

Public, Private, and More: Beyond Binaries in Framing the History of Land Conservation

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The history of conservation involves the complex coevolution of philosophical and ethical frames; Indigenous, local, and scientific knowledge; economic drivers, governance regimes, laws and policies, and legal decisions; social movements and institutions; and changing technologies and resource management practices.¹ This complexity is amplified by the vastly varied expression of that coevolutionary process across temporal and spatial scales, ecosystems and cultures, and knowledge and belief systems. Historians of conservation have long investigated how advocates, practitioners, and policymakers have sought, fitfully, to conserve the commons by countering the forces and effects of colonization, land appropriation, privatization and fragmentation, resource commodification, exploitation, and industrialization. Others have asserted more recently that the conservation movement has itself historically been a vehicle of colonialism and privilege, born of and bearing the very worldview and value systems whose environmental impacts it has ostensibly sought to ameliorate.²

Diverse mechanisms for conserving public and private lands aim, fundamentally, to sustain certain values and interests that inhere in those lands.³ Historians and practitioners of conservation alike have come to examine critically what such values and interests are, and

how they are reflected in decision-making and governance. In tracing the history of land conservation it is critical to examine who has belonged to—and been excluded from—the relevant communities of interest.⁴ This is especially imperative regarding those harmed by the historic appropriation of, and exclusion from, land. This is connected as well to questions of how to represent and honor the interests of future generations and of more-than-human members of the land in conservation practice.

Efforts to address these questions more effectively are constrained by an assumed strict dichotomy between private and public lands. The public/private binary has influenced fundamentally the way the history of land tenure and land conservation in North America is framed and understood.⁵ Many classic studies in conservation and environmental history focused strongly on public lands and their changing status.⁶ Other works have looked beyond the public domain, to the history of private land, property, agriculture, and conservation.⁷ Still other texts have expanded the range of narratives, exploring issues of race, class, and gender, bringing forward varied voices and stories, taking the discussion about the history of land conservation to (literally) new places.⁸

The assumed public/private binary also underlies contemporary conservation challenges. In telling dramatic narratives of the movement of land from the public to private domain (and sometimes back again, and again), whole histories are erased, neglected, and lost. The binary plainly does not do justice to the history and evolving status of Native American, Alaska Native, Native Hawaiian, and First Nations lands, which are neither public nor private in the conventional sense (and themselves entail diverse tenure systems).⁹ The binary not only frames, but actively creates, conflicts along the lines (and at the corners) where private and public lands meet, and works against progress in stewardship that can only be realized at the scale of whole, connected, heterogeneous landscapes. It reduces the complex histories and mixtures of land tenure that define most places, including many iconic conservation landscapes. The binary glosses over the biotic membership of the land—the more-than-human realm of species, communities, and processes that exist within and across the imposed boundaries of land tenure. It maps itself onto, and thus complicates, efforts to promote intergenerational care for land through the definition of reciprocal rights and responsibilities.

Reconsideration of the hard, imposed dichotomy between private and public lands—and by extension between private and public *interests*—may help advance efforts to conserve and restore our shared biocultural landscapes while addressing traumatic legacies and historic inequities. Alternative frames that look beyond simple dualisms provide opportunities to reinterpret conservation history, redefine (if not integrate) interests, and expand the conceptual space for decision-making and governance in conservation. Recognizing a continuum of public and private interests, while also recognizing interests beyond the human, has important implications for addressing historic wrongs and for honoring responsibilities to our human and natural communities and future generations.

The story of conservation is embedded deeply in the yet larger story of empire, resistance, nationhood, land appropriation and exploitation, and democracy. The United States' development and its inherited vulnerabilities can be traced on maps whose lines define the changing disposition of Native, public, and private lands, and the relationships among them. No such maps, or lines, existed on the continent through the millennia of Indigenous inhabitation prior to contact with the European and later North American state powers. Five centuries of colonization, settlement, and military, economic, political, and legislative force have produced the welter of contemporary boundary lines, jurisdictional claims, and tenure arrangements.

To reconsider the validity of the public/private binary is thus to reread basic episodes of US history with a different highlighter in hand. The systematic seizing of Indigenous lands through the Doctrine of Discovery, military force, the treaty power, and federal laws and policies underlay the institution of the federal public domain.¹⁰ The establishment of the standard Public Land Survey System through the Land Ordinance of 1785 and Northwest Ordinance of 1787 facilitated the federal government's *creation* of private lands out of the public domain.¹¹ The forced removal of tribal populations under the Indian Removal Act (1830) furthered Euro-American privatization and settlement of lands east of the Mississippi River. The Homestead Act of 1862 was enacted in part as a way to prevent large tracts of Western lands from being claimed by slaveholders.¹² It and subsequent land acts ultimately delivered more than 160 million acres of public land, mostly west of the Mississippi, into private hands. The Morrill Act of 1862 directed the sale or rental of federal lands (i.e., expropriated Indigenous

land) to support the development of the public land-grant university system.¹³ The Dawes Act of 1887 imposed the system of private land ownership on collective Native American landholdings, leading eventually to the taking of some 90 million acres from Native hands.¹⁴ As Michael John Witgen writes, “The United States was not a postcolonial state settling an empty and uncharted wilderness. It was a nation of settlers created through the systematic plunder of Native wealth and Native land.”¹⁵

