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## U.S. FOREST SERVICE WATERSHED PROGRAMS

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I came into senior leadership in the U.S. Forest Service after having dealt in Colorado with Eastern Plains instream flow issues and municipal water storage facilities. In fact, the current Assistant Secretary for Water and Science in the Department of the Interior, Bennett Raley, is a former colleague who sat across many tables for several years as we tried to work through some of those issues. I have had plenty of other things to occupy most of my time here in this region and I can't say I have missed all of those water controversies. But, I truly do understand that water, is indeed, the lifeblood of the West. Of the 22 million acres in the Southwest, less than one percent of that landscape is water based. And it must be very important because most of our litigation focuses on permitted uses, and the effects on water, or water habitat, or water species. So today I will talk about an issue that was at the center stage of the Nation's

consciousness just one year ago, and its nexus to water. That issue is wildland fires and the urban interface.

I am going to talk about five things: 1) some of the reasons for the conditions in today's woods; 2) the National Fire Plan; 3) the fact that fire money came with a much broader message; 4) the nexus between the National Fire Plan and water; and 5) I'll discuss emerging New Mexico forest service water issues.

1) There are many reasons for conditions in today's woods. We experienced an extreme fire season last year, losing ten times as many homes here in the Southwest in one year than we had in all the previous years combined. In addition to the loss of two lives and resource losses from the wildfires, we also experienced an incredible threat of erosion during the flash flooding that follows catastrophic fires. As a natural resource community, we faced hard questions

and in response we concluded that several things had caused conditions in today's woods. We found it was a combination of fire exclusion for over 100 years, litigation, process, and lack of money to get the job done. We have had 100+ years of unnatural fire exclusion due to fire suppression. We continue to grow ten times more wood than we remove annually, adding to the excess density that causes such hot fires. We have experienced a plethora of lawsuits directed at preventing implementation of procedures such as thinning, that could have helped to offset these impacts. Finally, we were faced with budgets that did not match our need for personnel and equipment—both to do the job on the ground and also to prepare a pipeline of projects that had cleared legal and administrative process requirements. As a response to the most severe fire season our country had seen in recent times, Congress authorized and funded a sweeping program spanning multiple agencies and state and local governments in order to address today's forest conditions and fire fighting capabilities. The program included significant funding to address rehabilitation needs on the fires that occurred in the year 2000.

2) So in a sense Los Alamos, first up in that terrible fire season, birthed the National Fire Plan. Now, many of us understand that Congressional priorities are often driven by the crises of the moment, and last year the fire season was it, and "it" started here in New Mexico.

To set the stage, let me tell you my story of the fire in Los Alamos. One Sunday morning in May I had gone to church, and as I got out of my car in my driveway I looked back over my shoulder and I saw a huge plume of smoke and I said to myself, "well don't worry about that, there is a prescribed burn this weekend up at Bandelier." When I turned on the television to watch the football game, the newscaster said that the fire was out of prescription. Little did we know it was the precursor to the worst wildfire season in recent history. Over the next few days, of course, I stayed in touch with the progress of the fire through the Southwest Fire Coordination Center (SWIC). Wednesday night I arrived home around 5:30 and at about 6:30 I received a call from the fire center saying that the fire had crossed the road and the winds had taken it on to the grounds of the Los Alamos National Laboratory. Now, I am not cleared to know what is at the lab, but I was pretty sure that whatever it was, fire was not going to be helpful. Yet, as I said to over 300 fire information

officers and incident commanders yesterday, from all of the federal agencies, when they were gathered in Phoenix, what has arisen from those ashes is the National Fire Plan. The program has also included significant funding to address rehabilitation needs on the fires of 2000. But with that money came a message, and as I said to the rangers from day one, when the money finally came, it is on us now, we are fresh out of excuses. We have all the things we said we needed. We have money, we have people, we have equipment, and there is money available to local governments across those property lines. The rest of it is up to all of us. If we do not produce, we should expect to lose any remaining public good will as well as Congressional faith and money.

