

THE POLITICS OF MANAGING PUBLIC LANDS

Like so much today, the topic of federal land ownership is highly politicized. Two cases in the news highlight the tensions between the two sides of the public lands debate. On one side are those who believe that it is appropriate for the federal government to protect the lands and resources in national parks, forests and other public lands so that they remain in good shape for current and future generations. On the other side are those who believe that Washington overreaches its authority in governing the use of far-off lands, and should transfer this authority to local and state governments.

By Shelley Brooks, Ph.D.,

President Trump recently decreased the size of two national monuments in Utah - Grand Staircase-Escalante and Bears Ears. The latter encompasses important historical and cultural sites for local Native American tribes, tribes who were integral to establishing the national monument and are now suing the president. President Trump also faces lawsuits from a number of environmental and wilderness groups. In related news, western rancher Cliven Bundy is on federal trial after grazing his cattle on

public land for twenty years without paying related fees, and then created an armed standoff with federal officers seeking to remove his cattle. Both the shrinking of the national monuments and the Bundy trial force the question of what role the federal government should play in managing land across the United States.

Today, many Republicans favor reducing the amount of land held in federal ownership and passing more authority to states to oversee these lands. Meanwhile, many Democrats favor sustaining or even increasing the amount of land held in the public trust. This partisan divide has not always existed, however. Republican President Theodore (Teddy) Roosevelt created the National Forest Service to manage the nation's expansive forested lands; established eighteen National Monuments, five National Parks, and more than fifty bird sanctuaries; and he signed the Antiquities Act into law, which gave presidents the authority to preserve areas of the nation seen as rich in nature and/or culture. More recently, Republican George W. Bush set aside over 200 million acres as national monuments during his presidency. Only Democratic President Barack Obama has set aside more land than Bush in national monument status, including Bears Ears, which President Trump recently shrunk.



WHAT IS FEDERALLY-OWNED LAND?

Through legislation, treaties and purchases since the eighteenth century, the federal government retains ownership of roughly one-quarter of the nation's lands. These lands and their natural resources are managed by a variety of government agencies. In this issue, the lands owned by the federal government are alternately termed federal land, public land, the public trust, and specific categories like national monuments or national wildlife refuges.

TYPES OF FEDERALLY-OWNED LAND



Lassen National Forest, US Dept. of Agriculture Forest Service

National Forests – Large areas protected for multiple uses, including the extraction of timber and minerals; as pasture for grazing animals; and as recreational lands. Managed by the Department of Agriculture.



Hearst San Simeon Estate, California State Parks Photo

National Historic Sites – Areas preserved for their historic significance. Managed by the National Park Service.



Muir Woods National Monument, National Parks Service Photo

National Monuments – Land that is protected for a specific cultural, natural, or historic feature; managed by various government agencies.



Yosemite National Park, California. Author photo.

National Parks – Large areas of land protected for natural and historic features, used primarily for recreation and scientific activity. Managed by the Department of Interior.



Golden Gate National Recreation Area, National Parks Service Photo

National Recreation Areas – Areas protected for water-based recreation; managed by various agencies.



Headwaters Forest Reserve, Bureau of Land Management Photo

Bureau of Land Management lands – federal lands that don't fall into the above categories and are managed for multiple uses, including energy production; timber, minerals, pastureland; and open-space/recreational land.



Ansel Adams National Wilderness Area, Wikimedia Commons Photo

Wilderness Areas – Land protected in its natural state without human developments, so that the current generation can enjoy recreational land and future generations will also know wild spaces. Managed by various government agencies.



San Diego National Wildlife Refuge, US Fish and Wildlife Service Photo

National Wildlife Refuges – Areas meant to protect fish, wildlife and plants; managed by the U.S. Fish & Wildlife Service.



Pt. Reyes National Seashore, National Park Service Photo



Joshua Tree National Park, National Park Service Photo

WHY IS FEDERAL LAND OWNERSHIP CONTROVERSIAL?

Depending on one's viewpoint, federal ownership can be a way to preserve lands for recreational, economic, and scientific use by current and future generations, or as a means to dictate to states and counties how they should (and often should *not*) use the land in their area. A very general overview of the two sides of this debate can be classified as follows:

FEDERALLY-OWNED MULTIPLE-USE LANDS



Los Padres National Forest

- Includes national forests and some Bureau of Land Management lands.
- Examples: Los Padres National Forest and BLM land surrounding Cliven Bundy's ranch in Nevada.

COMMON ARGUMENTS IN FAVOR

While individuals may be inclined to increase wealth by maximizing use of natural resources (like cutting trees for timber), and while local governments may want to maximize economic development, federal agencies are required to manage valuable resources like timber, minerals, and pastureland for use by current *and* future generations.

COMMON ARGUMENTS AGAINST

Public land reduces the local tax base; federal environmental regulations hinder economic opportunities; that local knowledge of the land gives county and state governments a better idea than the federal government what land use is most appropriate.