All of these (and other) federal laws and policies rested on a fundamental tenet (and assumption) of the dominant strain of American political economy and philosophy: that the public interest was best served through conversion of the public domain to private property, and the distribution of land to private individual, corporate, and institutional owners. Underlying this tenet was a yet more fundamental economic and ethical premise: that land *existed to be* so commodified and converted. However, environmental events and trends in the decades following the Civil War began to undermine those assumptions and bring into question the propriety of privatizing all lands, everywhere, in the manner followed over the prior century. Rampant resource extraction and exploitation—unchecked market hunting, overgrazing, hydraulic mining, wholesale agricultural conversion, wetland drainage, deforestation—ushered in what the noted legal scholar John Leshy has called “the great transition,” the reforms (including retention of lands in the federal domain) that would eventually coalesce under the banner of *conservation*.¹⁶

Environmental historians have tended to read early precedents and key events in conservation history through the public/private binary lens as well. John Wesley Powell, for example, proposed a radically different vision for settlement, dispersal, and development of the public lands of the arid American West, organized cooperatively by watershed rather than arbitrary political boundaries.¹⁷ Early national parks and reserves—Yosemite (1864, 1890), Yellowstone (1872), the national forest reserves (1891)—were delineated with the presumption that some lands should not be privatized, but remain in public hands. Public land protection ramped up dramatically (and, to its discontents, notoriously) under President Theodore Roosevelt during the Progressive Era. Even as the nascent tension between its utilitarian and preservationist wings emerged, the conservation movement focused strongly on the protection and management of public lands—the early national forests, parks,

monuments, and game refuges—through their corresponding federal agencies.

Although battles over protecting public lands gained national headlines and held first rank in the history books, these same decades did in fact see key developments in the emergence of private land conservation. The Trustees of Reservations, founded in 1891 to preserve natural and historical features of private lands in Massachusetts, is generally regarded as the nation's first conservation land trust.¹⁸ About half of the area included in New York's Adirondack Park, established in 1892, was (and remains) privately held land. Even as Theodore Roosevelt led the crusade to protect vital public lands, he appointed the Country Life Commission to review social conditions and needs in the US rural and agricultural landscape. The commission's final report recognized the need for "a quickened sense of responsibility, in all country people, to the community and to the state in the conserving of soil fertility, and in the necessity for diversifying farming in order to conserve this fertility and to develop a better rural society."¹⁹

Enactment of the Taylor Grazing Act of 1934 effectively brought the homesteading era to an end, even as the Dust Bowl storms brought unprecedented federal attention and action to conservation on and of America's private lands.²⁰ As the soil conservation movement emerged, it became the ground on which the intersection of private and public realms would manifest itself most plainly. Such foundational works as George Washington Carver's bulletin "How to Build Up Worn Out Soils" (1905), F. H. King's *Farmers of Forty Centuries* (1911), Hugh Hammond Bennett's *Soil Erosion: A National Menace* (1928), and Paul Sears's *Deserts on the March* (1935) came out as the crisis of soil degradation and erosion mounted. In 1935, as the dust storms roared, Congress passed the Soil Conservation Act. Among its other provisions, the act established the Soil Conservation Service (SCS) within the US Department of Agriculture, with Bennett as its first chief. Unlike other federal land conservation agencies, the SCS would not own or otherwise control land. It would be devoted solely to advancing conservation on private lands.²¹

On April 15, 1935, the term "Dust Bowl" first appeared in print in an Associated Press post.²² In a lecture delivered that same day at the University of Wisconsin, conservationist Aldo Leopold observed that the nation's prevailing legal and economic structure "contains no suitable ready-made mechanism for protecting *the public interest in private land*

[emphasis added]. It evolved at a time when the public had no interest in land except to tame it.”²³ Leopold had begun his career as a manager of public lands in the US Forest Service. After he moved to Wisconsin in 1924, the center of gravity in his work shifted. He became increasingly (though never exclusively) a researcher, advocate, and practitioner of conservation on private lands (including his own).²⁴ Through that trajectory he became progressively more mindful of the problematic nature of the binary boundary line. In confronting its artificiality, and yet its power over the conservation imagination, Leopold became an innovator in community-based conservation, watershed rehabilitation, ecological restoration, land ethics, and other schema to overcome the binary’s hold, and its effects on the land.²⁵