I am happy to report to you this morning that this southwestern region of the U.S. Forest Service has done a number of things to meet the challenge. Before the embers were out, we started sorting fuel reduction projects into three categories. The first category included those ready to go—those with the proper documentation and clearances, and already through NEPA and litigation processes. The second category was projects that would be ready in six to nine months. The third category contained those projects for which we needed to start planning. When folks were concerned that NEPA and ESA were holding up several recent projects, we already had a number of shelf projects ready to go. Our target from the Chief of the Forest Service out of the National Fire Plan money was to treat 150,000 acres during 2001. We accomplished 150 percent of the target on time and under budget. Just last week there were about 24 prescribed fires burning in the state of Arizona and about six fires in New Mexico. I must confess though, that I am worried right now, because we are having a very long and a very warm fall. I would like to see it get a little colder and a little moisture coming soon.

Last May, with the fires not yet out in Los Alamos, I said to Nancy Kaufman, Regional Director, U.S. Fish and Wildlife Service, "When this thing is over we are going to be encountering field hearings, Congressional inquiries, and a truckload of money. We need to be ready to receive it." I told her what we had done in terms of prioritizing our shelf projects and indicated those we wanted to start with, and those that were somewhere in the NEPA process. I said one of our major challenges is going to be to have ESA consultation done on these projects so that we are good to go as soon as summer comes. So over last year's

Christmas holidays, our staffs worked together in a little room in the basement. We told them they couldn't come out until they had developed a way to do what we call "programmatically fire consultation" under the Endangered Species Act. They did. As long as a project had been contemplated under a current Forest Rescue Management Plan, the U.S. Fish and Wildlife Service was willing to compute and permit the "take" of individual critters. So that is why we were good to go this last summer.

We also embarked on a \$19 million, four-year rehabilitation plan for restoring lands burned by the Cerro Grande, the Viveash, Scott Able, Cree, Pumpkin Creek, Coon Creek, and the Peak fires of 2000. This year we treated 8,130 acres, 37 miles of trail, 38 miles of road, 53 miles of fence, 48 miles of stream channel, plus other rehabilitation projects. We still have three more years of work to go.

We have hired 300 firefighters and expect to hire as many next year. Also, yesterday in Phoenix, I talked to a large number of new firefighters. They are young men and women, and they can strut. They can still carry 70 pounds on their back, walk uphill, and talk at the same time. It is quite clear that they expect to be able to do this all their lives. I told them that the day was going to come when they say to their knees, "I'd like to go to the left" and their knees are going to say "Oh, you just go right on without me." They don't believe me.

We helped to initiate a college degree program for professional wildland firefighting at Northern New Mexico Community College. We distributed about \$3.5 million to state and local communities to address hazardous fuel and improve fire preparedness, and almost \$2 million to generate economically viable projects to use the small diameter material that needs to come out of the woods. One example of that is the small trees from Jemez Mountain that will be used to heat a nearby school. That amount of money was a disproportionate amount of money, a disproportionately large amount of money that came to this region out of the chief's office and that is because we had worked with state and local communities and county commissioners to warn them and help them to prepare to compete for the funding. We worked closely with New Mexico through the state forestry to coordinate projects so that we could, even under last year's circumstances, treat more contiguous acres regardless of the ownership.

3) Our two Senators who both sit on the Senate Energy and Natural Resources Committee are assuring us of immediate and out-year funding to keep our two remaining mills in Española and Mescalero in operation as well as to continue working with the Four Corners Sustainable Forest Partnership to identify marketable uses for small diameter timber. Currently, there is an exhibit of art that uses small diameter timber. Public Affairs Officers of several land management agencies continue to work together so that they can develop monthly fire themes and use their collective resources to educate the public on the good and bad uses of fire.

We have a group of federal and state agencies called the Southwest Strategy, where all of the natural resources agencies work together to do things like streamline the Endangered Species Consultation. We did a lot of work in the early days planning with communities on fire projects and the other things that I have mentioned.