FEDERAL MANAGEMENT OF PRESERVES



Bears Ears National Monument

- Includes national parks, monuments, wilderness areas, historic sites, wildlife refuges and some Bureau of Land Management lands.
- Examples: Yosemite National Park, Bears Ears National Monument.

COMMON ARGUMENTS IN FAVOR

Federal ownership is the best way to protect unique and scenic lands from becoming overly developed because the federal government is not going to be swayed by pressures from industries, real estate developers and other commercial proposals that might appeal to county or state governments looking to grow and increase the tax base.

COMMON ARGUMENTS AGAINST

Federal ownership is not sensitive to the needs of the local communities that are adjacent to national parks or forests; public land reduces the local tax base and hinders local economic activities; these public lands are meant to please middle to upper class Americans who have the time and means to hike or camp.

WHY DOES THE FEDERAL GOVERNMENT OWN PUBLIC LAND?



A family homestead, Nebraska, 1887. US Dept. of Agriculture Photo.

As the nation expanded from the Eastern seaboard west to the Pacific Ocean in the eighteenth and nineteenth centuries, the federal government gained authority over vast amounts of land. Sometimes by war and sometimes by direct purchase, the federal government acquired land that would eventually be incorporated as states in the Union. Native Americans, who had lived on the land for millennia, signed treaties with the federal government - sometimes willingly, sometimes under coercion - and found themselves as residents of a foreign nation (they did not gain citizenship status until 1924). Throughout the eighteenth and nineteenth centuries, the federal government's priority with its vast amount of land was to encourage settlement and economic development. The 1862 Homestead Act gave individuals the chance to own 160 acres of once-public land in return for a small fee and five years of residence. The fed-

eral government also granted public lands and loans to railroad companies to encourage them to build tracks across the country to both bring new settlers and to create the transportation infrastructure for their farms and businesses. Also in 1862, the Morrill Land-Grant Act gave over ownership of public lands to states and territories for the establishment of colleges. Mineral and timber acts in the late nineteenth century gave away more public land or rights to the natural resources on them. Not surprisingly, millions of people from the eastern seaboard, and from around the world, moved west into the open spaces to claim land and establish farms and businesses. The American landscape soon showed visible signs of degradation, touching off a new desire among many Americans to establish responsible management of the nation's valuable natural resources.

PUBLIC LAND AS PART OF THE PUBLIC TRUST

Protecting public land from over-development began with the nation's forests. Congress passed the Forest Reserve Act of 1891 in response to what they determined as destructive logging practices of private timber companies. The act enabled the federal government to bound off land in reserves (later as national forests) and manage them for long-term, sustainable use. For over a century, the Forest Service has managed millions of acres for the multiple uses of timber and mineral extraction and grazing land; watershed protection for agricultural and residential areas downstream from forest rivers; and recreational space. Public lands preserved solely for recreational and scientific – not economic activities – also became a national priority in the late nineteenth century as many Americans came to treasure the nation's natural beauty and sought to save at least some areas from development. Yellowstone became the world's first national park in

1872. National monuments, and other forms of publicly preserved lands like national historic sites, wildlife refuges, recreation areas, followed in the twentieth century (see page two for more information).

Though the federal government once worked to pass land and natural resources onto citizens willing to develop them, by the early twentieth century a consensus formed to enact comprehensive management and conservation of the key natural resources that had enabled the nation's growth. By 1964, near-unanimous support in Congress led to the Wilderness Act, which set aside particularly scenic areas for permanent protection from development of any sort. As President Lyndon Johnson indicated in signing the Wilderness Act, "beauty and wonder" were an important part of the nation's heritage.



*The Morrill Land-Grant Act led to the creation of the **University of California** in 1868. Further legislation led to the founding of the University Farm at Davis (later **UC Davis**) and the Citrus Experiment Station at Riverside (later **UC Riverside**). Image of Agricultural Engineering Building at Davis, 1927. UC Davis College of Engineering Photo.*

ONGOING LAND-MANAGEMENT CHALLENGES

Approximately one-quarter of the nation's land is owned and managed by the federal government. The bulk of that land is in the West, where some states, like Nevada and Utah, are more than 60% federally-owned (in California, that amount is roughly 45%). Though anti-federal sentiment (opposition to federal land ownership) in the West reaches way back, this movement picked up steam in response to new and widespread environmental protection laws of the 1960s and 1970s. Soon, a group of westerners organized a 'Sagebrush Rebellion' to call for the transfer of federal lands to state and private ownership. Cliven Bundy – the



Cliven Bundy. Wikimedia Commons Photo

rancher on trial in Nevada – followed in this vein. Bundy illegally grazed his cattle for twenty years on public land without paying for the service, and then created an armed standoff against the federal officials who finally came to remove the cattle. Two years later, Bundy's son Ammon travelled to Oregon to lead an armed occupation of a national wildlife refuge in an unsuccessful attempt to wrest it from federal ownership. During the six-week illegal occupation the occupiers damaged office property and the land itself.

