

*The Weeks Act created a framework for cooperative fire control and protection among federal, state, and private landowners to combat forest fires. The same framework now is used to address the effects of a century of fire suppression.*

# THE HISTORY OF COOPERATIVE FOREST FIRE CONTROL

## AND THE WEEKS ACT

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**M**ost people familiar with the Weeks Act associate it with the establishment of national forests in the eastern United States. However, the Weeks Act did more for eastern forest conservation than fund the purchase of private forestlands by the federal government. The Weeks Act initiated

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the practice of cooperation among federal, state, and private landowners that is the foundation of cooperative fire control and protection today.<sup>1</sup>

### FRAMEWORK FOR COOPERATION

Official federal cooperation with the states in protecting forestlands from wildfires originated 100 years ago when President William Howard Taft signed the Weeks Act. Prior to its passage, just 25 of the 46 states had some type of forestry organization.<sup>2</sup> Some states were organized to protect only state-owned lands, and only 16 states had any kind of fire suppression organization. In the

aftermath of the great 1910 fires in the West, several private protection organizations formed. However, these organizations were membership-based and therefore did not function well in mixed-land ownerships.

The importance of cooperative fire control to lawmakers and policymakers a century ago is evident from the position of this requirement in the Weeks Act. It is in Section 2, just after the section explaining the purpose of the law and before the instructions on how land was to be acquired. Specific language in the act encouraged states to control forest fires and permitted the federal government to assist the states financially in controlling fires on

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BY LEWIS F. SOUTHARD



*Scenes like the Owl's Head Fire in New Hampshire's White Mountains in 1907 influenced lawmakers to include a section in the Weeks Act for fire control.*

nonfederal lands. This cooperation with the states was a new and untried policy. Although the federal government was protecting its own lands, 80 percent of all forestland in the United States was privately owned and almost wholly unprotected. The Weeks Act sought to remedy the risk to all lands at what is now known as a landscape scale.

The Weeks Act provided a written agreement between the secretary of Agriculture and participating states (even those without national forests could participate) and designated the U.S. Forest Service to administer the act. The law initially set aside \$200,000 in matching funds to be distributed to states with forest protection agencies. Those forestry agencies could then apply for up to \$10,000 to be used for fire patrolmen's salaries, provided the state matched the amount. The funding also encouraged several states to establish or expand state forests as well as state forestry associations.

These types of agreements are still in use today but now involve all six federal land-management agencies, state agencies, and Native American tribes; the name of the current agreement, Master Cooperative Wildland Fire Management and Stafford Act Response Agreement, reflects today's more complex environment—both legal and ecological. Even the term forest fire has

changed to "wildfire." Just as originally conceived, the agreements follow a standard template but allow for variations to take into account local conditions.

The Weeks Act gave the secretary of Agriculture considerable leeway to cooperate with the states "on such conditions as deemed wise." Forest Service Chief William B. Greeley (1920–28) held that a legislative commitment from the states—including appropriations—was necessary before federal money could be used. Greeley wanted "a reasonable measure of stability." To be eligible to receive the funds, a state had to provide, by law, a system of forest fire protection. The cooperative fire control provisions of the Weeks Act required each state to devise a fire plan. Federal expenditures in any state in any fiscal year could not exceed the amount appropriated by that state. Thus the 50:50 cost-share match was instituted.

It was not long after the Weeks Act had passed that its shortcomings for cooperative fire control became apparent. The small federal appropriation had limited the Forest Service's influence on fire control to simply encouraging the states to establish and maintain forest fire protection organizations. There was little money to actually fight fires, and private landowners received no funding for fire control whatsoever. The law itself was restrictive



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This staged photo, taken on the Shasta-Trinity National Forest in 1955, serves as a metaphor for the spirit of cooperative fire prevention and control envisioned by Forest Service leaders since the agency's establishment in 1905.

because it required that protected lands be in the headwaters of navigable rivers. Another law was needed to rectify the situation.

### THE CLARKE-MCNARY ACT

The next stage in the development of a more cooperative relationship between the Forest Service and the states was the passage of the Clarke-McNary Act of 1924. Four years earlier, Chief Greeley had recommended to Congress that an appropriation of \$1 million be made for cooperation with the states in forest fire protection and forest renewal. In the succeeding years he pressed hard for what would become the Clarke-McNary Act. The law eliminated the Weeks Act's restriction that federal cooperative fire control funds be used only on forested watersheds of navigable waterways. Instead, Clarke-McNary provided federal funds to states to assist with fire control on state and private lands, whether forested or not—a relationship that would expand over the coming decades as additional financial and human resources were made available for the protection of public and private lands.<sup>3</sup> In 1944, for instance, Congress tripled the amount of money authorized under the Clarke-McNary Act for cooperative fire protection, an amount that increased across the second half of the twentieth century with the perceived need to suppress fire.<sup>4</sup>

The Weeks Act also had far-reaching effects on the Forest Service's State and Private Forestry programs. Although these initiatives had emerged in the late nineteenth century, before the Forest Service was established, they lacked sustained organizational and institutional support. This situation changed when in November 1920, forestry officials from 13 states met in Atlantic City to work out a program of support for Chief Greeley's recommendation to Congress for greater federal-state cooperation on fire prevention. From this meeting came a call for a national association to coordinate the efforts of state foresters. One month later, Gifford Pinchot, the first chief of the Forest Service who was then serving as the chief of the Pennsylvania Department of Forestry, responded by sponsoring a meeting in the state's capital, Harrisburg. This was the initial organizational meeting of the National Association of State Foresters. Today, state foresters have the primary authority to manage and protect state and private forests, which account for two-thirds of the nation's forests—work that requires close cooperation with the Forest Service and other federal agencies. The partnership between the U.S. Forest Service and the association has strengthened in the recent past. An important component of that partnership is the Smokey Bear program, used to educate the public about the dangers of wild-

fires. This framework for fire issues has also been used in efforts to combat insects and forest diseases.

