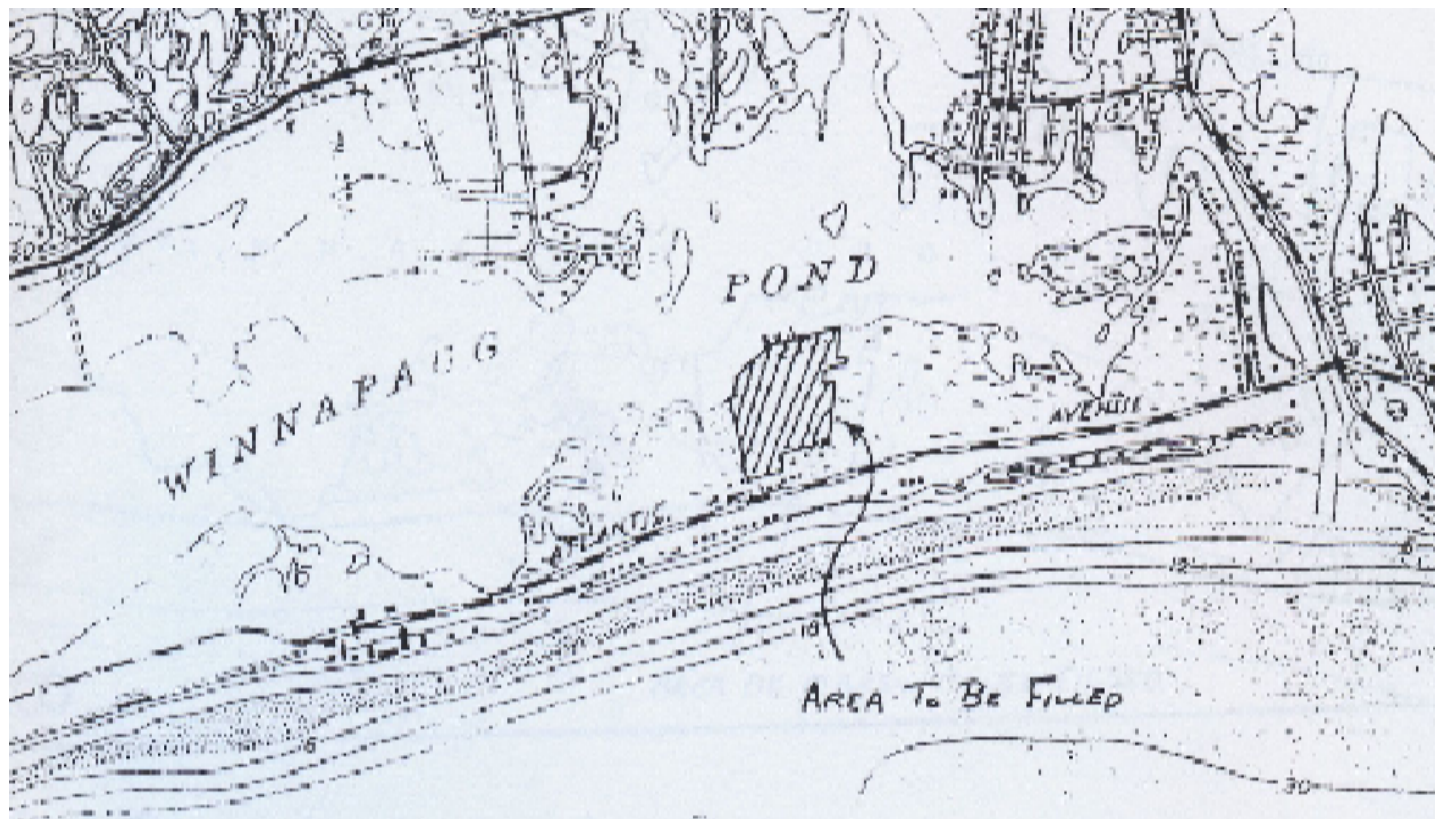


The Public Trust Doctrine made simple:

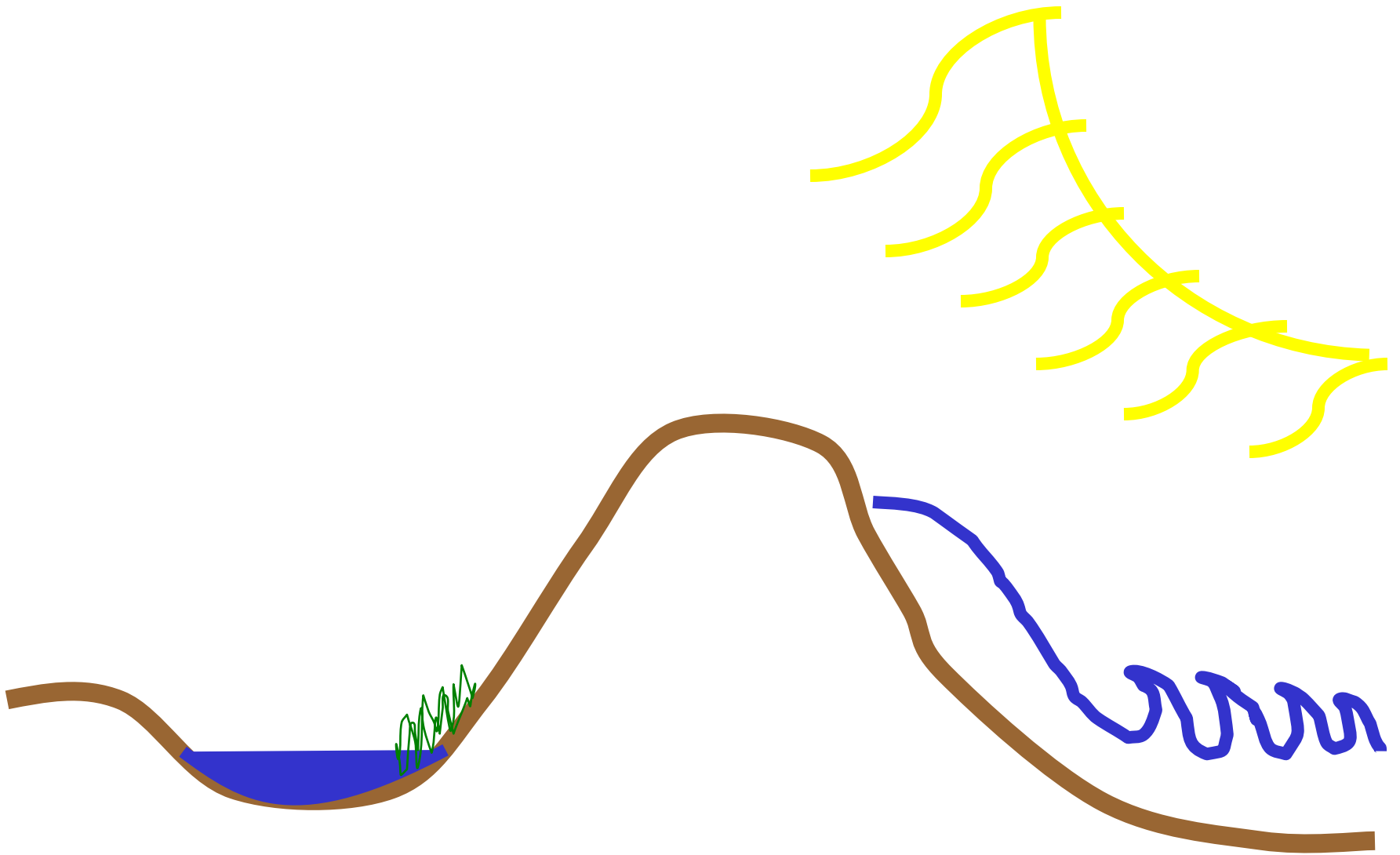
Taking the Mystery out of the Moniker



aerial photo of Misquamicut '39

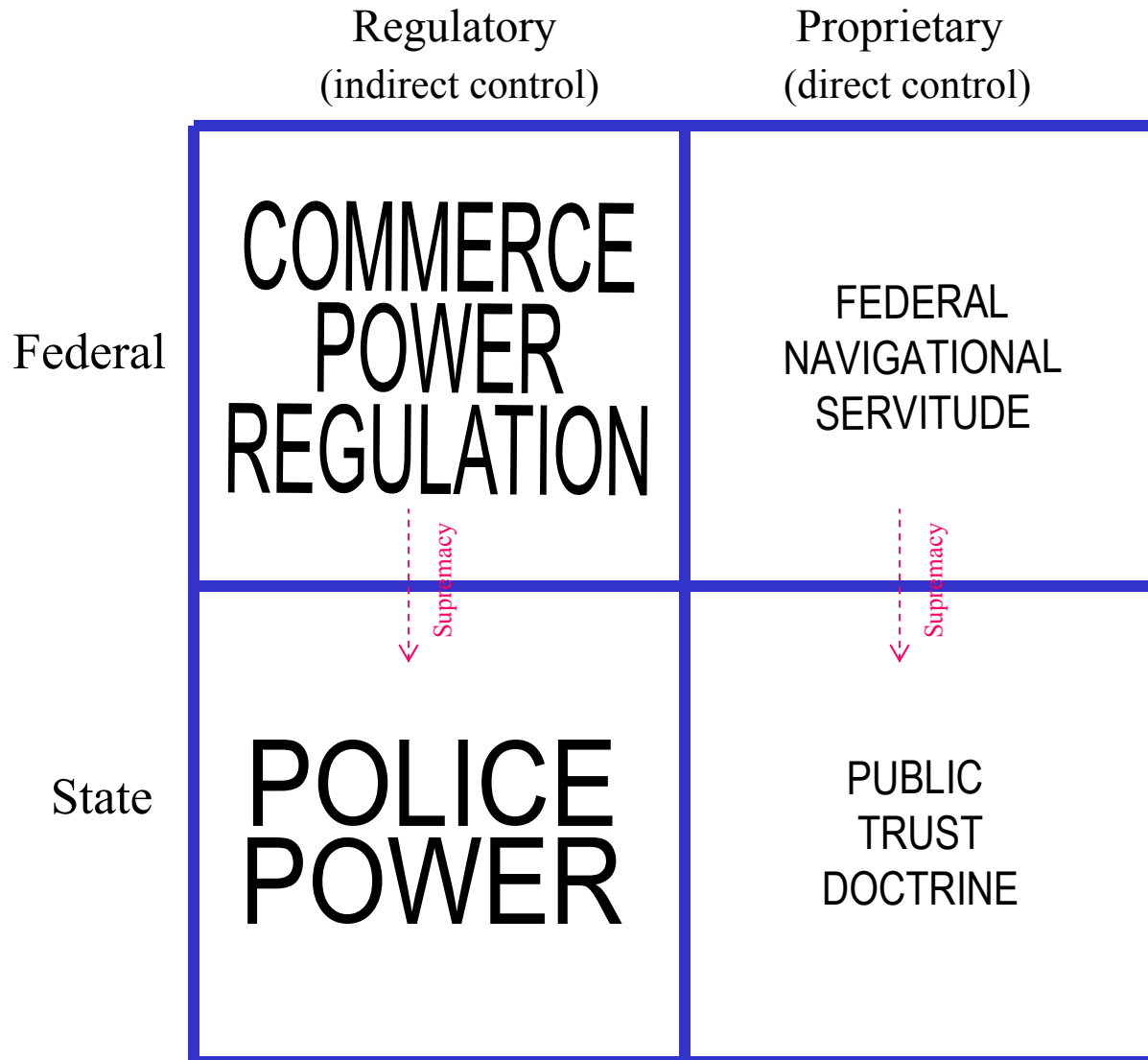


area of fill as depicted on Palazzolo
application



cross-section of Misquamicut Barrier
Beach

Governmental Control of Waterways



Submerged Lands Act § 6, 43 USC §
1314(a), in part:

(a) The United States retains all its **navigation servitude** *and* rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, . . .

