

# **Committee on Resources**

## **Subcommittee on Forests & Forest Health and**

## **Subcommittee on National Parks and Public Lands**

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### **Witness Statement**

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TESTIMONY OF

GARY E. JOHNSON, GOVERNOR

STATE OF NEW MEXICO

BEFORE THE

COMMITTEE ON RESOURCES

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH AND THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE

U.S. HOUSE OF REPRESENTATIVES

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Madam Chairman Cheneoweth-Hage, Mr. Chairman Hansen and Members of the Committee and Subcommittee, I appreciate the opportunity to speak with you today regarding the devastating fires we have experienced recently in New Mexico and the continuing threat we face.

It appears that for some time the unhealthy state of our forests has jeopardized our communities and citizens because of the failure to take the actions necessary to address wildland fire danger. New Mexico has been made painfully aware of the shortcomings of Federal policy designed to protect public lands and private property. Current drought conditions in New Mexico and other parts of the west, as well as the long-term climatological predictions of increasingly dry weather throughout the region, require immediate action.

I am here today because I have seen and experienced, first hand, the destruction caused by wildfire. Much has been said of the Cerro Grande Fire due to its size and its devastating effect on the town of Los Alamos. However, the Cree Fire near Ruidoso, the Scott Able Fire near Cloudcroft, the Vineyard fire near Roswell and other wildfires in the state were all equally devastating to those who found themselves in their paths. Furthermore, the Viveash Fire continues to burn near Pecos as I prepare this testimony. It has charred nearly 22,000 acres, structures and threatens the Gallinas watershed - the water supply for the city of Las Vegas. While the Cree Fire did not destroy any homes, it came eerily close to the village of Ruidoso. Wildfires have claimed lives and homes in New Mexico. Two brave individuals perished fighting the Scott Able blaze, and one man lost his life when the Vineyard fire destroyed his trailer near Roswell.

I have learned from my recent and ongoing experience that wildfire demands attention in three areas: 1) fire

prevention; 2) fire fighting and containment; and 3) disaster relief after the fire occurs. My testimony today focuses on the areas of prevention and disaster relief. Before speaking to those points, I wish to express my thanks to the brave men and women who fought and continue to fight these devastating fires, as well as the Federal Government for providing the necessary firefighting resources. While I am grateful for their sacrifice and hard work, and understand that adequate resources were brought to bear to fight these blazes, my testimony today addresses how we can avoid risking lives, property, and taxpayer dollars to stop out of control forest fires.

With respect to disaster relief, I use as an example the Cerro Grande fire, a 47,000-acre blaze that destroyed parts of Los Alamos. That fire was sparked by a controlled burn lit by Federal officials at Bandelier National Monument. The Department of the Interior has accepted full responsibility for the Cerro Grande fire. I believe the reactions of Los Alamos residents to this blaze would have been different had it truly been a natural disaster such as a tornado or an earthquake. When an individual is injured in a car accident that is someone else's fault, that person expects to be compensated for their losses immediately. Los Alamos had such an accident; it was hit by an eighteen wheeler and the Federal Government was driving.

The Federal Emergency Management Agency, while doing an exceptional job, is not in a position to make people "whole". It can only do what Congress has empowered it to do - provide emergency stop-gap measures. Now, it is time for Congress to act. I urge you to pass legislation to provide the necessary resources to the Los Alamos community and its residents so that they may obtain full, satisfactory and timely compensation for the losses they have suffered. People should not have to wait to be paid for the damages the fire caused to their homes and businesses. They shouldn't have to hire lawyers to force the government to pay what is owed to them. I call upon Congress to immediately pass legislation that expedites these payments. It is the right thing to do and it is owed to the citizens. In addition to the devastation caused by Cerro Grande, I urge Congress not to lose sight of the destruction caused by the other fires in the west. While a majority of the wildfires have occurred on Federal lands, they have directly affected citizens by destroying their homes and threatening their water supplies.

With respect to prevention, the Federal Government should continue the prescribed burn moratorium on Federal lands to provide adequate time for a thorough analysis of this program, particularly as it affects non-federal landowners. While I believe that prescribed fire is an important forest management tool, the Cerro Grande disaster proves that controlled burn policy must be reviewed to remove any flaws.

