

Federal Land and Resource Management: A Primer [1](#)

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Summary

Four federal agencies administer most of the U.S. government's land. The National Park Service administers the Park System for recreation use and preservation. The Fish and Wildlife Service manages wildlife refuges primarily for protecting and improving fish and wildlife habitats. The Bureau of Land Management manages the public lands for sustained yields of multiple uses - grazing, recreation, timber, and fish and wildlife. The Forest Service similarly manages the national forests. Most forests and public lands are also available for mineral exploration and development. Three special land systems are also administered by these agencies: the Wilderness System, for preserving pristine areas; the Trail System, for non-motorized recreation; and the Wild and Scenic Rivers System, for river recreation. Congress has also established many special designations for certain lands. This report summarizes the permitted and prohibited uses of lands managed by these four agencies, as well as of the many special designations. It will be updated at the beginning of the 107th Congress. For more detailed information see CRS Report 98-991, *Federal Land Management Agencies: Background on Land and Resource Management*.

Introduction

Four federal agencies administer most of the 657 million acres of federal land (29% of the land in the United States): the National Park Service (NPS), the Fish and Wildlife Service (FWS), and the Bureau of Land Management (BLM) in the Department of the Interior, and the Forest Service (FS) in the Department of Agriculture. The majority of the federal lands (92%) are in 12 western states, and the federal government owns more than half of the land in those states (54%, ranging from 27% in Washington to 83% in Nevada). [2](#)

The National Park System

The National Park Service (NPS) manages 77 million acres in the 378 units of the National Park System (also NPS). Many of the largest units are in Alaska (51 million acres, or 65%), while the remainder are distributed among the other states and territories. NPS has many diverse categories

for its units, with 20 different designations. The largest units are the national parks, preserves, and monuments.

National Parks. National parks are established to conserve and protect outstanding natural resources for the enjoyment of current and future generations and are managed to conserve the natural, historic, and cultural values for which the area was set aside. The 54 full national parks (the crown jewels of the System, such as Yellowstone National Park) offer a wide range of visitor activities and facilities. Fishing is allowed in most national parks, but hunting and resource development activities (e.g., mineral extraction and timber harvesting) generally are prohibited unless grandfathered or expressly permitted in the park's authorizing legislation. National parks can only be designated by Acts of Congress.

National Preserves. National preserves, many of which are in Alaska and abut national parks, are established to protect significant natural resources. These areas may include unique ecological communities; climax communities; rare wildlife habitat or flora; or other scientific, geologic or topographic values which contribute to the natural heritage of the nation. Management of national preserves is generally similar to that of national parks, but typically allow not only fishing and other recreation allowed in the parks, but also hunting and mineral extraction, as long as the natural values for which the preserve was established are not jeopardized. National preserves are also designated by Acts of Congress.

National Monuments. National monuments are established to preserve specific natural resources of historic, cultural, or scientific interest, including outstanding geologic formations (e.g., unusual caves or dunes) or may include unique ecological communities and wildlife habitat. The NPS manages 73 national monuments (5 are administered by other federal agencies) and include a broad range of entities, such as Aniakchak (AK), Canyon de Chelly (AZ), and Cabrillo de San Marcos (FL). Permitted and prohibited uses in national monuments are largely the same as in the national parks: many recreation uses are allowed, although hunting may be restricted or forbidden. Wood cutting and most commercial activities are usually curtailed (but mineral extraction may be allowed). National monuments may be established by an Act of Congress, although most have been established by presidential proclamation under the authority of the 1906 Antiquities Act.

In addition to these categories, the NPS has numerous other designations, including: national battlefields, historic sites, national seashores and lakeshores, and more. The NPS also administers 19 national recreation areas (NRAs), while 19 are administered by the FS, one by the BLM, and one by the Tennessee Valley Authority. NRAs are principally designated by Acts of Congress, but some have been identified administratively. Recreation is the dominant use, but each NRA is unique, tailored to the characteristics of the area, the management philosophy of the administering agency, and directions from Congress. Other uses may be allowed in NRAs including recovery of timber or mineral resources, livestock grazing, watershed protection, and resource preservation as long as these uses are compatible with the primary purpose for which the area was set aside.

