigation has tied the Forest Service in what former agency chief Jack Ward Thomas described as a "Gordian Knot" by limiting the agency's ability to actively restore national forests.[37]

Forest restoration projects are substantially more likely to be litigated than other Forest Service projects. But the adverse consequences of litigation are not limited to projects that end up before the courts. Forest Service personnel report that the mere risk of litigation can affect project analysis, costs, and delays.[38]

For some Forest Service regions or national forest units, litigation is an ever-present consideration. Litigation is a particularly disruptive factor for national forests within the Ninth Circuit Court of Appeals—which has jurisdiction over the West Coast states as well as Montana, Idaho, Nevada, and Arizona—and near communities with litigious local or special interest groups (*see Appendix figure 4*).[39] But even with litigation concentrated in parts of the country, the expenses, delays, and uncertainty take up limited resources that could instead be spent on restoration work.

Congress should help the Forest Service and partners avoid these downsides, without sacrificing the accountability litigation can provide, through reforms that provide greater transparency and predictability. PERC is pleased to see this legislative proposal include a fix to the Ninth Circuit's incredibly lenient standard for enjoining forest restoration work, by limiting this extraordinary relief to situations where a court has determined a project is likely unlawful. It would also prevent open-ended injunctions, by limiting them to 30 days with discretion for courts to renew them. It would require challenges to projects to be filed more quickly so that litigation risks don't hang over projects for years. And it would also establish a pilot arbitration program, an

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[36] *See, e.g., Habitat Education Center, Inc. v. U.S. Forest Service*, No. 07-cv-578, 9 (E.D. WI 2019) (describing a litigant's NEPA claims as "much closer to flyspecking than holistic analysis. Plaintiffs have identified a host of technical issues, but have painted no overall picture that leaves me with the firm conviction that the environmental impact statement has not adequately fostered informed decision-making and informed public participation").

[37] *See* Jack Ward Thomas, *The Future of the National Forests: Who Will Answer an Uncertain Trumpet?* (2011).

[38] *See* Michael J. Mortimer et al., *Environmental and Social Risks: Defensive National Environmental Policy Act in the U.S. Forest Service*, Journal of Forestry (2011)

[39] From 2007 to 2017, 188 lawsuits were filed challenging forest restoration projects. FOIA Data. 85 percent of these cases were filed in district courts whose decisions are appealable to the Ninth Circuit, a court generally perceived as more favorable to environmental litigants. Some degree of Ninth Circuit bias is to be expected due to the large area over which it has jurisdiction and the number of forests that region contains. However, the distribution of cases among Regions 3 and 4, which straddle the Ninth and Tenth Circuits, suggests that the large number of cases in the Ninth Circuit is more than mere coincidence. Only 16 percent of the cases challenging projects in Regions 3 and 4 were filed in the Tenth Circuit's jurisdiction. In fact, nearly half of these cases were filed in only two districts within the Ninth Circuit: the District of Montana (53 cases) and the Eastern District of California (35 cases).

alternative approach to dispute resolution that has proven faster, cheaper, and more efficient than litigation in other contexts.

The proposal also shields the Forest Service's use of categorical exclusions from litigation. PERC agrees that categorical exclusions are an essential tool and that litigation has needlessly interfered with their use. The Ninth Circuit, for instance, recently rejected several attempts by interest groups to twist the meaning of some categorical exclusions to dramatically narrow their scope to achieve the interest groups' political ends.[40] Subjecting projects approved under a categorical exclusion to years of uncertainty and litigation undermines the purpose of such exclusions. However, we have some concern that the proposed exemption is written too broadly and would like to work with the Committee on how to sharpen the language to target truly abusive and dilatory litigation.

Increasing Capacity Through Partnerships

Even when forest restoration projects make it through the approval process, the capacity to implement work on the ground remains a challenge. Chairman Westerman's proposal contains several opportunities to expand work done with partners.

Expand Good Neighbor Authority

Good Neighbor Authority is a tool that allows state, tribal, and county partners to carry out forest restoration projects on federal lands. Partners' roles can include planning and preparation as well as the restoration work itself. Congress first authorized a Good Neighbor Authority pilot in Colorado in 2001, and since then the program has been expanded nationally. In return for their efforts, state partners can receive a share of revenues that result from selling materials harvested or compensation directly from the federal government–offsetting the costs of the work and sometimes even funding additional forest restoration work.[41]

Counties and tribes have also been allowed to enter into Good Neighbor agreements since 2018. But those entities have so far used the program only a handful of times in the West. The reason why this program has worked better for states than tribes and counties is that tribes and counties are prohibited from retaining timber revenues, which decreases their incentive to participate in the program.[42] Chairman Westerman's proposal would make Good Neighbor Authority more inclusive by granting counties and tribes the legal authority to keep timber revenues, which will not only treat those partners as "full" neighbors but also make it easier to harness their expertise in conducting forest treatments.

