

Public Trust Doctrine

PUBLIC TRUST DOCTRINE

The Supreme Court recently held that the doctrine of public trust is not confined only to natural waterbodies such as rivers, lakes, and wetlands but also extends to man-made or artificially created waterbodies that serve ecological or environmental purposes.

About Public Trust Doctrine

- It is a legal principle establishing that certain natural and cultural resources are preserved for public use.
- Rooted in Roman law and developed through English common law, this doctrine encompasses various public assets such as tidal waters, lakes, rivers, wetlands, and ecosystems.
- It rests on the principle that certain resources have such great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership.
- The public is considered the owner of the resources, and the government protects and maintains these resources for the public's use.

Restrictions on Governmental Authority

- Three types of restrictions on governmental authority are often thought to be imposed by the public trust:
 - The property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;
 - The property may not be sold, even for a fair cash equivalent;
 - The property must be maintained for particular types of uses.