



Crs Report for Congress: The Endangered Species ACT and Claims of Property Rights Takings March 9, 2005 - RL31796

By Robert Meltz

Bibliogov, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.The federal Endangered Species Act (ESA) has long been one of the major flash points in the property rights debate. This report first outlines the ESA provisions most relevant to the act s impacts on private property, and then surveys the major ESA-relevant principles of Fifth Amendment takings law. The report then proceeds to its core topic: the court decisions adjudicating whether government measures based on the ESA effect a taking of property under the Fifth Amendment. The cases address four kinds of ESA measures: (1) restrictions on land uses that might adversely affect species listed as endangered or threatened; (2) reductions in water delivery to preserve instream flows needed by listed fish; (3) restrictions on the defensive measures a property owner may take to protect his/her property from listed animals; and (4) restrictions on commercial dealings in members of species acquired prior to listing as endangered or threatened. To date, only one of the 12 ESA-based takings decisions revealed by research has found a taking.



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