

State Responsibility to Control Fires on "Wild Lands"

With the passage of a law in 1919, relative to forest fire protection, the Division of Forestry under policies established by the State Board of Forestry was delegated to prevent and suppress forest fires through a state-wide protective system. The law described a forest fire as a fire burning uncontrolled on lands covered wholly or in part by timber, brush, grass, grain or other inflammable vegetation. Although all federally owned lands were excluded from this protective system the lands on which fires were burning uncontrolled each year included everything outside incorporated cities to the high mountain areas under protection by the U. S. Forest Service. As a result of this wide range of protection responsibility, policy determined that the State's initial action should be expended on the primary timber and watershed areas and where possible should include the secondary brush, grass and grain lands of the State. With the passage of the Clarke-McNary Act of 1924, and subsequent appropriations on a federal-state matching basis to California for fire protection on lands chiefly suited for water and timber production, these primary responsibility areas were fairly accurately determined. However, with expanding population during the late 'twenties and early 'thirties protection was increasingly necessary to the grass, grain, and low foothill country of California. In many cases, as counties developed their local government, fire protection was included as a local responsibility, consequently counties either set up their own protective systems or contributed money to the State for increased protection on county interest lands.

Until this year, however, there has never been a clear understanding or statement as to the areas of the State that are primarily the responsibility of the State and those primarily the responsibility of local agencies. The Legislature has rectified this condition this year by amending a section of our Public Resources Code. The code now requires that a classification of lands of the State shall be made by the Board of Forestry for the purpose of determining areas in which the prevention and suppression of fires shall be the primary responsibility of the State. Areas included in this category will be: (a) Lands covered wholly or in part by forest or by trees producing or capable of producing forest products. (b) Lands covered wholly or in part by timber, brush, undergrowth or grass, whether of commercial value or not which protect the soil from excessive erosion, retard runoff of water, or accelerate water percolation where such areas are sources of water which is available for irrigation or for domestic or industrial use. (c) Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described in Sections (a) and (b). Areas excluded from State responsibility

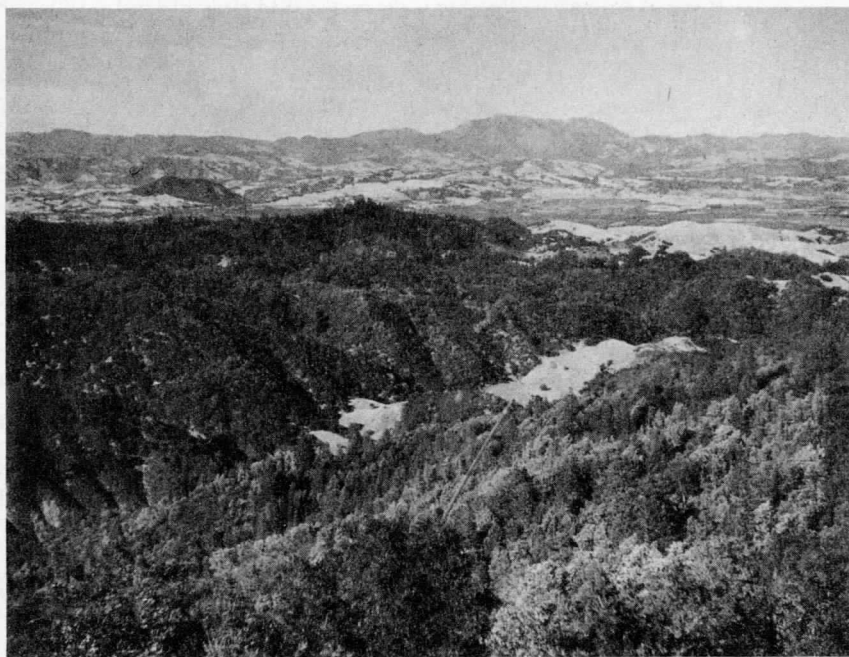


State responsibility Zone 1—primary timber and watershed lands of the State.

