



Public Lands and Waters FAQs

What Are Public Lands and Waters?

In the United States governmental entities including cities, counties, states, and the federal government all manage land which is referred to as either public lands or the public domain. The majority of public lands in the United States are held in trust for the American people by the federal government and managed by the Bureau of Land Management (BLM), the United States National Park Service, Bureau of Reclamation, or the Fish and Wildlife Service under the Department of the Interior, or the United States Forest Service under the Department of Agriculture. Other federal agencies that manage public lands include the National Oceanic and Atmospheric Administration and the United States Department of Defense, which includes the U.S. Army Corps of Engineers.

Special Considerations For Western States

Each western state received federal "public land" as trust lands designated for specific beneficiaries, which the States are to manage as a condition to acceptance into the union. Those trust lands cannot any longer be considered public lands as allowing any benefits to the "public" would be in breach of loyalty to the specific beneficiaries. The trust lands (two sections, or about 1,280 acres (5.2 km²) per township) are usually managed extractively (grazing or mining), to provide revenue for public schools. All states have some lands under state management, such as state parks, state wildlife management areas, and state forests.

What is Wilderness Land?

Wilderness is a special designation for public lands which have been completely undeveloped. The concept of wilderness areas was legislatively defined by the 1964 Wilderness Act. Wilderness areas can be managed by any of the above Federal agencies, and some parks and refuges are almost entirely designated wilderness. A wilderness study area is a tract of land that has wilderness characteristics, and is managed as wilderness, but has not received a wilderness designation from Congress.

Who Decides How Federal Public Lands Are Governed And Used?

Typically each parcel is governed by its own set of laws and rules that explain the purpose for which the land was acquired, and how the land may be used. The private uses of public lands continue to be a challenging issue in the United States. Environmental groups have used the Public Trust Doctrine to re-establish rights to common resources such as water in the arid west and in Hawaii. An expanded vision of the Public Trust doctrine that includes soils, air and other species has been argued. Recently there have also been increasing efforts to privatize many public lands through land trades and other privatization schemes.

Most state- and federally managed public lands are open for recreational use. Recreation opportunities depend on the managing agency, and run the gamut from the free-for-all, undeveloped wide open spaces of Bureau of Land Management lands to the highly developed and controlled national and state parks. Wildlife refuges and state wildlife management areas, managed primarily to

improve habitat, are generally open to wildlife watching, hiking, and hunting, except for closures to protect mating and nesting, or to reduce stress on wintering animals. National forests generally have a mix of maintained trails and roads, wilderness and undeveloped portions, and developed picnic and camping areas.

What About Public Land Not Owned By the Federal Government?

State parks are similar to national parks, but under state rather than federal administration. Similarly, local government entities below state level may maintain parks, e.g. regional parks or county parks.

In the United States, state parks have an older history than national parks. In 1864, when the federal government saw the need to protect the Yosemite Valley and Mariposa Grove, Abraham Lincoln ceded the land to California as a state park. This was because, at the time, preservation of land for the public was seen as a proper role for the states rather than the federal government. Later the state park was incorporated into Yosemite National Park. Many state park systems date to the 1930s, when dozens of state parks across the country were established with assistance from the Civilian Conservation Corps.