

U.S. Attorney's Report to the District

The Eastern District of California is the site of vast tracts of federal lands which protect our watersheds, provide habitat for wildlife and native plant species, offer recreational opportunities for the public, and produce timber and other resources for the economy. A dozen National Forests exist within the Eastern District, and about 45% of our district consists of federal lands. Nearly every summer, tens of thousands of acres of these precious lands are consumed by wildfires which cost millions of dollars to suppress and cause lasting damage. While many of these fires originate from lightening strikes or other natural causes, some are the result of human activity, and some are attributable to negligence on the part of persons and businesses which operate on or near federal lands.

Several years ago, this office joined with the U.S. Forest Service to increase efforts to use civil litigation to recover compensation from parties who are liable for causing fires that damage federal land. In the years since, the Affirmative Litigation Unit of our Civil Division has become the most productive team of wildfire civil litigation lawyers in the country. This month, we announced settlements totaling \$29.5 million in two such cases.

The Freds Fire ignited on Eldorado National Forest land in 2004, when a contractor for Pacific Gas and Electric Company caused a tree to fall onto a PG&E transmission line. That fire burned for three days, cost more than \$3 million to suppress, and destroyed in excess of 32 million board feet of timber and old growth forest. The Sims Fire ignited on Six Rivers National Forest land in Trinity County, also in 2004, when a decayed 100-foot tree that had not been removed by PG&E's tree inspector broke and struck a PG&E transmission line. That fire burned for five days, cost nearly \$5 million to suppress, and destroyed more than 26 million board feet of timber and hundreds of acres of old growth habitat for several endangered, threatened or special status species.

The handful of attorneys and staff in this office who litigate these cases are extraordinarily dedicated, and their efforts are yielding excellent results. Since 2006, this office has recovered more than \$192 million in litigation relating to fire damage to federal lands.

Some of the environmental harm done by wildfires cannot be undone with money. But in addition to compensating the federal government for the cost of fighting these fires, funds received through these cases are used for the costly restoration work necessary to preserve and protect our forests for future generations. Protecting our National Forests is a major priority in this office, and together with the U.S. Forest Service, we will continue to devote substantial resources to wildfire litigation.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

United States Attorney

Benjamin B. Wagner