As Federal agencies plan, evaluate, and implement prescribed fire programs, they must seek the active participation of affected local, state and tribal agencies for consultation and review of the proposed burn plan. The state's input was not sought during the planning phase for the prescribed fire at Bandelier National Monument. I believe this deficiency may have directly contributed to the catastrophe at Los Alamos. In New Mexico, both the Energy, Minerals and Natural Resources Department and the Environment Department can provide important input regarding the potential impacts of prescribed fire, and can assist in mobilizing firefighting resources in the event of an accident. I strongly urge the Congress and the Secretaries of Agriculture and the Interior to take whatever steps are necessary to ensure that state and local entities are involved in the planning and implementation of prescribed fires.

This wildfire season has also demonstrated that additional tools are necessary to address the potential for fire in forested communities. Individuals, communities and states must cooperate with fire prevention and firefighting efforts. Congress must also act to protect the numerous communities surrounded by Federal lands. Proven weapons in the campaign against wildfire include the following:

Mechanical treatment of fuels (also known as forest thinning) is a valuable fire-reduction tool that can, along with prescribed fire, reduce the risk to forested communities. Mechanical treatment provides an excellent opportunity to involve local industries that can find value-added uses for the massive volumes of fire-sparking material in wildland-urban interface areas. Collaborative community programs, such as the Four Corners Sustainable Forests Partnership (involving New Mexico, Colorado, Utah, and Arizona), have increased our capacity to handle this material. Now is a good time for the Congress to supplement these efforts. In New Mexico, we have already identified the 20 communities most at risk in the state from wildfire. Elimination of that risk will require additional federal and state resources. I urge the Congress to appropriate additional federal funds for this purpose.

Individuals must take responsibility to create defensible space around their own properties, reduce potential hazards, and ensure access in the event of a fire.

Municipalities and counties should be cognizant of fire risk in planning and upgrading urban infrastructure such as water supplies, roads, and evacuation planning. Fire risk assessment should play an integral part in zoning decisions.

Subdivisions in forested areas need to re-examine their covenants to ensure that residents are not prohibited from taking the necessary precautions against wildfire. Specifically, covenants should require that residents be responsible for creating defensible space on their own properties so as not to endanger their neighbors.

States must continue to enhance their efforts to reduce fuel buildup in the wildland-urban interface. In New Mexico, the Inmate Work Camp Program, (which uses minimum-security inmates for work on conservation projects), has treated, or lowered wildfire potential, in nearly 4,000 acres of forest in and around communities across the state. This program can be expanded to increase our capacity to treat forested lands.

It is imperative that increased resources are available to us to contain fires while they are small, thereby protecting municipalities and watersheds from the kind of devastation suffered by Los Alamos and other New Mexico communities. In particular, funds for training and equipping rural fire departments are sorely lacking. As an example, the Volunteer Fire Assistance Program provides federal grant money through the State Forester for fire departments to acquire wildland fire equipment and training. We have 350 rural fire departments in New Mexico, yet only \$37,000 of Federal funding was available in fiscal year 2000 (this amount was matched equally by state and local dollars). This year, we received 70 requests for this money but were only able to fill 12 of them. We need at least \$450,000 over the next few years to bring rural fire departments to an adequate state of readiness for dealing with wildland-urban interface fires. Both the State of New Mexico and the Congress need to commit additional resources to this effort.

In sum, it is critical that we all do our part to avert future disaster. We do not need another Cerro Grande to remind us that significant changes in prescribed fire and wildfire fighting policy and practice are necessary. Again, I urge Congress to:

1. Pass legislation that will allow the citizens of Los Alamos to receive timely and just compensation for their losses and provide funds to rehabilitate the areas damaged by this season's wildfires;
2. Create a procedure that requires the Federal Government to consult with local, state, and tribal entities before finalizing a decision to employ prescribed fire; and
3. Ensure adequate resources are available to fight wildfires and implement fire prevention programs

in the urban-wildland interface areas most at risk.

Again I thank you for the opportunity to appear before the subcommittee. I will be happy to answer any questions you may have.

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