Leopold’s phrasing pointed to the conceptual flaws in the binary frame, but also to potential steps to address them. The binary, as we have inherited it, posits a hard segregation of public and private lands, interests, and uses (fig. 1A). The binary fails to account for the porous boundary, literal and figurative, between them (fig. 1B). Conservationists are especially concerned with features, phenomena, and processes that occur, extend, and move across property boundary lines, including air, water, soils, and biodiversity; plant and animal populations and communities, species ranges, gene flows, and migrations; ecological processes and disturbances; and human values, goods, and services (e.g., food, scenery, and infrastructure).²⁶ To recognize “the public interest in private land”—and vice versa—is to dim the binary boundary

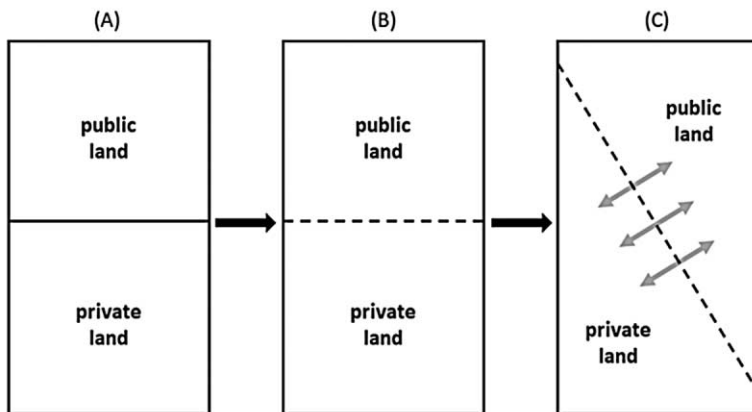


Figure 1. Reconsidering the public/private land binary. Credit: Curt Meine.

line and acknowledge the interspersion and intergrading of public and private interests within and across larger, whole landscapes (fig. 1C).

In noting the lack of “ready-made mechanism[s]” for effective governance, Leopold recognized another, related binary that has traditionally framed land conservation history and practice. On one side lay public policies and legal mechanisms (e.g., land purchase, eminent domain, codified land protection, and regulations); on the other, private market and other economic mechanisms (e.g., pricing, incentives, and subsidies). These related binaries then suggest a matrix that can help illustrate the polarization that has so often characterized issues of land conservation (fig. 2).

Within this matrix, the governance of public lands is, by definition, a function primarily of legal/governmental actions and policies. The governance of private lands, by contrast, strongly reflects market forces and other economic drivers acting on the landholder. And yet this binary, too, inadequately characterizes the reality of governance on the ground. Public bodies can and do hold legal and regulatory responsibility on private lands (e.g., local land use planning and zoning laws). And private individual, institutional, and corporate interests invariably influence

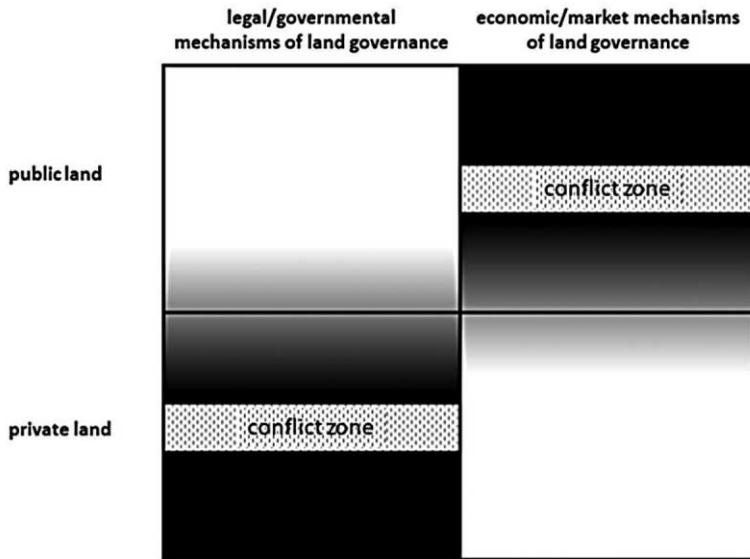


Figure 2. Reconsidering the public/private mechanisms of land governance. Credit: Curt Meine.

the status and use of public lands (e.g., logging, mining, development, and recreational uses).

This matrix helps illustrate how and why conflicts over conservation occur. At one corner of the matrix (lower left) we can locate instances of private land use and development that entail few or no legal restrictions or requirements, where private property rights are exercised with little hindrance from consideration of the public interest. At the opposite corner (upper right) we can imagine land management actions on public lands that occur with little reference to economic markets, incentives, or signals. “Conflict zones” can and often do arise where public and private interests clash. A classic example of such conflict on private lands is the long-standing, unresolved challenge of protecting public water bodies from nonpoint source agricultural runoff. A classic example of such conflict on public lands would be the long-standing tension over the leasing of public rangelands or the permitting of logging and mining contracts.

