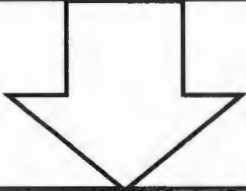


**The Box of 'Allowable Remedies'**  
*The Legal Doctrines Which Dictate the Scope of Allowable  
 Community Decisionmaking*

**State Preemption** – Either explicit or field preemption; trumps ordinances or municipal decisions made which conflict with State statutes or agency regulations.



**Dillon's Rule** – Under the law, municipalities are legally treated as "children" to the State "parent". Thus, communities can only do what the State specifically authorizes it to do.



*What communities are allowed to do under existing law:*

- enforce state regulations by appealing permits issued by the state to resource corporations
- lobby regulatory agencies to enforce state regulations
- work with corporations to get voluntary agreements on practices adverse to the community

**Corporate Commerce "Rights"** – As a non-"personhood" right, corporations can claim that municipal decisions violate the Commerce Clause of the Constitution, and seek damages as a result.



**Corporate "Personhood" Constitutional "Rights"** – Corporations can claim that municipal laws and decisions "take" property from them under the 5<sup>th</sup> Amendment (State-issued permits are considered property) in violation of corporate constitutional rights, and sue municipalities for damages caused by those laws and decisions.

**Nature as Property** – Because nature is property, any interference with the use of that property may constitute a 5<sup>th</sup> Amendment "takings" of that property.