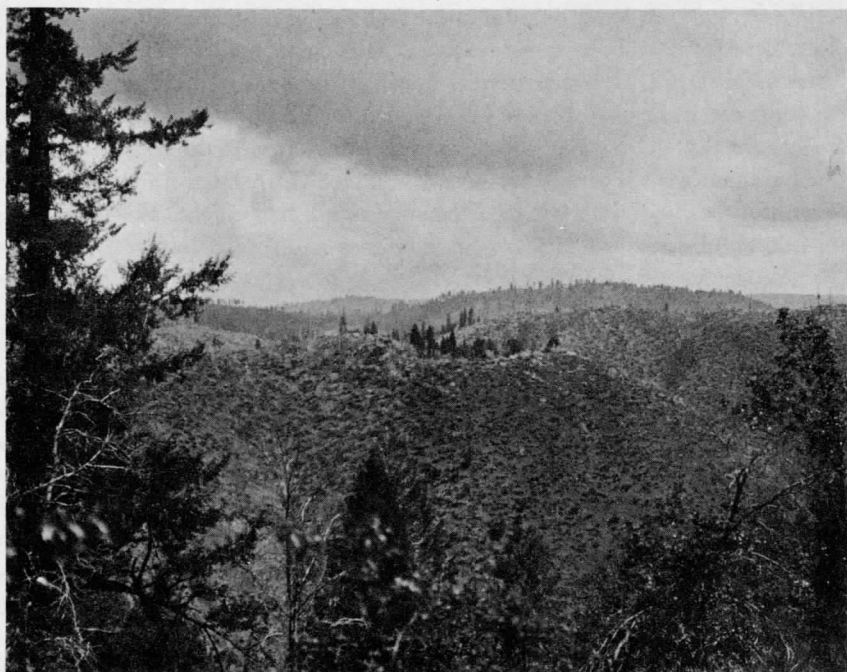
are: (a) Lands owned or controlled by the Federal Government, or any agency thereof. (b) Lands within the exterior boundaries of incorporated cities. (c) All other lands that do not fall under types to be included such as deserts, etc.

The amendment necessitates a reclassification of land zones presently used to determine State or local responsibility for fire protection. During the 1945 calendar year a portion of our technical office has been hard at work on rezoning Clarke-McNary lands as a result of a reinterpretation of the act by its

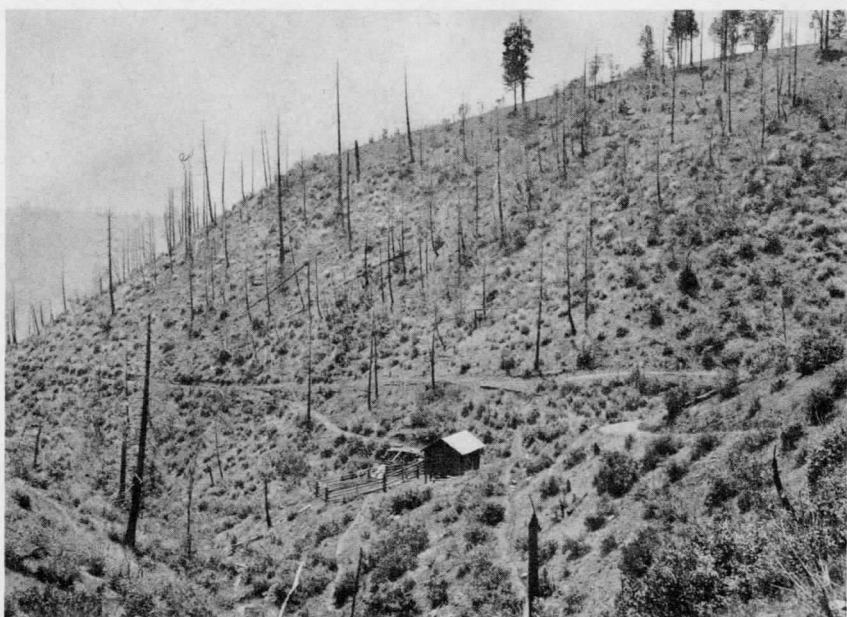
administrators. As lands qualifying for Federal aid under the Clarke-McNary Law have for years been synonymous with lands defined by the Board of Forestry as being the protective responsibility of the State, it has been necessary to complete work on this new Clarke-McNary administrative interpretation before finally determining responsibility areas under the new legislative amendment. This resurvey has been completed this year and in conjunction with it intensive zoning work has been accomplished on the additional areas of forest and watershed lands of State interest and responsibility. As the new legislative amendment makes it mandatory that lands of State responsibility be determined specifically without regard to any definition of land by the Federal Government, our new classification of California lands will include three distinct zones. There will be a definite zone of Federal interest to be known as the Clarke-McNary Zone, and called Zone I, which will include the primary timber and watershed lands of the State. Here both the Federal Government and the State of California will recognize a responsibility in the prevention and suppression of wild-fire. Secondly there will also exist a zone of State interest generally in grass and brush types adjoining the Clarke-McNary Zone at a lower elevation and referred to as Zone II. Beyond this there will be the lands of direct responsibility to counties, fire districts and municipalities wherein the State shall take an active interest only upon a voluntary mutual aid basis or by virtue of a formal contract to render a fire protection service. This latter area will be known as Zone III.



State responsibility Zone 2—secondary watershed areas, brush, woodland, grass type.



California intermediate brushland type. More experimental work is necessary before it can be determined that fire is the proper land clearance tool.



This was once a forest area. By repeatedly burning, stockmen have converted it into a marginal brush-grassland type.