How might such binds within this framework be avoided? How might the simple conceptual binaries be reconceptualized in a more realistic manner? How might this help us reinterpret land conservation history in new ways? What alternative frames might suggest opportunities for more effective integration of public, private, tribal, and other lands and interests through innovative conservation programs?²⁷

To loosen the constraints within the matrix, we may reconceive the presumed binaries as continua or spectra, with degrees of gradation and interspersion, from public to private lands, and between legal and economic mechanisms of governance (fig. 3). Reimagining the matrix in this way provides space for other forms of land tenure that don’t “fit” within the binary frame—most especially Indigenous lands and alternative forms of shared or common “ownership.”²⁸ It allows for the redefinition of conflict zones as at least *potential* zones of cooperation, collaboration, and reconciliation. It expands and opens up decision-making and governance space within the matrix, where diverse tools—for example, land trusts, easements, watershed-based approaches, comanagement, memoranda of agreement—can be developed and deployed to sustain shared interests in the land.

As environmental historians, we may also imagine this reframing in the fourth dimension. Were we able to render this frame moving through time, it would show, for example, the seizing and conversion of Indigenous lands over centuries, the dispossession of Black farmers

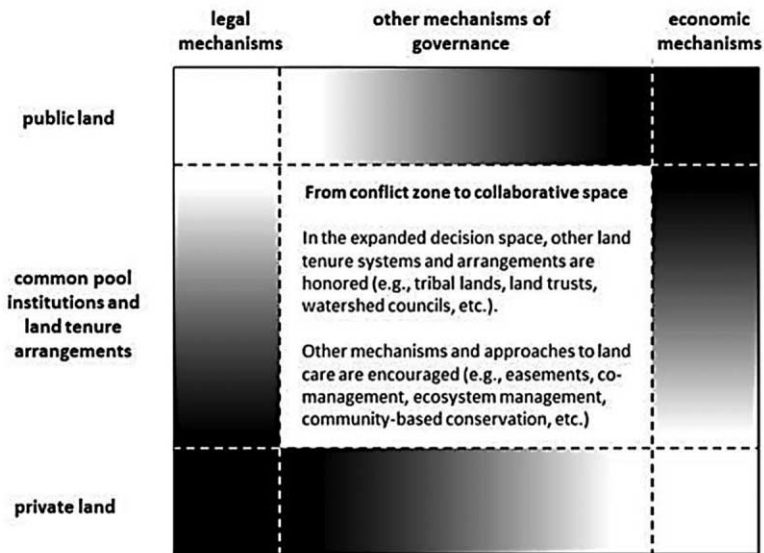


Figure 3. Beyond binaries in land tenure and governance. Credit: Curt Meine.

over generations, and the relentless consolidation of agricultural lands (often the lands of multigenerational family farmers) over the last several decades. Finally, this expanded frame may remind us that *all* land tenure systems are human constructions, and that we share the land with evolving communities of more-than-human beings.

Such a reconceived frame may also allow us to make headway in response to Leopold's lament that American society lacked a "suitable mechanism for protecting the public interest in private land"; and to Garret Hardin's related premise in the "Tragedy of the Commons," that "freedom in a commons brings ruin to all."²⁹ If it is assumed that individual and collective well-being are indeed locked in a doomed embrace—inevitably and by definition in conflict and polarized—then the tragedy is real. If, however, it is assumed that individual and collective interests are reciprocal and intimately bound together, and must be considered together—that is, if the essential connections and continuity between private, public, and other interests are recognized—then we may better secure the common good in the land we share.

The rejoinder to Hardin thus came (in part) from the late political economist and Nobel laureate Elinor Ostrom, whose studies of the governance of common pool resources revealed that communities in widely varied cultural and geographical settings have evolved means

of enhancing and ensuring resilience. They do so within the expanded decision space that defies the boundary lines and constraints that hard binaries impose. “What is missing from the policy analyst’s tool kit,” Ostrom wrote, “and from the set of accepted, well-developed theories of human organization—is an adequately specified theory of collective action whereby a group of principals can organize themselves voluntarily to retain the residuals of their own efforts.”³⁰

The history of land conservation, in fact, holds an undertold story of such self-organizing collective action that stands in contrast to both top-down, government-mandated programs and projects, and market-driven modes of private land management. Especially over the last generation, the movement toward community-based and collaborative comanagement has begun to upend the dominant binary narrative. This has special relevance for considering the past, present, and future role of Indigenous, local, communal, and private lands in conservation.