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[40] *See*, e.g., Mountain Communities for Fire Safety v. Elliott, 20-55660 (9th Cir. Feb. 4, 2022) (rejecting activists' invitation to interpret the "timber stand improvement" CE to implicitly forbid the removal of any commercially valuable timber, even if necessary for forest health or to reduce wildfire risks).

[41] *See* Anne Riddle, *The Good Neighbor Authority on Federal Lands*, Congressional Research Service (January 11, 2023).

[42] *See Fix America's Forests*, *supra* n.1.

Additionally, restrictions also specify that program funding can only be spent on the federal lands within a Good Neighbor project boundary, even if state or other lands are interspersed in the project area. This proposal allows for Good Neighbor dollars to be spent across the landscape, including state and private lands, which would help improve the effectiveness of forest restoration treatments at a wider scale. PERC has long advocated for these improvements to expand Good Neighbor Authority, and these ideas are also captured in the Treating Counties and Tribes as Good Neighbors Act (H.R. 1450) from Congressman Fulcher, which passed the House with broad bipartisan support earlier this Congress.[43]

Allow for Longer-Term Contracts

The Forest Service regularly enters into agreements that establish and direct mutually beneficial work with partners. Currently, stewardship contracts established under Section 604 of the Healthy Forests Restoration Act (16 U.S.C. 6591c) are generally limited to not more than 10 years and can only go up to 20 years in areas of high fire risk. In many cases, however, the general contract length of 10 years may not be enough.

For ambitious, forest-wide restoration efforts—the sort of efforts greatly needed—the Forest Service needs flexibility to enter contracts of appropriate length and options to easily extend contracts, especially where anticipated projects must navigate environmental reviews and potential litigation. This is especially true where long-term success depends on motivating the timber industry to build mill capacity and markets for small-diameter timber products.[44] The types of investments that are necessary, such as new and retrofitted mills and biomass plants, cost tens of millions of dollars, and such expenses are unlikely to be recouped in only a few years. Extending stewardship contracts for up to 20 years, as included in this proposal, is an important step in increasing forest restoration capacity on federal lands through private partners.

Conclusion

Shrinking the 80-million-acre restoration backlog that fuels the wildfire crisis is an urgent conservation challenge. Many of the policies in this proposal from Chairman Westerman will help move more needed projects through the approval process and bring in external capacity to help get the work done. Congress should act now to adopt these tools to help fix America's forests.

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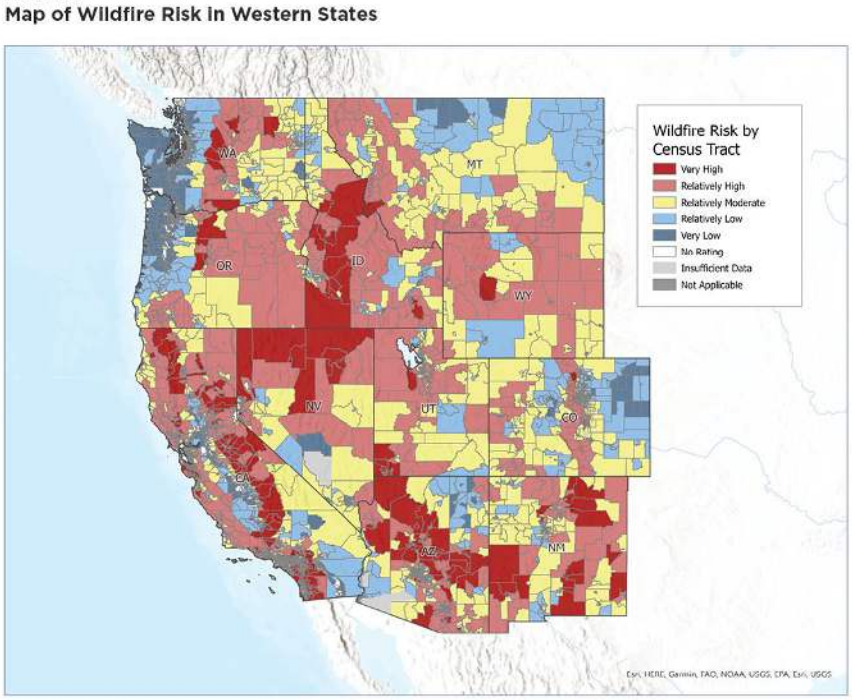
[43] Hannah Downey, "Healthy Forests Make Good Neighbors," *PERC Reports* (June 2022).

[44] *See Fix America's Forests*, *supra* n.1.