As the Bundy episodes and the shrinking of Bears Ears National Monument indicates, management of these many millions of acres has been challenging, for sure. The federal agencies that oversee the various public lands have received complaints from both sides – from those who believe the government is not doing enough to protect and preserve the nation's natural wealth, and from

those who believe it locks up too much of that wealth and open space. The current debate over Bears Ears National Monument is a good case in point. President Trump argues that the original size of Bears Ears was too large and that some of that land should be returned to state ownership. He cited the 1906 law that authorized the establishment of national monuments to be "confined to the smallest area compatible with proper care and management of the objects to be protected." Meanwhile, the Native American tribes protesting the reduction of the monument's acreage argue that a smaller boundary will leave vulnerable the valuable historic markings, medicinal plants, and other cultural resources that were originally protected by the monument. Moreover, these tribes and others are concerned that Trump's move is intended to open this stretch of public land in Utah to oil, gas and coal extraction.



Tourists admire rock art in Bears Ears National Monument, Utah. BLM Photo.

For more than a century Americans have debated how to use and *not use* the nation's land and resources. Today, these disagreements are complicated by the fact that our nation's population is growing but there is a fixed amount of land and resources upon which human life and economic activities depend.

FEDERAL LANDS TIMELINE

The Nation Grows

1780
-
1802

Most of the land to the west of the Appalachian Mountains is ceded by states to the federal government.

1803

The Louisiana Purchase doubles the size of the United States by acquiring lands held by France, adding lands as far west as present-day Montana.

1848

The Treaty of Guadalupe Hidalgo ends war with Mexico; U.S. purchases 1.2 million square miles of land (present-day California, New Mexico, Arizona, and much of Nevada, Utah, and Colorado).

Government Encourages Development of Land and Natural Resources

1862

The Homestead Act provides individuals the chance to own 160 acres of once-public land after five years of residence on the property.

1872

The General Mining Law allows individuals and companies to explore for minerals and establish rights to public land where these minerals are found.

1873

The Timber Culture Act encourages the planting of trees in the prairies by granting once-public land to settlers who plant trees in this region.

1877

The Desert Lands Act encourages the development of arid western lands by granting once-public land to settlers who irrigate land in this region.

Managing Multi-Use Lands, Parks, and Ecosystem Health

1864

The Yosemite Grant Act creates the nation's first wilderness reserve, to be managed by the state of California (becomes Yosemite National Park in 1890).

1872

Yellowstone becomes the first National Park

1891

The Forest Reserve Act authorizes the President to set aside forests in the public domain to be managed for long-term use. Follows after widespread destructive logging practices by private companies.

1906

The American Antiquities Act authorizes the President to preserve historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest and classify them as national monuments.

1916

National Park Service is created.

1934

The Taylor Grazing Act authorizes the regulation of grazing on public lands in order to improve the quality of the rangelands, many of which already showed signs of overgrazing.

1946

The Bureau of Land Management is created. Today, the BLM manages 260 million acres of land, nearly one-eighth of the U.S. land area. These lands are concentrated in the West.

1964

The Wilderness Act authorizes Congress to designate wilderness areas where human developments are not allowed. Today, there are more than 106 million acres of wilderness.

1970

In response to growing environmental concerns - primarily about unhealthy air and water from pollution and pesticides - the National Environmental Policy Act establishes framework for responsible use of natural resources and interactions with ecosystems.

1994

Executive order signed by the President requiring federal agencies to identify and address the problems of poor environmental conditions in low-income areas, often resulting from industrial operations and freeways creating pollution near these communities.



Malheur National Refuge, Oregon. US Fish and Wildlife Service Photo.

Opposition to Federal Land Ownership

1970s-
1980s

The Sagebrush Rebellion emerged in the 1970s in response to new environmental laws that regulated the extraction of resources from public lands in the West. 'Rebels' called for the transfer of federal lands to state and local ownership.

2014

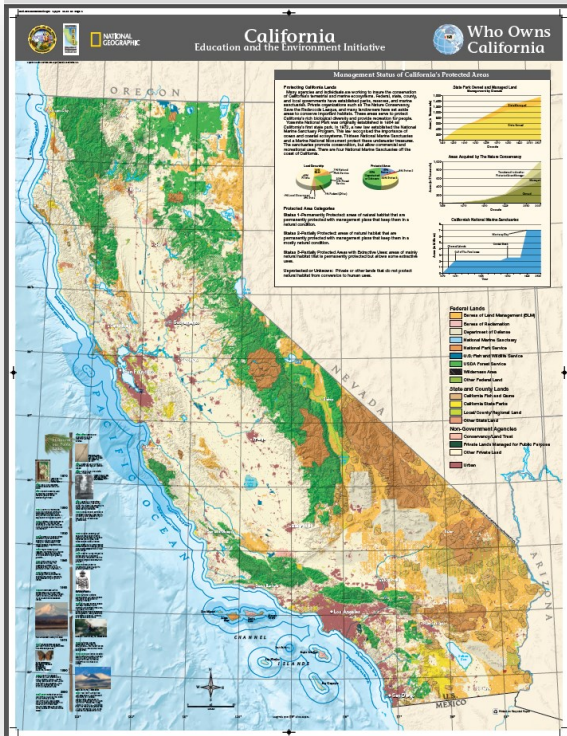
Cliven Bundy gathers hundreds to his side for an armed stand-off in Nevada against federal officers attempting to remove Bundy's cattle grazing illegally on public land. Federal officers retreat and Cliven and others are arrested and await trial.