This allows conservation historians to explore and highlight case studies that exist beyond the binary boundaries. Among the best-known exemplars of Indigenous forest stewardship in North America are the tribal lands of the Menominee Nation. Since the mid-1800s the Nation has sustained timber harvests and cultural uses on 235,000 acres of reservation lands while maintaining their old-growth character and continuous forest cover. These long-standing forestry practices have garnered new attention as a model for community-based forest conservation across the upper Great Lakes and beyond.³¹

As early as the 1930s, to cite another example, the degradation of watersheds nationwide required something new in the history of land conservation: coordinated action at the watershed and community level. Soil conservation districts provided an early precedent for later innovations in cooperative land governance and stewardship.³²

The farm crisis of the mid-1980s brought new meaning and urgency to concepts of sustainability in agriculture. Starting in 1986, the federal Farm Bill included new programs aimed at conservation on private “working” lands. The farm crisis, along with concurrent pressures from the politically potent property-rights movement, contributed to a reawakening within the environmental movement to the critical importance of private land conservation³³

By the early 1990s—especially in state, federal, and tribal land management agencies—the realization that conservation challenges and

needs transcend jurisdictional boundaries and tenure arrangements led to the emergence of community-based, ecosystem management.³⁴

These years also saw the establishment of cooperative organizations such as the Northwest Indian Fisheries Commission (1975), the Intertribal Timber Council (1976), the Native American Fish and Wildlife Society (1983), the Great Lakes Indian Fish & Wildlife Commission (1984), and the InterTribal Bison Cooperative (1992) to promote intertribal communication, education, research, and advocacy.³⁵

In the academy, new interdisciplinary fields—for example, landscape ecology, conservation biology, agroecology, restoration ecology, ecological economics, Traditional Ecological Knowledge—emerged to provide foundations for these developments though greater understanding of the history, diversity, complexity, and dynamism of socioecological systems.³⁶

In the nonprofit sector, many conservation organizations came to appreciate that perpetual conflict and legal recourse, however unavoidable they can be, rarely provide long-term solutions to conservation dilemmas, and that greater attention had to be given to the diverse human relationships and cultural connections inherent in the land.³⁷ In short, the standard public/private binary has shown signs of breaking down in the last several decades, through work that dismantles its actual and conceptual boundaries. The conservation community writ large has increasingly recognized the essential role that private and tribal lands can and must play in restoring and sustaining whole, resilient, just, and beautiful landscapes.

A full history of the movement toward cooperative and collaborative land conservation has yet to be written. This provides a charge to environmental historians going forward: to provide historical narratives that can inform this work of land conservation in the public interest, fully and broadly defined. Sustainability researcher Raphael Ayambire and his coauthors commented on this need with regard to the governance of working (i.e., primarily private) lands in a recent article in *Science*:

The working landscape approach is gaining rapid recognition for its potential to help address global environmental crises such as climate change and biodiversity loss and support social well-being. Yet, the working landscape approach still lacks a comprehensive conceptual framework to guide further research and practice. . . . [I]t will be difficult to maximize the [conservation] potential of working landscapes

without understanding the ownership of working lands, the rules that control their use, and how the rules are made and enforced.³⁸

In that process of discovery, historians and conservationists alike may more effectively come to terms with the legacy of injustice in the disposition, exploitation, and conservation of private lands and find new pathways forward that bring people together in the process. They may demonstrate, in their narratives and their actions, respect for relationships among all species and for the ecological functions that sustain them.³⁹ They may contribute to the flourishing of an all-embracing ethic of care in a suffering world.⁴⁰ Recognizing the public interest in private land holds at least the promise of—and premise for—progress in these ongoing, intergenerational challenges.

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Notes

1. Curt Meine, “Aldo Leopold: Connecting Conservation Science, Ethics, Policy, and Practice,” in *Linking Ecology and Ethics for a Changing World: Values, Philosophy, and Action*, ed. Ricardo Rozzi, Steward Pickett, Clare Palmer, Juan Armesto, and J. Baird Callicott (Springer Science & Business Media, 2014.), 173–84.
2. In this short commentary I confine myself primarily to the emergence and development of conservation in North America over the last two centuries. For overviews of conservation as an evolving and contested concept, see Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (University of California Press, 2001); Dorceta E. Taylor, *The Rise of the American Conservation Movement: Power, Privilege, and Environmental Protection* (Duke University Press, 2016); Daniel Nelson, *Nature's Burdens: Conservation and American Politics, The Reagan Era to the Present* (University Press of Colorado, 2017); Andrea L. Smalley, *Wild by Nature: North American Animals Confront Colonization* (Johns Hopkins University Press, 2017); Dina Gilio-Whitaker, *As Long as Grass Grows: The Indigenous Fight for Environmental Justice, from Colonization to Standing Rock* (Beacon Press, 2019); Jedediah Purdy, *This Land Is Our Land: The Struggle for a New Commonwealth* (Princeton University Press, 2019); and Michelle Nijhuis, *Beloved Beasts: Fighting for Life in an Age of Extinction* (W. W. Norton & Company, 2021).
3. For the purposes of this commentary, I set aside direct consideration of the global atmospheric and marine commons and focus on terrestrial conservation efforts.

Obviously, however, these realms are connected, and the problematic public/private binary is relevant to them as well.