The National Wildlife Refuge System

The Fish and Wildlife Service (FWS) manages 93 million acres in 512 national wildlife refuges, 198 waterfowl production areas, 50 wildlife coordination areas, and 114 other sites. FWS manages lands in every state and several territories, but 77 million acres (83%) of the National Wildlife Refuge System (NWRS) are in Alaska. The President can establish new NWRS units, but a few have been created by Congress with specific purposes for those units identified in law. Most are established by FWS under general land acquisition authorities, especially the Migratory Bird Treaty Act.

The National Wildlife Refuge System Administration Act of 1966 and the National Wildlife Refuge System Improvement Act of 1997 direct the FWS to administer the System primarily to conserve and enhance fish and wildlife and their habitats. Only uses compatible with these general purposes, and with any specific individual purposes set out for each refuge, are permitted. Exceptions to the primacy of conserving plant and animal life and habitat occur chiefly due to pre-existing uses or rights (especially for minerals), and to special conditions established in the specific law creating the refuge. For example, grazing and mineral activities are permitted in certain refuges and under certain circumstances; hunting, fishing, and other recreational uses generally are permitted in wildlife refuges.

The Public Lands [Bureau of Land Management]

The BLM administers 264 million acres concentrated in 11 western states: Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. The federal government acquired most of these lands from the original states or in purchases or treaties with foreign nations. Initially, most of the lands were expected to be transferred to the states and the private sector. However, some of these public domain lands were reserved from the earliest years of the nation for various purposes (including creating the three systems described above). ³ The Taylor Grazing Act of 1934 provided for management of the remaining lands, and the Federal Land Policy and Management Act of 1976 (FLPMA) stipulated that the remaining lands generally be retained in federal ownership, and defined them as "public lands." BLM also manages 2.6 million acres of heavily-timbered, revested Oregon and California (O&C) railroad grant lands in western Oregon.

Congress has provided uniform, general guidance for most public lands. BLM manages the public lands for sustained yields of multiple uses livestock grazing, outdoor recreation, wood production, water supply, wildlife and fish habitats, and wilderness; mineral extraction also is allowed. ⁴ BLM prepares resource management plans, primarily under the provisions of FLPMA. (The O&C lands are also subject to the 1937 O&C Act.) In addition, BLM administers all onshore mineral resources of the federal estate, regardless of surface management or ownership.

The National Forest System

The Forest Service (FS) manages the 192 million-acre National Forest System (NFS), consisting of 155 national forests, 20 national grasslands, and 112 other areas. NFS lands are concentrated in the West, but the FS manages more than half of all federal land in the East.

Congress has provided uniform, general management guidance for most NFS lands. As with the public lands, NFS lands generally are administered for sustained yields of multiple uses. The FS decides on permitted levels and locations of the uses in land and resource management plans that are prepared by interdisciplinary teams under the provisions of the National Forest Management Act of 1976 and other laws. [5](#) Plans must be revised at least every 15 years, and the agency is proceeding with revisions of the initial management plans.

Special Systems

Three special management systems have been created to protect particular features or characteristics: the National Wilderness Preservation System, the National Trails System, and the National Wild and Scenic Rivers System. The units of these systems can be on one or more agency's lands, and the designations are superimposed over the management guidance for those lands; for example, a designated wilderness area within a national park must be managed to fulfill the requirements of the park's authorizing legislation as well as of the Wilderness Act and the area's designating legislation. In general, Congress reserved the right to define the extent of these systems, although states can designate rivers and recreational trails that can, under certain circumstances, be added to the systems without congressional action.

The National Wilderness Preservation System. [6](#) The Wilderness Act defines wilderness as federal land that is primarily affected by the forces of nature, relatively untouched by human activity, where solitude and primitive recreation are dominant values. The agencies can recommended areas for designation, but only Congress can designate them as part of the System. The National Wilderness Preservation System includes nearly 104 million acres of land, of which 55% are in Alaska. FS administers 35 million acres of the System; NPS, 43 million acres; FWS, 21 million acres; and BLM, 5 million acres. [7](#)

The Wilderness Act defines the purpose of wilderness as "devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." The Act generally prohibits commercial activities (*e.g.*, timber harvesting), motorized access or mechanical transport, and permanent roads, structures, and facilities in wilderness areas. However, several exceptions are identified in the Act, including: continued use of motorboats and aircraft; fire, insect, and disease control; mineral prospecting; water project developments (subject to presidential approval); continued livestock grazing; and certain commercial recreation activities. Hunting and fishing are not affected by wilderness designation. Congress has also specified exceptions for particular sites in the various laws designating the areas. [8](#)

National Trails System. [9](#) The National Trails System Act of 1968 established four classes of national trails: 1) national scenic trails to provide outdoor recreation and the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities; 2) national historic trails to follow travel routes of national historic significance; 3) national recreation trails, in or with reasonable access to urban areas; and 4) connecting or side trails to provide access to or among the other trails. Twenty national scenic and historic trails, totaling nearly 40,000 miles, have been designated by law. Another 800 recreation trails and 2 connecting or side trails have been designated administratively.