2016

Ammon Bundy (Cliven's son) and others engage in an armed occupation of a national wildlife refuge in Oregon, in an unsuccessful attempt to force the transfer of the wildlife refuge to county ownership.

**Timeline developed in part from information from Public Lands Interpretative Association*

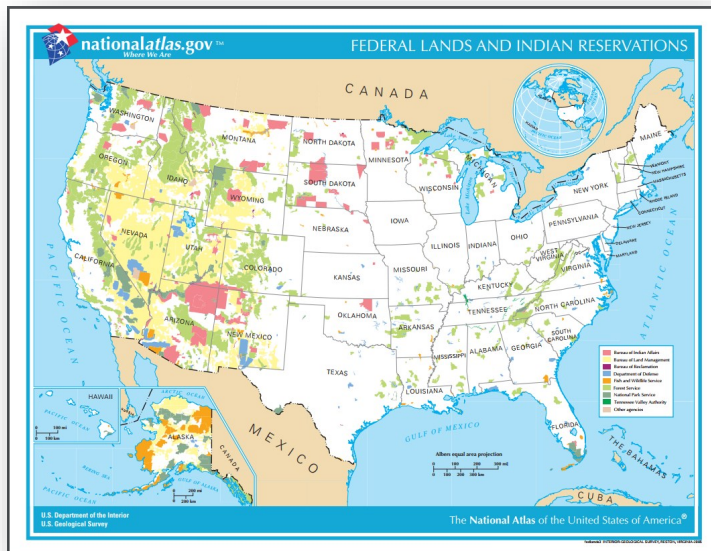
WHO OWNS CALIFORNIA?



1. Check out the larger map of California on the next page or download it directly from the CalRecycle website: <http://www.calrecycle.ca.gov/eei/unitdocs/maps/california.pdf>.
2. Analyze the map and then discuss:
 - A. What features on this map are most striking to you?
 - B. How does the amount of private land compare to the amount of public land in California?
 - C. What land-use conflicts might exist between the different land owners in the same regions?
 - D. Where do you live, and who owns the land in your region?
 - E. In what ways do you notice people, industries, and animals using the land in your region?

WHO OWNS AMERICAN LAND?

1. Check out the larger map of the US on page 13 or download from the US Department of the Interior / US Geologic Survey website: https://nationalmap.gov/small_scale/printable/images/pdf/fedlands/fedlands3.pdf.
2. Study this map and consider the arguments in favor and against federal land ownership. Discuss:
 - Where might you expect to see the strongest opposition to federal land ownership?
 - What do you believe are the federal government's responsibilities to manage land for future generations?
 - What do you believe is the citizen's responsibility?





NATIONAL GEOGRAPHIC

California Education and the Environment Initiative



Who Owns California

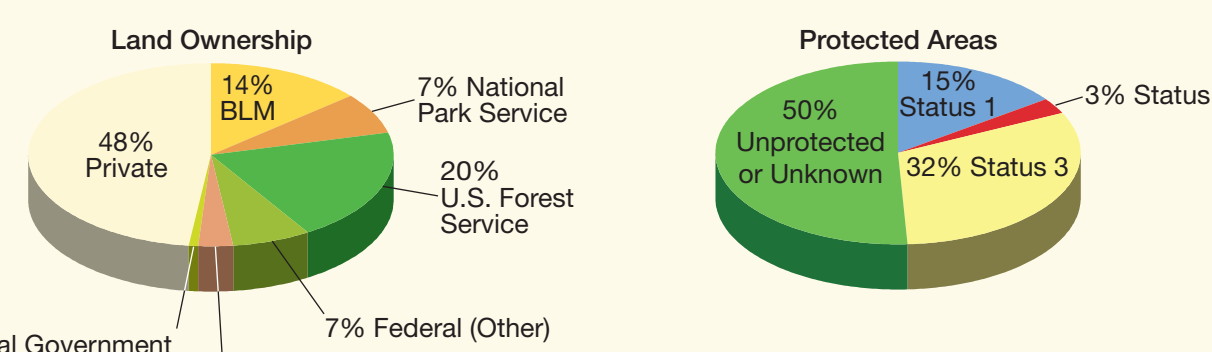
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Management Status of California's Protected Areas