4. Critical research on the question of “conservation for whom” has been, if anything, even more pronounced in conservation efforts beyond North America (see, e.g., Richard B. Peterson, “Conservation—for Whom? A Study of Immigration onto DR Congo’s Ituri Forest Frontier,” in *African Rain Forest Ecology and Conservation: An Interdisciplinary Perspective*, ed. William Weber, Lee J. T. White, Amy Vedder, and Lisa Naughton-Treves [Yale University Press, 2001], 355–68). A recent international overview is Jennifer Gooden and Michael ‘t Sas-Rolfes, “A Review of Critical Perspectives on Private Land Conservation in Academic Literature,” *Ambio* 49 (2020): 1019–34. A useful regional- and national-level case study is Rocío López de la Lama, Nathan Bennett, Janette Bulkan, David Boyd, and Kai M. A. Chan, “A Legal Assessment of Private Land Conservation in South America,” *Conservation Biology* (2023): e14068.
5. This theme, and the question of how the public and private domains came to be separated, can obviously be traced back deeper into American and world history. See, e.g., Simon Winchester, *Land: How the Hunger for Ownership Shaped the Modern World* (Harper, 2021).
6. Such key works include Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement* (Harvard University Press, 1959); Roderick Nash, *Wilderness and the American Mind* (Yale University Press, 1967); Paul W. Gates, *History of Public Land Law Development* (US Government Printing Office, 1968); Harold K. Steen, *The U.S. Forest Service: A History* (University of Washington Press, 1976); and Alfred Runte, *National Parks: The American Experience* (University of Nebraska Press, 1979). This focus is reflected in more recent studies such as Michael P. Dombeck, Christopher A. Wood, and Jack Edward Williams, *From Conquest to Conservation: Our Public Lands Legacy* (Island Press, 2003); John D. Leshy, *Our Common Ground: A History of America’s Public Lands* (Yale University Press, 2022); and Adam M. Sowards, *Making America’s Public Lands: The Contested History of Conservation on Federal Lands* (Rowman & Littlefield Publishers, 2022).
7. See, e.g., Donald Worster, *Dust Bowl: The Southern Plains in the 1930s* (Oxford University Press, 1979); R. Douglas Hurt, *The Dust Bowl: An Agricultural and Social History* (Nelson-Hall Publishers, 1981); Randal S. Beeman and James A. Pritchard, *A Green and Permanent Land: Ecology and Agriculture in the Twentieth Century* (University Press of Kansas, 2001); and Eric T. Freyfogle, *The Land We Share: Private Property and the Common Good* (Island Press, 2003).
8. See, e.g., Carolyn Merchant, *The Death of Nature: Women, Ecology, and the Scientific Revolution* (Harper & Row, 1980); Richard William Judd, *Common Lands, Common People: The Origins of Conservation in Northern New England* (Harvard University Press, 1997); and Taylor, *The Rise of the American Conservation Movement*.
9. Kenneth H. Bobroff, “Retelling Allotment: Indian Property Rights and the Myth of Common Ownership,” *Vanderbilt Law Review* 54 (2001): 1559–1623.

10. See Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (Fulcrum Publishing, 2008); Michael John Witgen, *Seeing Red: Indigenous Land, American Expansion, and the Political Economy of Plunder in North America* (University of North Carolina Press, 2021); Ned Blackhawk, *The Rediscovery of America: Native Peoples and the Unmaking of US History* (Yale University Press, 2023); and Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Beacon Press, 2023).
11. Curt Meine, "Inherit the Grid," in *Placing Nature: Culture and Landscape Ecology*, ed. J. Nassauer (Island Press, 1997), 45–62; Andro Linklater, *Measuring America: How an Untamed Wilderness Shaped the United States and Fulfilled the Promise of Democracy* (Penguin, 2003); Timothy G. Anderson, "(De)constructing the Grid: The Public Land Survey System and the Production of Abstract Space in the Early Republic," in *The Routledge Companion to the American Landscape*, ed. Chris W. Post, Alyson L. Greiner, and Geoffrey L. Buckley (Routledge, 2023), 207–19; and Amir Alexander, *Liberty's Grid: A Founding Father, a Mathematical Dreamland, and the Shaping of America* (University of Chicago Press, 2024).
12. Adam Wesley Dean, *An Agrarian Republic: Farming, Antislavery Politics, and Nature Parks in the Civil War Era* (University of North Carolina Press, 2015). See also Richard Edwards, "African Americans and the Southern Homestead Act," *Great Plains Quarterly* 39 (2019): 103–30. Other recent works that explore the history of African American land tenure and the consequences for land conservation include Mark D. Hersey, *My Work Is That of Conservation: An Environmental Biography of George Washington Carver* (University of Georgia Press, 2011); Debra A. Reid and Evan P. Bennett, eds., *Beyond Forty Acres and a Mule: African American Landowning Families Since Reconstruction* (University Press of Florida, 2012); Pete Daniel, *Dispossession: Discrimination Against African American Farmers in the Age of Civil Rights* (University of North Carolina Press, 2013); Monica M. White, *Freedom Farmers: Agricultural Resistance and the Black Freedom Movement* (University of North Carolina Press, 2018); and Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (University of Pennsylvania Press, 2021).
13. Robert Lee and Tristan Ahtone, "Land-Grab Universities," *High Country News*, March 30, 2020.
14. Bobroff, "Retelling Allotment."
15. Witgen, *Seeing Red*, 22–23.
16. Leshy, *Our Common Ground*, 163–213.
17. Donald Worster, "Watershed Democracy: Recovering the Lost Vision of John Wesley Powell," *Journal of Land Resources and Environmental Law* 23 (2003): 57–66.
18. Richard Brewer, *Conservancy: The Land Trust Movement in America* (Dartmouth College Press, 2003).
19. *Report of the Commission on Country Life* (Sturgis & Walton Company, 1909), 23.
20. This distinction underlies the larger case for seeing beyond the public/private binary. For the purposes of this essay, conservation on private lands entails land

