



AN EXCERPT
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NORTH
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LAW | PART 3

THE NEED FOR WILDLIFE CONSERVATION AND POLICY:

The Weeks Act

Robert D. Brown

Not all federal legislation has been originally intended to have a national impact. So it was with the Weeks Act of 1911. This was an “organic” act, passed by Congress and signed into law by President William Howard Taft. As was the case with the wildlife issues in the West, concerns about the decimation of the eastern forests were raised in the 1800s, as eastern forests were clear-cut for the nation’s timber industry but were not replanted. Erosion followed, along with fires and the silting in of streams and rivers. They became “the lands nobody wanted” (United States Forest Service 2009).

In 1864 George Perkins Marsh published his book *Man and Nature: or, Physical Geography as Modified by Human Action*. Marsh had been the United States ambassador to Italy and had seen how centuries of misuse had devastated European lands that were once forests. He felt that the collapse of great civilizations, such as Babylonia and the Roman Empire, were partially a result of that loss of forest lands and watersheds. At the time of Marsh’s book, much of our economy was based on wood—for construction, railroads, ship building, carriages, bridges, and fuel for cooking and heating. Marsh predicted that our civilization would eventually collapse due to the

wanton destruction of our forests and loss of our watersheds (Sample and Cheng 2004). Others predicted a timber famine as the demand for lumber increased exponentially and as the harvestable supply shrank. In 1876 Congress appointed Franklin Hough to report on the situation. He recommended ceasing the sale of timber from public lands and establishing a permanent agency to manage our public forests. Those concerns eventually led to the formation in 1881 of the Division of Forestry within the Department of Agriculture, which later became the United States Forest Service (United States Forest Service 2009).

Forests provide timber and wildlife habitat, and the Forest Service had little trouble enlisting the support of the Boone and Crockett Club, the American Forestry Association, and other NGOs to press for the preservation of eastern forests. The Forest Reserve Act of 1891 gave the president authority to set aside public lands, eventually to be called national forests, to protect watersheds. The problem, however, was that little public land remained in the East. Citizens’ groups lobbied to save the remaining forests of the White Mountains of New Hampshire and the Southern Appalachians in North Carolina as national parks. In 1900 Congress

authorized funds for the secretary of agriculture to investigate the situation in these regions. He estimated that 48% of the eastern forests had been lost and recommended the establishment of a national forest reserve. Congress balked, turning down that bill and another 40 similar proposals over the following decade. Westerners were afraid of losing their federal funding, entrepreneurs wanted lands open for development, and still others questioned the right of the federal government to purchase private land. In the meantime, some states, including Wisconsin, Pennsylvania, and New York, established their own forest reserves (United States Forest Service 2009).

New impetus for protecting eastern forests came

with the creation of the Forest Service, led by Gifford Pinchot. Crises can make for strange bedfellows, and support for federal land protection came from women’s garden clubs, the Forest Service, and the American Forestry Association. The industry group felt federal intervention was needed to stabilize the timber markets. In 1907 the Monongahela River in West Virginia flooded the city of Pittsburgh, killing many and causing \$100 million in damage. Congress repealed the Forest Reserve Act and gave the power to create (or not create) national forests to Congress. Nine eastern states responded by authorizing the United States Geological Survey (USGS) to identify needed areas of watershed protection. The USGS complied, but there

Illustration from Puck magazine (known for its political satire) shows Gifford Pinchot, Chief of the U.S. Forest Service, fighting alone against a raging forest fire, beneath billowing finger-shaped clouds labeled “Timber Grab”, “Land Grab”, and “Greed”.

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WHO'LL STAND BY HIM?
THE CHIEF FORESTER AND THE CONSUMING ELEMENT.

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was still no law that allowed the federal government to purchase private land (United States Forest Service 2009).

In 1908 Congressman John Weeks, a Republican from Massachusetts, introduced a bill that would allow the government to purchase lands from the headwaters of navigable streams using receipts from current federally owned forest reserves. Senator Jacob Gallinger of New Hampshire introduced a similar bill in the Senate. Eventu-

ally both bills passed, and President William Howard Taft signed the bill in 1911. The Weeks Act authorized the government to “examine, locate and recommend for purchase . . . such lands within the navigable streams as . . . may be necessary to the regulation of flow of navigable streams” (Grossman and Bryner 2012:182). Funds were authorized to match state funds, not only for land purchase but also for fighting and preventing forest fires. In 1910 fires in the western states destroyed 1.2 million ha (3 million ac) and killed 85 people, including 72 fire fighters. A National Forest Reservation Commission was created to review and approve the land purchases. Congress appropriated \$9 million to purchase 2.4 million ha (6 million ac) of eastern forests. Land was only bought from willing sellers at fair-market prices. Naturally, not all landowners wanted to sell, and in fact nearly half of the land within national forests is still privately owned. These areas are known as “in-holdings” (United States Forest Service 2009).

The first national forest established under the Weeks Act was the Pisgah Forest in North Carolina. It was one of the few purchases large enough to stand as a national forest on its own. It included part of the 40,468 ha (100,000 ac) private forest that George Vanderbilt had created around his Biltmore Estate, near Asheville. This area had been cut-over forest and abandoned farmland that had been restored and managed by the German-educated forester Carl Schenck. That land became known as the “cradle of forestry.” Vanderbilt’s widow, Edith, sold nearly 35,000 ha (86,487 ac) to the government for about \$5 per acre, \$200,000 less than the government had offered (United States Forest Service 2009).

Abandoned farms became a greater part of the

purchases as the Depression of the 1920s and 1930s took hold. The Clarke-McNary Act of 1924 increased the allocation to an annual allocation of \$8 million and allowed the purchase of entire watersheds. This led to additional collaboration with states, the expansion of existing federal land holdings, and the purchase of additional lands in the West. During President Franklin Roosevelt’s New Deal administration, over 5.7 million ha (14 million ac) were purchased, and billions of trees were planted by groups such as the Civilian Conservation Corps. They also built numerous campgrounds, hiking trails, and other recreational facilities. Purchases naturally declined during World War II but picked up again in the 1960s. President Dwight Eisenhower created the last two national forests under the Weeks Act in 1961—the Uwharrie in North Carolina and the Delta in Mississippi. The Land and Water Conservation Fund Act of 1965 provided funds for land purchases primarily for outdoor recreation but under the authority of the Weeks Act. In 1976 the National Forest Reservation Commission was dissolved, and its responsibilities were transferred to the secretary of agriculture (United States Forest Service 2009).

All in all, the Weeks Act has protected over 8.1 million ha (20 million ac) in 50 national forests in 25 eastern states. These include the Allegheny,

White Mountain, Green Mountain, Pisgah, George Washington, and Ottawa National Forests. All national forests are managed by the Forest Service as working forests—intended for timber production, watershed protection, and recreation. In addition, however, the national forests are also open to mining and mineral extraction. Nonetheless, these forests provide an untold amount of wildlife and fisheries protection and opportunities for recreation. In fact, 60% of all Americans live within a day’s drive of an eastern national forest. As one historian concluded, “No single law has been more important in the return of the forests of the Eastern United States” than the Weeks Act (Lehman 2011:1). ■

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Bruce D. Leopold, Winifred B. Kessler, and James L. Cummins

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