Protecting California Lands

Many agencies and individuals are working to insure the conservation of California's terrestrial and marine ecosystems. Federal, state, county, and local governments have established parks, reserves, and marine sanctuaries. Private organizations such as The Nature Conservancy, Save the Redwoods League, and many landowners have set aside areas to conserve important habitats. These areas serve to protect California's rich biological diversity and provide recreation for people. Yosemite National Park was originally established in 1864 as California's first state park. In 1972, a new law established the National Marine Sanctuary Program. This law recognized the importance of ocean and coastal ecosystems. Thirteen National Marine Sanctuaries and a Marine National Monument protect these underwater treasures. The sanctuaries promote conservation, but allow commercial and recreational uses. There are four National Marine Sanctuaries off the coast of California.



Protected Area Categories

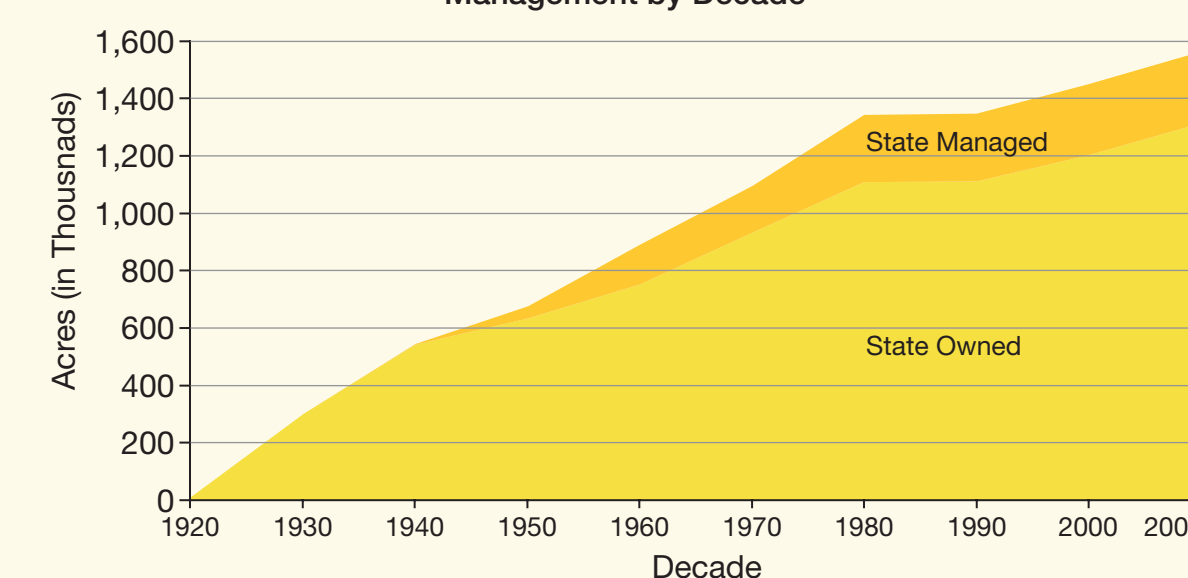
Status 1—Permanently Protected: areas of natural habitat that are permanently protected with management plans that keep them in a natural condition.

Status 2—Partially Protected: areas of natural habitat that are permanently protected with management plans that keep them in a mostly natural condition.

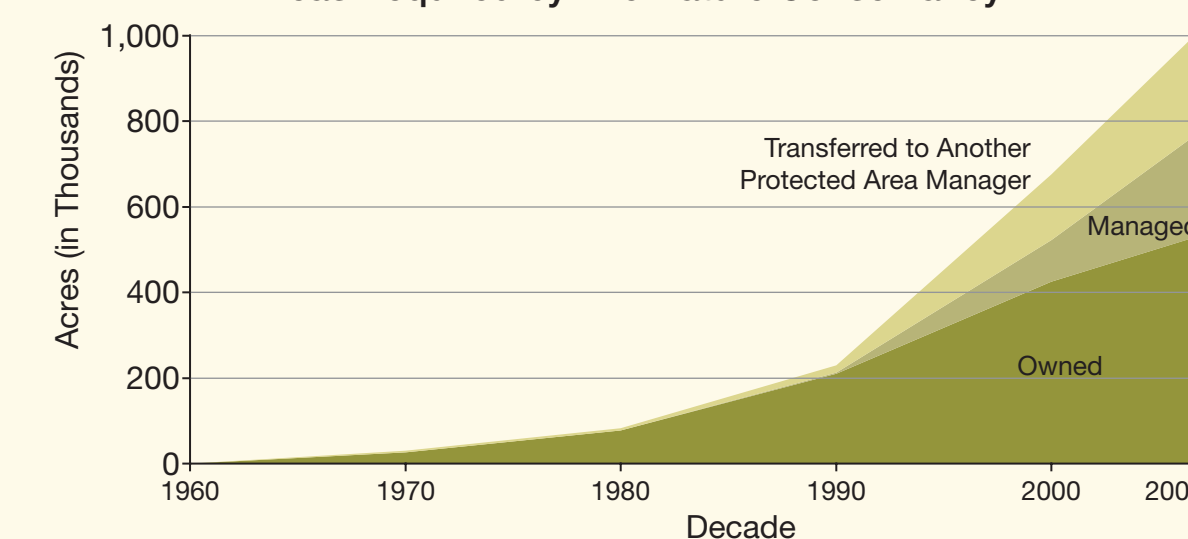
Status 3—Partially Protected Areas with Extractive Uses: areas of mainly natural habitat that is permanently protected but allows some extractive uses.