stewardship practices that protect, enhance, or restore biological diversity, ecosystem function, and ecological and cultural resilience (such as soil and water conservation practices). Conservation of private lands entails measures that protect private lands through adjustments or changes in land tenure arrangements (such as conservation easements or public acquisition). For useful background, see Tim Lehman, “Private Lands: Origins and Ironies of Farmland Preservation in Congress,” *Agricultural History* 66 (1992): 257–72.

21. Renamed the Natural Resources Conservation Service in 1996, the agency remains the only one that contains the word *conservation* in its title. Paul Johnson, SCS chief at the time of its renaming, liked to joke that its acronym had stood for the “Secret Conservation Service”—a telling reminder of the long dominance of public lands in conservation politics and discourse. See Paul Johnson, *We Can Do Better: Collected Writings on Land, Conservation, and Public Policy*, ed. C. Meine (Ice Cube Press, 2025).
22. Worster, *Dust Bowl*, 28.
23. Aldo Leopold, “Land Pathology,” in *The River of the Mother of God and Other Essays by Aldo Leopold*, ed. Susan L. Flader and J. Baird Callicott (University of Wisconsin Press, 1991), 214.
24. Leopold’s work in private land conservation was most famously documented in the first part of his book *A Sand County Almanac*, informed by the work he and his family undertook restoring their “sand farm, first worn out and then abandoned by our bigger-and-better society.” Leopold’s writing on private land conservation is compiled in *For the Health of the Land: Previously Unpublished Essays and Other Writings*, ed. J. Baird Callicott and Eric T. Freyfogle (Island Press, 2001). Leopold’s contributions to community-based and collaborative watershed approaches are discussed in Curt Meine and Gary Paul Nabhan, “Historic Precedents to Collaborative Conservation in Working Landscapes: The Coon Valley ‘Cooperative Conservation’ Initiative, 1934,” in *Stitching the West Back Together: Conservation of Working Landscapes*, ed. Susan Charnley, Thomas E. Sheridan, and Gary Paul Nabhan (University of Chicago Press, 2014), 77–80.
25. See Qi Feng Lin, “Aldo Leopold’s Unrealized Proposals to Rethink Economics,” *Ecological Economics* 108 (2014): 104–14; and Roberta L. Millstein, *The Land Is Our Community: Aldo Leopold’s Environmental Ethic for the New Millennium* (University of Chicago Press, 2024). For a key critique of Leopold’s views on land ethics, see Kyle Powys Whyte, “How Similar are Indigenous North American and Leopoldian Environmental Ethics,” March 1, 2015, available at <https://doi.org/10.2139/ssrn.2022038>. See also Julianne Warren, “Unsettling Aldo Leopold’s Odyssey,” July 27, 2022; available at <https://ssrn.com/abstract=4174614> or <https://doi.org/10.2139/ssrn.4174614>.
26. Richard L. Knight and Peter Landres, eds., *Stewardship Across Boundaries* (Island Press, 1998).
27. For examples of such approaches, see Anna J. Willow, “Collaborative Conservation and Contexts of Resistance: New (and Enduring) Strategies for Survival,” *American Indian Culture and Research Journal* 39 (2015): 29–52; Rebecca Robinson,

Voices from Bears Ears: Seeking Common Ground on Sacred Land (University of Arizona Press, 2018); and Curt Meine, "Healing Sacred Earth," in *Kinship: Belonging in a World of Relations, Vol. 2—Place*, ed. Gavin Van Horn, Robin W. Kimmerer, and John Hausdoerffer (Center for Humans and Nature Press, 2021), 126–35.