Appendix

Figure 1



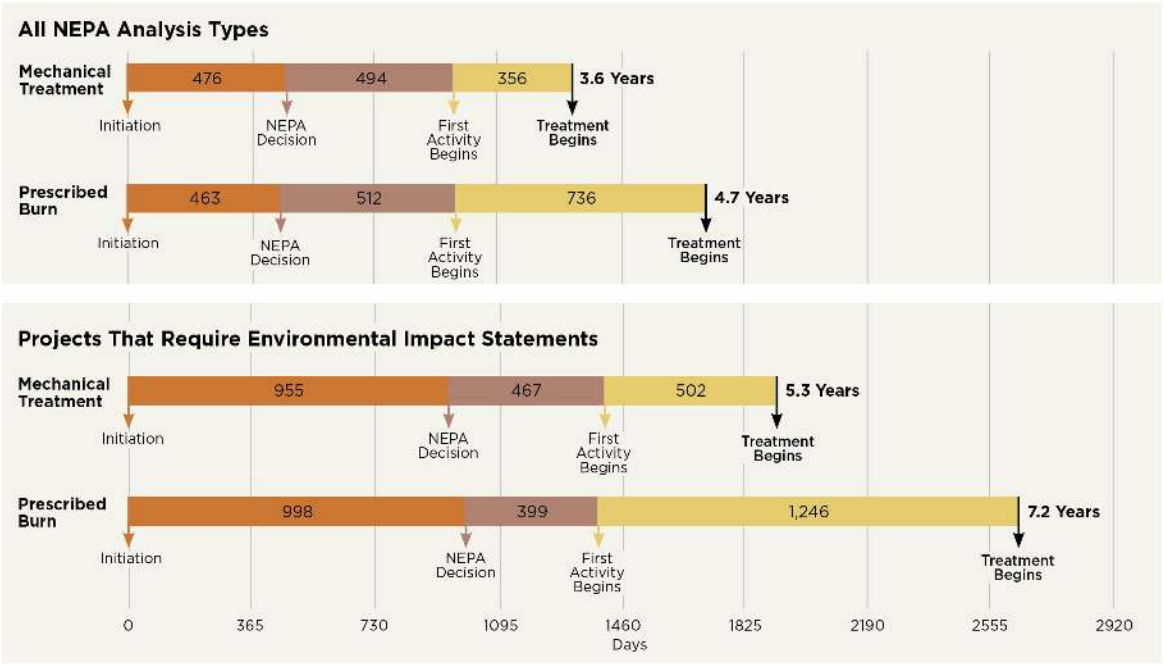
The Federal Emergency Management Agency wildfire risk index rates a community's relative risk for wildfire. The map above displays FEMA wildfire risk by census tract for the 11 western states.

Figure 2

As the Bootleg Fire ripped through the Fremont-Winema National Forest in southern Oregon in 2021, firefighters reported that in places where prescribed fires and forest thinning had been carried out, flames returned to the ground, where they moved slower, did less damage, and were easier to fight. © S. Rondeau/Klamath Tribes' Natural Resource Department

Figure 3

Average Time to Begin U.S. Forest Service Fuel Treatments

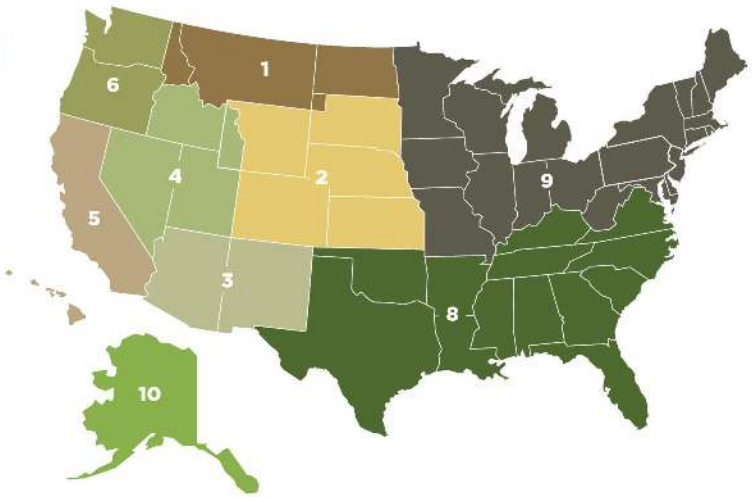


The timeline for a U.S. Forest Service fuel treatment project includes the following steps: initiation of the NEPA environmental review process, NEPA decision, first on-the-ground activity (often an inventory of fuels or similar preparation step) begins, and, finally, treatment begins. Once the Forest Service initiates the environmental review process, it takes an average of 3.6 years (1,325 days) to begin a mechanical treatment. Prescribed burns average 4.7 years (1,711 days) from initiation to beginning of treatment. For both types of treatment, projects that require rigorous review in the form of an environmental impact statement take significantly longer to begin on average: 5.3 years (1,924 days) in the case of mechanical treatments and 7.2 years (2,643 days) in the case of prescribed burns.

Figure 4

Litigation of Forest Restoration Projects by Forest Service Region, 2003 to 2019

Forest Service Region	Projects Litigated
1. Northern	54
2. Rocky Mountain	2
3. Southwestern	4
4. Intermountain	8
5. Pacific Southwest	43
6. Pacific Northwest	13
8. Southern	1
9. Eastern	3
10. Alaska	6



In recent years, litigation against forest restoration projects has been significantly more common in some Forest Service Regions than others.

Source: U.S. Forest Service Planning, Appeals, and Litigation System *Note:* Data from 2003 to 2019.