Unprotected or Unknown: Private or other lands that do not protect natural habitat from conversion to human uses.

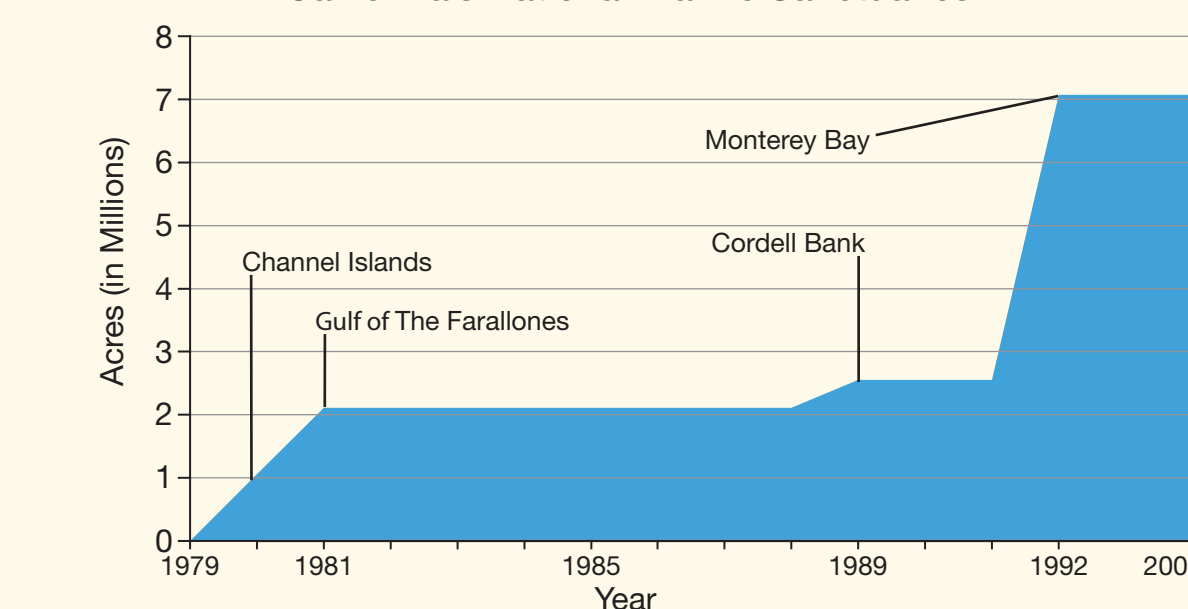
State Park Owned and Managed Land Management by Decade



Areas Acquired by The Nature Conservancy



California's National Marine Sanctuaries



Federal Lands

- Bureau of Land Management (BLM)
- Bureau of Reclamation
- Department of Defense
- National Marine Sanctuary
- National Park Service
- U.S. Fish and Wildlife Service
- USDA Forest Service
- Wilderness Area
- Other Federal Land

State and County Lands

- California Fish and Game
- California State Parks
- Local/County/Regional Land
- Other State Land

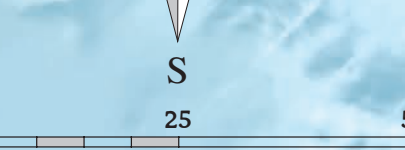
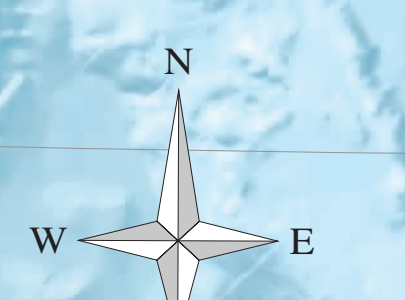
Non-Government Agencies

- Conservancy/Land Trust
- Private Lands Managed for Public Purpose
- Other Private Land

