

The Public Trust Doctrine

From the California State Lands Commission

Group 1 The common law Public Trust Doctrine protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public. These lands are held in trust by the State of California for the statewide public and for uses that further the purposes of the trust. The hallmark of the Public Trust Doctrine is that trust lands belong to the public and are to be used to promote publicly beneficial uses that connect the public to the water.

The Public Trust Doctrine is steeped in history traceable to Roman law concepts of public rights and common property ownership that the air, the rivers, the sea and the seashore are incapable of private ownership because they are dedicated to public use. English common law refined this principle to state that the sovereign, i.e. the entity exercising authority, holds navigable waterways and the lands underlying them as a trustee for the benefit of the public for water-related uses. After the American Revolution, each of the original thirteen states succeeded to this sovereign role and became a trustee of the navigable and tidal waterways within its boundaries for the common use of the people. When California became a state in 1850, it too succeeded to the same sovereign rights and duties under the Equal-Footing Doctrine.

Group 2 The foundational principle of the Public Trust Doctrine is that it is an affirmative duty of the state to protect the people's common heritage in navigable waters for their common use. The traditional uses allowed under the Public Trust Doctrine were described as water-related commerce, navigation, and fisheries. As a common law doctrine, the courts have significantly shaped the Public Trust Doctrine in a number of important ways. Courts have found that the public uses to which sovereign lands are subject are sufficiently flexible to encompass changing public needs. The courts have also found that preservation of these lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, are appropriate uses under the Public Trust Doctrine. Courts have also made clear that sovereign lands subject to the Public Trust Doctrine cannot be alienated through sale into private ownership.

Group 3 Another way that the courts have shaped the Public Trust Doctrine is by addressing the roles and responsibilities of the state in managing sovereign lands. In California, the Legislature, as both trustee and trustor of sovereign lands, has enacted provisions involving the uses of sovereign lands found primarily in the Public Resources Code and uncodified statutes involving local governments. These laws are in addition to those contained in the California Constitution.

The State of California has entrusted the State Lands Commission with administering the principles of the Public Trust Doctrine. The Commission manages the state's sovereign public trust lands to promote and enhance the statewide public's enjoyment of the lands and ensure appropriate uses of public trust lands.