National trails are administered by the FS, NPS, and BLM, many in cooperation with appropriate state and local authorities. Most recreation uses are permitted, as are other uses or facilities that do not substantially interfere with the nature and purposes of the trail. Motorized vehicles generally are prohibited on System trails.

National Wild and Scenic Rivers System. The National Wild and Scenic Rivers Act of 1968 established three river classes: 1) wild rivers, free from impoundments (dams, diversions, etc.), generally inaccessible except by trail, with generally primitive water-sheds and undeveloped shorelines; 2) scenic rivers, free from impoundments in generally undeveloped areas, but accessible in places by roads; and 3) recreational rivers, readily accessible by road, with some shoreline development and possibly some impoundment or diversion in the past. To date, 155 rivers totaling 10,896 miles have been included in the National Wild and Scenic Rivers System.

The principal protection of the wild and scenic river designation is the prohibition of water resource projects which may divert or hinder the flow of the river. Management of permitted use varies with the class of the designated river. Congress directed the agencies to protect and enhance the values that led to the designation, but also specified that most other land uses not be limited unless they "substantially interfere with public use and enjoyment of these values." Road building, hunting, fishing, and mining and mineral leasing may be permitted in some instances, depending on the classification and whether the activities are consistent with the values of the area being protected and with other state and federal laws. Wild and scenic rivers are usually managed by NPS, FWS, BLM, or FS, but a segment of one river (the Cossatot, in Arkansas) is managed by the U.S. Army Corps of Engineers. States may also propose rivers for designation, with the approval of the Secretary of the Interior, and then manage those rivers.

Other Federal Land Designations

Congress has designated numerous special areas that are separate from the categories discussed above. For example, several national game refuges and wildlife preserves have been designated by law for protecting wildlife, but are managed by the FS, apart from the National Wildlife Refuge System. FS manages numerous other congressionally designated areas that have site-specific management guidelines, including six scenic areas, two national monuments, two national volcanic monuments, a conservation area, a scenic-research area, a primitive area, and various other special management areas. Most have been established by Acts of Congress to preserve, protect, or provide specific values, and are managed under site-specific guidelines.

BLM special management areas include 7 national conservation areas (NCAs), 714 areas of critical environmental concern (ACECs), and 89 research natural areas (RNAs). NCAs are special areas designated by Congress for conserving a particular purpose or value, such as aquatic and wildlife resources or historic, scenic, cultural, biological, or paleontological values, *etc.* ACECs are identified in the BLM planning process as areas to be managed to protect and prevent irreparable damage to important historic, cultural, or scenic values, or fish and wildlife habitats. RNAs also are identified in the planning process as areas to be managed primarily for research and education.

References

1 CRS analysts contributing to this report include: David Whiteman (national park units), M. Lynne Com (wildlife refuges), Carol Hardy Vincent (BLM lands), Ross W. Gorte (national forests and wilderness), Sandra L. Johnson (trails), and Betsy A. Cody (wild and scenic rivers).

2 Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

3 See CRS Report 98-36 ENR, *Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal and Retention*.

4 Unless otherwise specified, references to mineral exploration, development, and extraction in this report include leasable minerals (*e.g.*, oil and gas, coal), locatable minerals (*e.g.*, gold, silver, copper), and salable minerals (*e.g.*, sand and gravel).

5 For information on laws governing FS planning, see CRS Report 86-986 ENR, *Forest Service Land and Resource Planning: A Chronology of Laws*.

6 For more information on the wilderness system, see CRS Report 94-976 ENR, *Wilderness Overview and Statistics*.

7 In accordance with FLPMA, the BLM has submitted recommendations to the President, and the President to Congress, to designate another 8.5 million acres as wilderness.

8 See CRS Report 98-848 ENR, *Wilderness Laws: Prohibited and Permitted Uses*.

9 For more information on the trails system, see CRS Report 98-981 ENR, *The National Trails System: An Overview*.