
EMINENT DOMAN - NEW MEXICO

Martin v. United States

United States Court of Appeals, Federal Circuit - July 11, 2018 - F.3d - 2018 WL 3370814

Inholders with patented mining and homestead claims within boundaries of national forest brought suit for takings that allegedly occurred after flooding destroyed roads that they had used as means of ingress and egress, and after government refused to rebuild roads and required them to undertake special permitting process.

The United States Court of Federal Claims entered order dismissing suit as unripe, and inholders appealed.

The Court of Appeals held that regulatory takings claims asserted by inholders were not ripe for judicial review.

Regulatory takings claims asserted by inholders with patented mining and homestead claims within boundaries of national forest, following destruction in floods of roads which provided ingress and egress to and from their lands, and following government's refusal to rebuild roads, on theory that special-use permitting process suggested by government as means of ensuring that they had access to their lands would be cost prohibitive, were not ripe for judicial review until inholders had applied for a use permit or otherwise sought authorization to reconstruct roads, and until final cost of compliance with permitting requirements had been determined.

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