***Inholdings***

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***ABSTRACT***

Inholdings—non-federal property surrounded by federally managed public lands—are a legal and cartographic oddity. Despite being physically surrounded by public lands managed pursuant to federal law, inholdings are not subject to federal regulation. Instead, inholdings fall under the jurisdiction of the local government within whose boundaries they are located, and can be developed like any other private property, subject only to local land use regulations and other generally applicable laws. As a result, inholdings pose significant challenges to public lands management, ranging from access and boundary disputes to adverse impacts on wildlife, habitat, watersheds, and cultural and historic resources.

This presentation (based on my forthcoming article in the *Harvard Environmental Law Review*) develops a structural account of the law of inholdings that has been missing from legal scholarship. It begins with a descriptive analysis of what inholdings are, why they matter, and the legal challenges they present. It then turns to unpacking the structural infirmities in local governance of inholdings and limitations of various federal and private law approaches to inholdings. Finally, I consider what local governments can do to narrow this governance gap and offer several concrete policy proposals to incentivize local governments to deploy their land use authority over inholdings in ways that align with—or at least are less detrimental to—surrounding public lands management.

An analysis of inholdings is long overdue and highly relevant. During the past two years, with the pandemic limiting much of American life, visitation to public lands surged, as did property values of nearby private property—including inholdings. As a result, acquisition of inholdings has become significantly more expensive, making it critical to understand the structural constraints and strategic advantages of local land use regulation. At stake are not only the values associated with our public lands, but also a more nuanced understanding of how heterogeneous landscapes can be managed to achieve land use goals transcending legal boundaries.