

# Committee on Resources

## Subcommittee on Forests & Forest Health

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### Statement

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TESTIMONY OF  
TOBY A. MARTINEZ, STATE FORESTER  
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CHAIRMAN, WESTERN COUNCIL OF STATE FORESTERS  
BEFORE THE  
COMMITTEE ON RESOURCES  
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH OF THE  
U.S. HOUSE OF REPRESENTATIVES  
AUGUST 14, 2000

Madam Chair Chenoweth-Hage and Members of the Subcommittee, I appreciate the opportunity to speak with you today regarding the lessons learned from the recent devastating wildland fires in New Mexico and actions needed to mitigate the current hazardous fuels situation in our forests. I support and concur with everything Governor Gary Johnson has outlined in his testimony, and I would like to expand on a few key points.

I appreciate the efforts made by this Committee and Congress to provide disaster relief funds and other resources for rebuilding and restoration of the communities affected by this year's wildland fires. I strongly support increasing the level of federal funding for hazardous fuels reduction, and I encourage you the Congress to consider making these funds available for use on state and private lands, as proposed in the attached amendment by the National Association of State Foresters, in addition to funds for federal lands. Our hazardous fuels reduction efforts must transcend political boundaries if they are to be truly effective.

Regarding lessons learned, the fire behavior and extent of human suffering and loss from this year's fires are unprecedented. We have been aware of the potential threat, but we thought we had time to manage it. We were surprised. However, in spite of the devastation, the Cerro Grande Fire in Los Alamos did demonstrate the beneficial effects of thinning. Over the last five years, the Forest Service, National Park Service, Department of Energy, and County of Los Alamos have been conducting thinning operations to create a fuel break along State Highway 501. In these areas, the fire's intensity was significantly reduced. If the entire wildland urban interface area around the Los Alamos town site had been treated in the same manner as that along Highway 501, the firefighters would have had a place to make a stand, and the results would have been different. It is essential that management activities such as thinning be conducted prior to prescribed fire to reduce the risk of escaped fire.

To increase the likelihood that our management activities will be effective, we need to develop a cohesive, comprehensive strategy, with contributions from *all* stakeholders--interested public; local, state, and federal government; and tribal organizations. Here in New Mexico, we have already taken the first steps to begin to develop such a strategy. We have selected criteria to help us identify communities most at risk from wildland fire. These criteria include dependence on the watershed for drinking water, proximity of the forest

to the community, condition of the forest, fire history, and the human population in the forest, both users and residents. So far, we have identified a list of 20 communities; we know there are others also at risk. I have begun to contact the leaders of these 20 communities to engage them in a collective strategic effort. We are also working through the Southwest Strategy, which is a community development and natural resources conservation and management effort by federal, state, tribal and local governments.

Some of the issues that need to be addressed in this strategy are--administrative barriers (such as the application of the National Environmental Policy Act (NEPA) and whether existing cleared projects align with priority communities at risk), trained workforce, industry capacity to use the byproducts of restoration, and interpretation of regulations that result in management by litigation. With a cohesive strategy in place, the state and federal government could target their resources and their manpower in those communities ready to take action and tackle these issues together.

In the areas that have already been burned, millions of board feet of timber lie rotting on the ground due to the inability of the Forest Service to conduct recovery operations. Current guidelines require that the full NEPA assessment process must be completed on areas that have been destroyed by fire. It makes no sense to do a wildlife review or a threatened and endangered plant review in a totally burned out area. The Forest Service should be allowed to use the variance provision it already has at its disposal under NEPA to exclude these reviews without fear of litigation.

The NEPA process in general is flawed. Something is wrong when it takes several years and volumes of NEPA assessment work before proactive management can be done on interface areas such as Los Alamos. It is ironic that once the Cerro Grande fire was started, we were able to clear out trees in an effort to protect the subdivision that ultimately burned. It was too little too late.

In summary, we need the support of the Congress to continue the process we have already begun to develop a cohesive, comprehensive hazardous fuels reduction strategy. This includes:

- Additional funding for hazardous fuels reduction, to include state and private lands;
- Combining thinning with prescribed fire as a management strategy;
- Flexibility in administrative processes.

We also need the administrative authority to allow us to recover the millions of dollars' worth of timber that has been burned in this year's fires.

Thank you for allowing me to appear before the subcommittee. I will be happy to answer any questions you may have.

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