CONSTITUTION OF THE UNITED STATES

Amend. 5

. . . Nor shall **private** property be **taken** for public use, without just compensation.

The Takings Clause

“...nor shall private property be taken for public use, without just compensation.”

Direct Condemnation
a.k.a. Eminent Domain
a.k.a. *De Jure*
Condemnation a.k.a.
Formal Condemnation

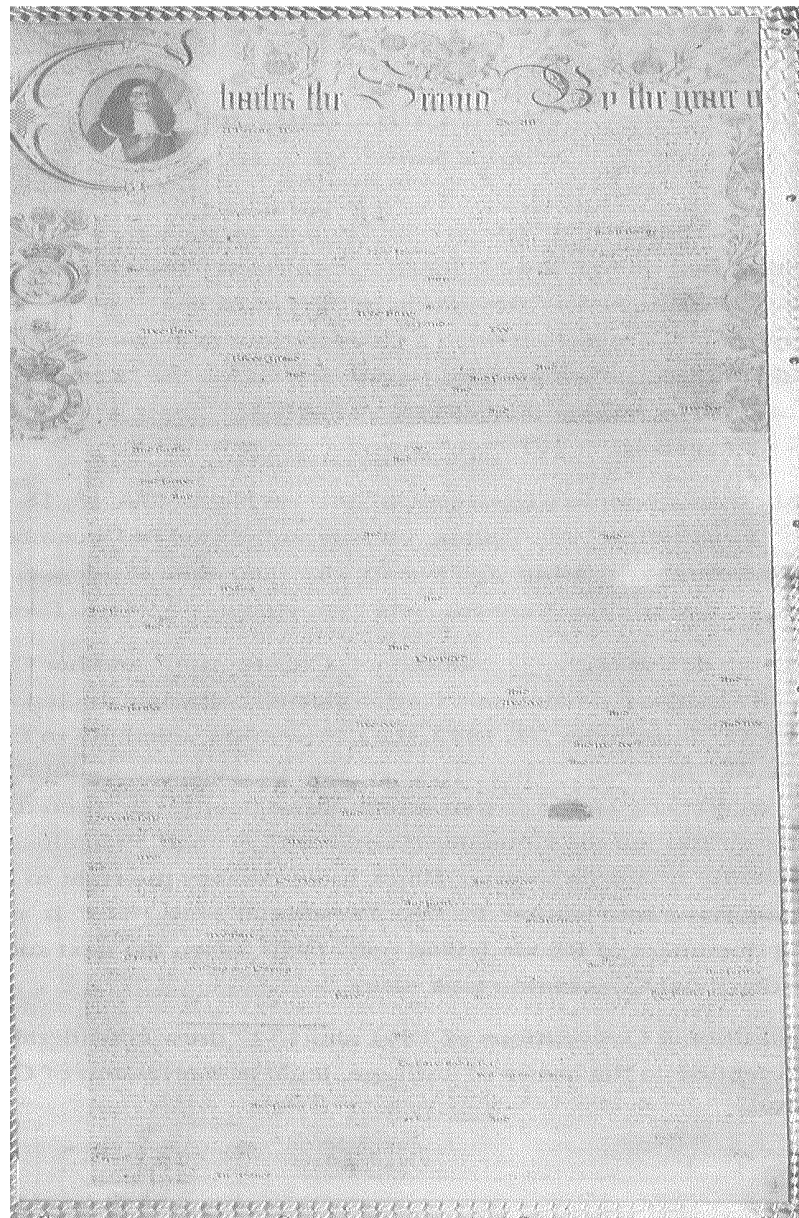
Inverse Condemnation
a.k.a. Constructive
Condemnation a.k.a.
De Facto
Condemnation

Physical
Occupation

Regulatory
Taking

Lucas

Penn Central



Royal Charter



depiction of Palazzolo site
marshlands



photo from Palazzolo site



photo of Palazzolo site marshlands