4) I know you did not come here to hear only about the National Fire Plan. It does, of course as you all realize, have a very close nexus to water. I did not forget this is a water conference. As I said to the district rangers, "Folks, this fire money is going to get you as close to whatever you think the good old days at the Forest Service were and it's going to be as much as you will ever see in the rest of your career. Whatever resource treatments are required, establish a nexus with the label "fire power" and go out and do good work." I shared that comment with the state's Blue Ribbon Water Task Force—I said there is not going to be another pot of money called "Watershed Improvement," but for sure, if we treat some of the woods within a watershed, it is going to have a definite affect upon that watershed.

Western governors gave us what I would call a "bye" for 2000. They said that they knew we had shelf projects ready to go. That was okay with the governors this time, but they told us that as we begin to pick and process our projects, they want us to work with the locals so that we can treat larger amounts of contiguous landscape regardless of property ownership. I have delivered that message to forest managers. Our efforts to make our forests safer from the threat of wild land fires have also increased recreational opportunities, they do indirectly improve watershed conditions, they enhance wildlife habitat, and for the first time in a decade, they generate timber resources to improve significantly forest health. It is not the kind

or quality of wood our current mills are most geared-up to treat, it is not the kind of wood that many would prefer to see, but it is wood nonetheless. There is a whole heck of a lot of it and it is ready to inspire this Nation's entrepreneurial spirit.

In 1999, we identified several key watersheds that needed attention and this year we worked in many of those. We are not abandoning our efforts to restore watershed health in any way—our focus is on hazardous fuels and that money has actually allowed us to improve watersheds throughout the region.

5) So now I want to pull out my crystal ball on controversies I think could be on tap for future New Mexico water projects involving the U.S. Forest Service. Grazing in riparian areas, as an issue, will continue. The question is whether it is harmful or not. We do not know the answer to that question, and with the current state of knowledge, the Fish and Wildlife Service is hesitant to give a green light to putting some of the cows back in riparian areas. We know it is going to take monitored experiments to prove otherwise—experiments that do not just meet our naked-eye test, but experiments that pass peer review of researchers. But that is going to be long-term, it is going to be expensive, and it is probably going to have to be across varied landscapes. Our opponents think we lack for work. We can tell the winds of future litigation by the subject of today's Freedom of Information Act requests, and we are starting to get a large number of them on special-use permit administration of water uses. My only guess is that those will be challenged for non-compliance with the Endangered Species Act. And we, the permittees, will be vulnerable. We have not, in the face of other opportunities competing for our attention and dollars, taken on this workload. But we are gearing up now, and from those challenges instream-flow controversies will come. Now, they are going to be followed by a lot of foot-planting rhetoric about private property rights, water being the purview of the state, and the Tenth Amendment. We will be fussing over the legal tension between jurisdiction over surface property and jurisdiction of the water. We expect that to play out in ditch permit administration and in water storage projects. "What can I do," might a permittee ask, "to maximize my water under state law with or without the oversight of federal land managers? If I stay within the prism, the right-of-way of my ditch, but I dig it deeper, is that a possibility?" What about ditches that go across wilderness, and ditches that preceded the reservation of the national

forests? We will not be lacking for rich and spirited conversation. We will not be in cahoots with anyone. I am going to say that before the first accusations start coming, but we will be finding our way together. From my post at Walmart, I'm going to wish you well on these new challenges.

My favorite part of other peoples' speeches are these three words: and in conclusion. As we come to the end of the first year of the National Fire Plan, I do look forward to moving into the celebration phase with local communities. I look forward to the next few months as we begin to work on, and plan out our projects. I hope the Blue Ribbon Task Force and its local members will join in that discussion. To the extent that we are out there spending money and treating landscapes, we are trying to accomplish as many resource goals as we can.

I have not let up on the pressure to do what we promised the Congress we would do if we got the money. I want to say that a lot of good stuff happened this summer. For the morale of the folks within the Forest Service, we rediscovered and reaffirmed what we internally call our "can-do spirit." And the Forest Service folks feel great about that. They are proud of their achievements, and they believe that they are truly a part of the communities in which they live. I hope they are received and seen that way. I think that is key to our success in many aspects. I hope we have rekindled our relationships and that we are getting the mutual respect of our neighbors.

Thank you for the opportunity to join you this morning.