- Urban

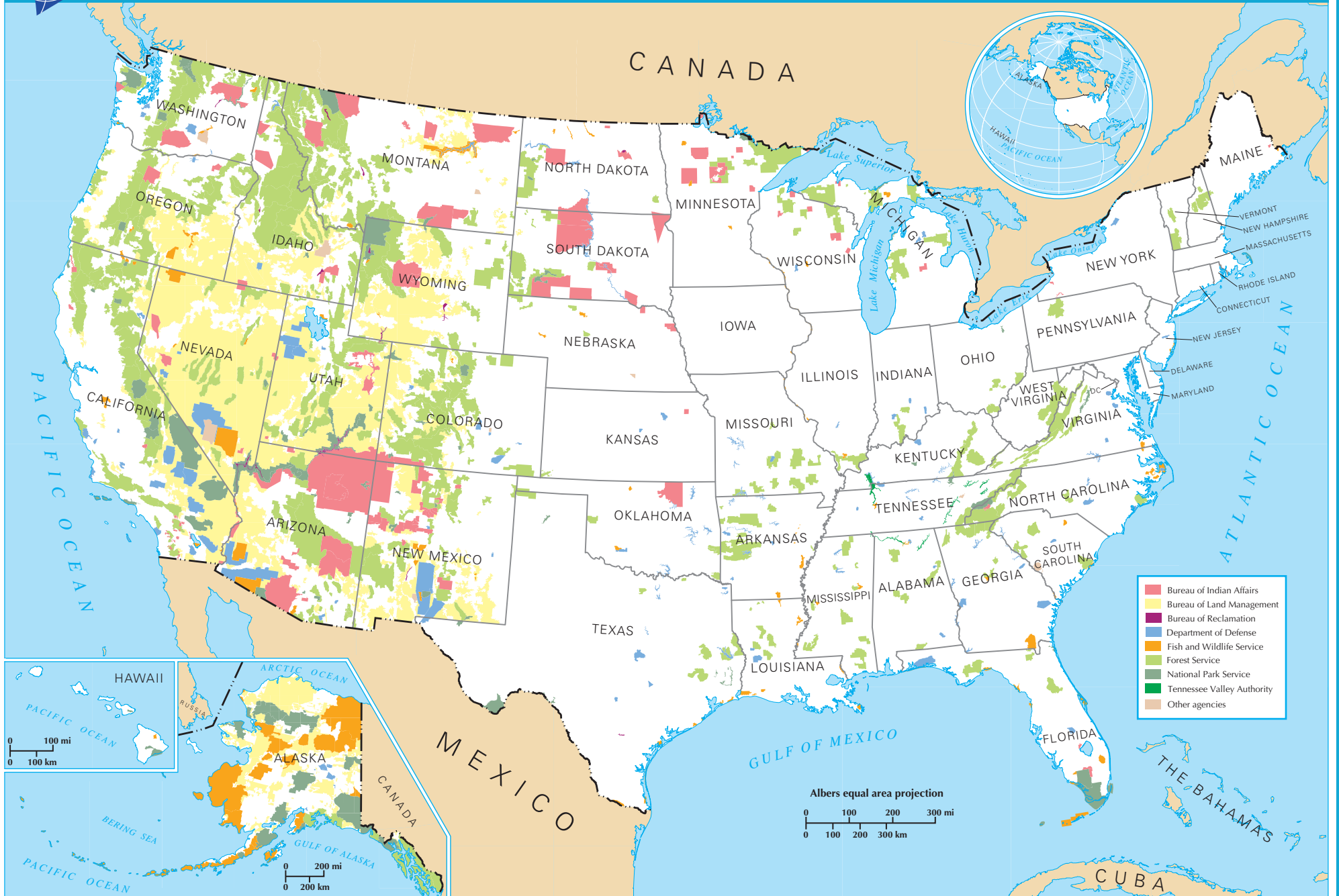
History of our Public Lands

- 1804-1806 Lewis and Clark explore the western United States.
- 1812 General Land Office is created to manage all federal lands.
- 1864 California's first State Park—Yosemite.
- 1890 John Muir and other supporters form the Sierra Club, "to make the mountains glad," and to protect the American wilderness.
- 1906 USDA Forest Service is created to sustain the healthy, permanent, and productivity of the nation's forests and grasslands.
- 1920 Mineral Leasing Act allows the government's right to rental payments and royalties on oil, gas, and minerals on federal lands.
- 1927 State Park Commission established to manage parks and lands acquisition of new park lands.
- 1936 Central Valley Project is authorized by President Franklin D. Roosevelt as the nation's largest Reclamation project.
- 1944 Smokey Bear is created for a campaign to prevent forest fires.
- 1960 National Historic Preservation Act establishes the National Register of Historic Places.
- 1968 Wild and Scenic Rivers Act and National Trails System Act protect free-flowing rivers from dam construction and streamside development and preserves a system of scenic, historic, and recreational trails.
- 1972 National Marine Sanctuary Program is established—four sanctuaries in California have since been designated.
- 1976-1979 California Coastal Plan protects Elkhorn Slough through partnership with NOAA and the California Department of Fish and Game.
- 1994 California Desert Protection Act creates two new National Preserves—Death Valley and Joshua Tree—and one National Preserve—the Mojave, protecting some 6 million acres of land.
- 2001 The 1906 Antiquities Act empowers the president to create 19 National Monuments and expand others, preserving more than 4.6 million acres, including lands in California—the state with the most land protected in the continental U.S. since Theodore Roosevelt's time.

