



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

SEP 14 2012

The Honorable James Moran  
Ranking Member  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
1016 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Moran:

Enclosed is the response from the Department of Agriculture's Forest Service relating to payments made under the Equal Access to Justice Act (EAJA) in fiscal year 2011, as requested in House Report 112-151.

The Forest Service was requested to provide detailed reports on the amount of program funds used, the names of the fee recipients, the names of the Federal judges, the disposition of the applications (including any appeals of action taken on the applications), and the hourly rates of attorneys and expert witnesses stated in the applications that were awarded for all EAJA fee payments awarded as a result of litigation against the Forest Service or its respective employees.

The Forest Service can provide information on the case name and docket/court number, the name of the award recipient, the amount of program funds used, and date paid. The agency does not track and therefore cannot report on the Federal judges making the awards, the disposition of the applications for EAJA fees (including any appeals of action taken on the applications), or the hourly rates of the attorneys and expert witnesses stated in the applications for which an award was made.

In compliance with section 435 of Public Law 111-88, after 45 days this report will be posted to the Forest Service Web site at:  
<http://www.fs.fed.us/aboutus/budget/congressional-directives.shtml>.

The Honorable James Moran  
Page 2

A similar letter and copy of the report are being sent to Senators Jack Reed and Lisa Murkowski and Congressman Michael K. Simpson.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Vilsack". The signature is fluid and cursive, with the first name "Thomas" and the last name "Vilsack" clearly legible.

Thomas J. Vilsack  
Secretary

Enclosure



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

SEP 14 2012

The Honorable Lisa Murkowski  
Ranking Member  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
United States Senate  
125 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Murkowski:

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The Honorable Lisa Murkowski

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Thomas J. Vilsack  
Secretary

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Washington, D.C. 20250

SEP 14 2012

The Honorable Jack Reed  
Chairman  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
United States Senate  
131 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Mr. Chairman:

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Thomas J. Vilsack  
Secretary

Enclosure



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

SEP 14 2012

The Honorable Michael K. Simpson  
Chairman  
Subcommittee on Interior, Environment,  
and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
2312 Rayburn House Office Building  
Washington, D.C. 20515

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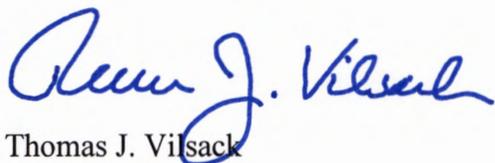
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Thomas J. Vilsack  
Secretary

Enclosure

**Forest Service Report on Equal Access to Justice Act**

**Response to Congressional Directive**

**August 2012**

The following is the Forest Service's response to the Statement of the Managers: DIVISION E- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012; which directs the Department of the Interior, the EPA, and the Forest Service to provide specific information to the Appropriations Committees relating to payments made under the Equal Access to Justice Act (EAJA.). This report is provided for the House and Senate Committees on Appropriations including information on payments made in fiscal year 2011 under EAJA.

The Forest Service can provide information on the case name and docket/court number, the name of the award recipient, the amount of program funds used and dates paid.

We do not track and therefore cannot report on the following information:

- the Federal judges making the awards;
- the disposition of the applications for EAJA fees (including any appeals of action taken on the applications); and
- the hourly rates of the attorneys and expert witnesses stated in the applications for which an award was made.

Forty-five days after the report has been provided to the Appropriations Committees, the Forest Service will post the report as information available to the public in the same location where the agency posts responses to other Congressional directives.

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
10/20/2010	2:08-cv-01897-JAM-JFM, D. E Cal	Earth Island Institute v. Jerry Bird Lassen NF, Randy Moore Region 5, USFS		Rachel Fazio	113,149.00	10/20/2010	Hazardous Fuel Reduction
12/21/2010	CV 1:09-cv-00003-JWS, D. AK	Tongass Conservation Society, Sierra Club... v. Forrest Cole Tongass NF, USFS, USDA	Orion North Reoffer timber sale, Tongass NF	Earthjustice	53,000.00	12/28/2010	Forest Management
1/13/2011	08-01185-MHP, D. N Cal	California Resources Agency v. USDA	Inventoried Roadless Areas, CA NFs	Earthjustice	250,000.00	2/9/2011	Land Management Planning
3/10/2011	CV-04-127-M-DWM, D. Mont	Native Ecosystems Inc v. Tidwell	Grazing Permits, Beaverhead-Deerlodge NF	Alliance for the Wild Rockies	85,000.00	3/11/2011	Rangeland Management
3/11/2011	08-01927 CW, D. N Cal	Citizens for Better Forestry v. USDA	National Forest Management Act	Western Environmental Law Center	170,046.58	3/17/2011	Land Management Planning
3/11/2011	08-01927 CW, D. N Cal	Citizens for Better Forestry v. USDA	National Forest Management Act	Earthjustice	251,312.36	3/17/2011	Land Management Planning
4/6/2011	10-cv-01514-JDB	Public Employees for Environmental Responsibility v. USDA, USFS		Public Employees for Environmental Responsibility	1,847.50	4/8/2011	Cost Pools
4/25/2011	CV 08-43-M-DWM	Forest Service Employees for Environmental Ethics v. USFS and National Marine Fisheries Service		Bechtold Law Firm PLLC	95,000.00	4/25/2011	Fire Suppression

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
5/2/2011	CV 07-1043-JB- ACT, D. NM	Wildearth Guardians v. USFS, New Mexico Cattle Growers Association	Livestock grazing, Gila NF	Wildearth Guardians	27,500.00	5/12/2011	Rangeland Management
5/25/2011	CV 09-164-N-EJL, D. ID	The Lands Council v. Leslie Weldon Region 1, Ranotta MaNair Idaho Panhandle NF, USFS	Bussel 484, Idaho Panhandle NF	Public Interest Defense	50,063.60	6/9/2011	Forest Management
5/26/2011	5:08-CV-00091- TBR	Forest Service Employees for Environmental Ethics v. USFS	Continued Maintenance of Open Lands, Land Between the Lakes	Bechtold Law Firm PLLC	29,400.15	5/26/2011	Land Between the Lakes Management Fund
6/13/2011	09-cv-00160- DWM	Alliance for the Wild Rockies v. Paul Bradford Kootenai NF	Grizzly Vegetation and Transportation Management Project	Public Interest Defense	28,000.00	6/16/2011	Salvage Sale Fund
6/20/2011	05-107M (DWM)	Rock Creek Alliance v. USFS	2001 EIS	Western Mining Action Proj	186,500.00	6/22/2011	Minerals and Geology Management
7/25/2011	08-1067-JCC	Conservation Northwest v. Harris Sherman and D.R. Johnson Lumber Co.	EIS Survey and Manage Mititgation Measure Standards and Guidelines, 2007 Supplement	Western Environmental Law Center	155,554.68	7/27/2011	Forest Management
9/8/2011	CV F 09-392 LJO	Sequoia Forestkeeper v. USFS	Special Use Permit to Robert Sellers and Quarter Circle Five Ranch	Paul Hastings LLP	74,639.83	9/13/2011	Land Ownership Management

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
9/8/2011	CV F 09-392 LJO	Sequoia Forestkeeper v. USFS	Special Use Permit to Robert Sellers and Quarter Circle Five Ranch	Rene Voss	13,800.00	9/13/2011	Land Ownership Management
					<b>\$1,584,813.70</b>		