Another cooperative program is the State Fire Assistance program, which has its roots in the Weeks Act. Through the program, the Forest Service gives financial support and technical fire program assistance to states, which now protect 1.7 billion acres of forest and wildlands and spend approximately \$1.6 billion annually on wildland fire mitigation, preparedness, and suppression. In 2008, state forestry organizations employed more than 26,000 employees, more than 90 percent of whom fight fire or support firefighting efforts. Many of these employees are also available for national mobilization for interagency firefighting efforts as needed.<sup>5</sup>

## LEGACY

Today, Fire and Aviation Management, under which cooperative fire management is carried out, is part of the U.S. Forest Service's State and Private Forestry branch. The partnership among the National Association of State Foresters, the U.S. Forest Service, and organizations and agencies with interests in wildland fire is one of the best examples of state, local, tribal, and federal cooperation and extends to the many nongovernmental organizations that work collaboratively with the wildland fire community.

Collaboration between the federal government and its partners on private forestlands and the states began with the Weeks Act in 1911, but it continues at an even broader scale and more vigorous pace today. In response to requirements of the Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009, the intergovernmental committee known as the Wildland Fire Leadership Council directed the development of the National Cohesive Wildland Fire Management Strategy. This strategy is a collaborative process involving all levels of government and non-governmental organizations, as well as the public, in seeking national, all-lands solutions to wildland fire management issues.

The strategy is necessary to deal with one of the unintended consequences of the Weeks Act. Because the land was acquired from willing sellers on an opportunistic basis, landownership is fragmented.<sup>6</sup> The restored lands have attracted homeowners to properties adjacent to or within the boundaries of national forests. Over time and across the country, this pattern of ownership, termed the wildland-urban interface, has necessitated landscape-scale discussions of local, state, tribal, and federal land management issues.

The National Cohesive Wildland Fire Management Strategy recognizes that addressing wildfire is not simply a fire management, fire operations, or wildland-urban interface problem—wildland fire is a larger, more complex land management and societal issue. The vision of the strategy for the next century is to “safely and effectively extinguish fire when needed; use fire where allowable; manage our natural resources; and as a Nation, live with wildland fire.”<sup>7</sup> The strategy underscores the need for and development of partnerships with the states, tribes, and localities that the Weeks Act first promoted.

## SUCCESS

When the Cooperative Forestry Assistance Act of 1978 was passed, the section titled “Rural Fire Prevention and Control” stated, “Congress finds that significant accomplishments have been made by the Secretary and cooperating States in the prevention and control of fire on forest lands and on non-forested watersheds for more than fifty years.”<sup>8</sup> Much has changed since then. The consequences of the fire suppression policies of the first half of the twentieth century, so effectively carried out under the Weeks Act, now confront those in fire management. The second decade of the twenty-first century will likely produce changes on the ground more profound than we have experienced in the past 100 years. Some of that change can be influenced; some cannot. Clearly, as we begin the next decade of fire seasons, defining these changes and influencing them will be a major challenge for state, federal, and local agencies and their partners. No matter how the various players respond to those challenges, the framework provided by the Weeks Act remains the national foundation of cooperative fire management. □

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## NOTES

1. The most detailed account of the Weeks Act and cooperative fire control remains Earl S. Pierce and William J. Stahl, eds. *Cooperative Forest Fire Control: A History of Its Origin and Development under the Weeks and Clarke-McNary Acts* (USDA Forest Service, 1964).
2. New Mexico and Arizona were admitted to the United States in 1912 and Alaska and Hawaii in 1959.
3. 43 Stat. 1127, quoted in Pierce, *Cooperative Forest Fire Control*, 66. This amended section 2 of the Clarke-McNary Act. Passed in 1925, the “non-timbered watershed amendment” authorized spending funds to fight fires on “watersheds from which water is secured for domestic use or irrigation.”
4. Harold K. Steen, *The U. S. Forest Service: A History* (1976; Durham, NC: Forest History Society, 2004), 187–89; 281–82.
5. National Association of State Foresters Fire Committee Report, 2011 to date.
6. William E. Shands and Robert Healy, *The Lands Nobody Wanted: The Legacy of the Eastern National Forests* (Washington, DC: Conservation Foundation, 1977).
7. “A National Cohesive Wildland fire Management Strategy,” 1. Accessed at: [http://www.forestsandrangelands.gov/strategy/documents/reports/1\\_CohesiveStrategy03172011.pdf](http://www.forestsandrangelands.gov/strategy/documents/reports/1_CohesiveStrategy03172011.pdf).
8. Amie M. Brown, *Selected Acts Affecting Forest Service Activities* (USDA Forest Service FS Publication, April 2004), 480. Accessed at: <http://www.fs.fed.us/publications/laws/selected-laws.pdf>.