28. I recognize that the term "Indigenous lands" encompasses a vast variety of lands, land tenure arrangements, and contemporary legal responsibilities, rights, and privileges. As applied here, the term refers to territories traditionally used and occupied by Indigenous peoples, and essential to the continuity of Indigenous communities, culture, and language. In some ways, as with reservation trust lands, Indigenous lands may resemble public lands (with the "public" being defined as tribal members). In other ways, Indigenous lands depart from standard concepts of public or private tenure.
29. Garrett Hardin, "The Tragedy of the Commons," *Science* 162 (1968): 1244.
30. Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* (Cambridge University Press, 1990), 24–25.
31. See Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation Among the Menominees and Metlakatlans, 1870–1920* (University Press of Kansas, 1999); David Beck, *The Struggle for Self-Determination: History of the Menominee Indians Since 1854* (University of Nebraska Press, 2005); Ted Bernard, "Millennia of Resilience: The Menominee Indians of Wisconsin," in *Hope and Hard Times: Communities, Collaboration, and Sustainability* (New Society Publishers, 2010), 114–37; David L. Mausel, Anthony Waupoichick Jr., and Marshall Pecore, "Menominee Forestry: Past, Present, Future," *Journal of Forestry* 115 (2017): 366–69.
32. In the 1930s the erosion-prone subwatersheds of the upper Mississippi River basin became especially important testing grounds for novel techniques in soil conservation and watershed rehabilitation. See Lynne Heasley, *A Thousand Pieces of Paradise: Landscape and Property in the Kickapoo Valley* (University of Wisconsin Press, 2005); Stanley W. Trimble, *Historical Agriculture and Soil Erosion in the Upper Mississippi Valley Hill Country* (CRC Press, 2013); Meine and Nabhan, "Historic Precedents to Collaborative Conservation in Working Landscapes."
33. L. Wes Burger Jr., Kristine O. Evans, Mark D. McConnell, and Leslie M. Burger, "Private Lands Conservation: A Vision for the Future," *Wildlife Society Bulletin* 43 (2019): 398–407. A key public document in this process was the report of the USDA-NRCS, *America's Private Land: A Geography of Hope* (US Government Printing Office, 1997). For an exchange on the definition of "working lands," see Claire Kremen and Adina M. Merenlender, "Landscapes That Work for Biodiversity and People," *Science* 362 (2018): eaau6020; and Jessica L. Deichmann, Steven W. J. Canty, Thomas S. B. Akre, and Melanie McField, "Broadly Defining 'Working Lands,'" *Science* 363 (2019): 1046–48.
34. Gary Meffe, Larry Nielsen, Richard L. Knight, and Dennis Schenborn, *Ecosystem Management: Adaptive, Community-Based Conservation* (Island Press, 2002).
35. For background, see Jennifer Ott, "Northwest Indian Fisheries Commission," Essay 9786, <https://www.historylink.org>, posted March 28, 2011; the Indian Forest

Management Assessment Team (IFMAT) reports of the Intertribal Forest Council at <https://www.itcnet.org>; the website of the Native American Fish and Wildlife Society (<https://www.nafws.org>); James W. Oberly, "GLIFWC: The Founding and Early Years of the Great Lakes Indian Fish and Wildlife Commission," in *Indigenous Perspectives of North America: A Collection of Studies*, ed. Enikő Sepsi, Judit Nagy, Miklós Vassányi, and János Kenyeres (Cambridge Scholars Publishing, 2014), 32–50; and Ken Zontek, *Buffalo Nation: American Indian Efforts to Restore the Bison* (University of Nebraska Press, 2007). See also Serra J. Hoagland and Steven Albert, eds., *Wildlife Stewardship on Tribal Lands: Our Place Is in Our Soul* (Johns Hopkins University Press, 2023).

36. Richard L. Knight, "Introduction," in *Conservation for a New Generation*, ed. R. L. Knight and C. White (Island Press, 2009), 1–10.
37. See Nathan F. Sayre, *Working Wilderness: The Malpai Borderlands Group and the Future of the Western Range* (Rio Nuevo Publishers, 2005); Courtney White, *Revolution on the Range: The Rise of a New Ranch in the American West* (Island Press 2008); and Ted Bernard, *Hope and Hard Times* (New Catalyst Books, 2013).
38. Raphael Anammasiya Ayambire, Jeremy Pittman, Michael Drescher, Juan Moreno-Cruz, and Andrea Olive, "Governance of Working Landscapes: A Conceptual Framework," *Sustainability Science* 17 (2022): 2579, 2580.
39. Harold N. Eyster, Terre Satterfield, and Kai M. A. Chan, "Empirical Examples Demonstrate How Relational Thinking Might Enrich Science and Practice," *People and Nature* 5 (2023): 455–69.
40. George B. Rabb and Kevin Ogorzalek, "Caring to Unify the Future of Conservation," January 12, 2018, Center for Humans and Nature, <https://humansandnature.org/caring-to-unify-the-future-of-conservation/> (accessed August 28, 2023).