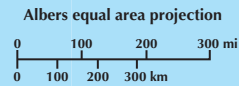
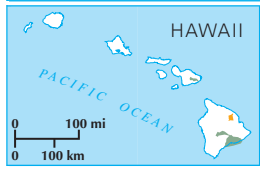




FEDERAL LANDS AND INDIAN RESERVATIONS



- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- Department of Defense
- Fish and Wildlife Service
- Forest Service
- National Park Service
- Tennessee Valley Authority
- Other agencies



EDUCATION AND THE ENVIRONMENT INITIATIVE (EEI) CONNECTIONS

A program of CalRecycle's Office of Education and the Environment, EEI lessons are designed to foster environmental literacy among California students. The EEI collection includes a variety of lessons that support learning on the topic of land use and ownership.

1.2.4. [People and Places](#), Lesson 4, "Change Related to Human Activities"

3.1.1.,3.1.2. [The Geography of Where We Live](#), Lesson 3, "Using our Local Region" and Lesson 4, "Changes in Our Local Region"

4.1.3.,4.1.5. [Reflections of Where We Live](#), Lesson 3 "Land Use and Natural Resources"

4.2.6. [Cultivating California](#), Lesson 6, "The End of Hunting and Gathering"

10.3.3. [Growth of Population, Cities, and Demands](#), Lesson 3 "How Modern Cities Influence Natural Systems" and Lesson 4 "Laws and Policies to Manage Natural Resources"

10.4.3. [New Imperialism: The Control of India's and South Africa's Resources](#), Lesson 1 "Decisions about Natural Resources"

11.11.5. [Many Voices, Many Visions: Analyzing Contemporary Environmental Issues](#), Lesson 4, "Roots of Controversy" and Lesson 5, "Regulations and Rights" and Lesson 6 "The Role of Advocacy in a Democracy"

11.8.6. [Postwar Industries and the Emerging Environmental Movement](#), Lesson 1, "Postwar Changes in the Great Central Valley"

12.3.1. [Government and the Economy: An Environmental Perspective](#), (Econ) Lesson 2, "Economic Benefits and Costs of Environmental Regulations"

12.2.2.,12.2.7. [Sustaining Economies and the Earth's Resources](#), (Econ) Lesson 3, "The Effects of Market Forces on Natural Systems" and Lesson 4 "One Ocean, Many Mouths" and Lesson 5 "Regulating the Market"

12.1.4. [Private Property and Resource Conservation](#), (Econ) Lesson 4 "Private Property and Conservation"

12.2.2.,12.2.5 [This Land is Our Land](#), (Gov) Lesson 5 "Reconciling when Common Goods Collide"

The EEI map, "Who Owns California," was developed by *National Geographic* and is a great tool for discussing land use and ownership in California: <http://www.calrecycle.ca.gov/eei/unitdocs/maps/california.pdf>

PHOTO CREDITS

Mt. Lassen: <https://www.fs.usda.gov/recarea/lassen/recarea/?recid=21865>

Hearst Castle: <https://www.pinterest.com/pin/107101297367115550/>

Muir Woods: <https://www.nps.gov/state/ca/index.htm>

San Diego: https://www.fws.gov/refuge/San_Diego/wildlife_and_habitat/index.html

Ansel Adams: https://commons.wikimedia.org/wiki/Ansel_Adams_Wilderness#/media/File:Mt_Banner_from_Island_Pass.jpg

Homestead Act: <https://www.flickr.com/photos/usdagov/6510689063/in/photostream/>

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Bears Ears: <https://www.flickr.com/photos/mypubliclands/31828925411> and <https://www.flickr.com/photos/mypubliclands/31136256553>

CURRENT CONTEXT: A PUBLICATION OF THE CALIFORNIA HISTORY-SOCIAL SCIENCE PROJECT

Produced by the [California History-Social Science Project](#) (CHSSP), *Current Context* is a series of instructional materials designed to help students understand current events in historical context. All *Current Context* materials are Copyrighted by the Regents of the University of California, Davis. This issue of *Current Context* is the fifth in a special series dedicated to helping students understand the connections between environmental literacy and the study of history-social science, and is funded through the generous support of [Ten Strands](#). To download this issue and others, visit: <http://chssp.ucdavis.edu/current-context>. For more information about the CHSSP, visit our website, <http://chssp.ucdavis.edu>, write to us: chssp@ucdavis.edu, or connect with us via Facebook ([californiahistorysocialscienceproject](#)) or Twitter ([CHSSP_SO](#)). Headquartered in the Department of History at UC Davis, the CHSSP is one of nine disciplinary networks that make up the California Subject Matter Projects, administered by the University of California, Office of the President.