

1303 - HISTORY OF FOREST & WILDLAND FIRE PROTECTION IN MONTANA

One of the first forest fire protection districts was established near Kalispell, Montana in 1911. The Northern Montana Forestry Association (NMFA) was formed to provide protection to this district. The Association was funded by members being assessed an acreage payment for protection of the more than 2½ million acres in Flathead, Sanders and Lincoln counties. Federal funds were made available to each state under the Weeks Law beginning in 1911 for the fire protection program on state and private forested lands. One-half of the money distributed by the states was allotted under the Weeks Law, and the other one-half was allocated from state and private funds. The State Forester began assisting the NMFA in 1916. The federal government assisted by employing and supervising 21 patrolmen in 1918. The NMFA provided protection to these lands from 1911 to 1970, when the State assumed the protection duties.

In 1921, another district was formed near Missoula, Montana and the second privately operated forest fire protection association was established. This association was known as the Blackfoot Forest Protection Association (BFPA) and was organized to provide protection on more than 1,200,000 acres of private and State forest lands. The BFPA turned over their protection duties to the State in 1971.

In 1922, the first district directly protected by the state was established near Bigfork, Montana for approximately 50,000 acres of state and private lands. In 1924, the Clarke-McNary Law was passed, and federal partnership with the states in fire control on state and private forest lands changed from the Weeks Law program to the Clarke-McNary Section 2 program. Under CM-2, the federal program cost share was made available directly to the State Forester, who was responsible for the direct supervision of the fire program covering state and private lands. The CM-2 partnership has assisted in the advancement of organized protection to forested lands since 1924. In 1979, the CM-2 Act was replaced with the Cooperative Forestry Assistance Act.

The Montana legislature established State Forests, totaling 490,000 acres, in 1925. The state assumed protection of the Stillwater State Forest Fire District in 1928, the Swan River State Forest Fire District in 1956, the State Continental Divide Forest Fire District in 1965, the Avon Forest Fire District in 1975, and the Helena Forest Fire District in 1977.

A third privately operated forest fire protection association was formed in 1956 to provide protection to 90,000 acres of privately owned forest and watershed land in the Anaconda area. The Anaconda Forest Protective Services (AFPS) functioned from 1956 until 1966 when the state assumed the protection duties.

State statutes were revised in 1963 to require an affirmative vote of 75% of the landowners representing 51% of the forest land within an area in order to create a new forest fire protection district. In 1967, this statute was again changed to reduce the affirmative vote to 51% of the owners representing 51% of the forest land.

Up until 1965, the U.S. Forest Service had been providing fire protection to state and private lands within five districts in Western Montana and to some 1½ million acres of state and

private forest lands located outside of the National Forest district boundaries in Eastern and Central Montana. The state reimbursed the Forest Service for protection of the lands within the districts, while individual contracts at approximately 2¢ per acre were negotiated by the Forest Service with landowners outside the boundaries in Eastern Montana.

In 1965, the USFS revised its National Forest protection boundaries to generally coincide with National Forest administrative boundaries and filed those new boundary maps with the State. This withdrawal was made for several reasons, among which were: (1) the Forest Service was charged with redeeming its basic charter of protecting and managing National Forest lands; (2) the Forest Service wished to reduce the Tort Claim liability of protecting large acreage of non-federal lands outside its boundaries; and, (3) the President had decreed that all federal agencies decrease work done for others. Coupled with these three reasons was the fact that the 2¢ per acre income under the individual contracts did not cover Forest Service expenses for suppression or administration.

Following the Forest Service's withdrawal in 1965, the state continued efforts to provide adequate levels of protection to state and private forest lands outside of forest fire districts. This was accomplished through the formation of new forest fire districts, the formation of affidavit units and the creation of the county-coop fire program. In 1967, the first County-State Cooperative Fire Protection Agreement was entered into by the state with Meagher County. This enabled the state to provide organizational and planning assistance, equipment, training, and also direct fire suppression support to the county. The county in turn protects all state and private lands within the county which are not under the protection of another recognized forest fire protection agency.

In 1972, Title IV of the Rural Development Act authorized and directed the Secretary of Agriculture to provide financial, technical and other assistance to State Foresters or other appropriate officials to organize, train and equip fire departments in rural areas and communities with populations under 10,000 to prevent and suppress fires. This Act, commonly known as the Rural Community Fire Protection Program (RCFP), broadened the partnership of the federal government with the state into protection of non-forest resources as well as forest resources. The state distributes funds annually to local fire organizations through RCFP contacts.

In 1977, the legislature brought about some major changes in the laws of Montana relating to forestry. The forest fire assessment system was simplified by combining all Class I and Class II forest lands into one class, and a minimum fee, per owner per year, in each forest fire protection district was established. It also provided for the protection of rangelands and other resources by the State through a contract with the landowner. The responsibility and authority of the counties in providing protection for forest and farm resources was expanded. Under the Act, a county that has not entered into a cooperative or other written agreement with the state for fire protection must reimburse the Division for state fire suppression costs resulting from a fire emergency in that county.

In 1984, the State of Montana entered into an agreement with the United States Forest Service to take two million acres from Federal protection to State protection over the next 10 years. The state added Block I in this year that consisted of 355,000 acres in the Fisher River-Wolf Creek area near Libby. In 1986 the state assumed protection of 385,000 acres in the Lincoln and Helena areas. An additional 414,000 acres in the Missoula, Seeley Swan, and Whitefish areas was taken over in 1988. In 1990 the state took over direct protection responsibilities for some 630,000 acres in the Dillon area. The final Block Exchange occurred in 1992 when the state assumed protection of 56,000 acres located near Dillon.

In May of 1990, the Land Board approved the formation of the Philipsburg Forest Protection District. The district includes 121,000 acres of privately owned classified forest land in the Drummond, Philipsburg and Georgetown Lake areas of Granite and Deer Lodge counties.

The Department is only doing a very limited amount of outreach to sign up parcels for affidavit wildland fire protection. After the Philipsburg Forest Protection District was formed in the May of 1990, the Department has not tried to convert any other affidavit unit into a district.

In 2007 the Montana Code Annotated language was updated as related to “forest fire” and “forest fire protection district”. In Title 76 and Title 7 of Montana Code Annotated “forest” was generally changed to “wildland” and the term “Forest Fire District” was replaced with “Wildland Fire Protection District”. The update applied to all state and private lands within Montana that are susceptible to wildfire, as determined by the department. In the end the changes to the language did not change the assessment program other than the labels that are used to describe a fire and a district. The Fire Assessment Program is still based on districts and within the districts, classified forest lands are automatically assessed a fee for fire protection. The definition of forest land was not updated. Classified forest land includes land where development is more than just scattered. The Department has not developed a wildland classification for the state.

Prepared by DNRC Fire Assessment Program