THE UNIVERSITY OF NEW MEXICO
SCHOOL OF LAW

ACCREDITATION

The School has met the standards of the American Bar Association and of the Association of American Law Schools. The School has been fully accredited since 1948.

AIMS AND METHODS

Lawyers who function in their profession, whether as private practitioners or public servants, are an integral part of the system by which a democratic society governs itself. If they are to properly discharge the responsibilities of this role, their education for the profession must be broad and intensive. In its breadth, that education must encompass a full understanding of and belief in the democratic respect for individual personality and the democratic processes designed to allow individuals to develop and participate in a free, self-governing society. In its intensification it must impart a high degree of competence in the craftsmanship of the law—in those skills and insights essential to an adequate performance of the lawyer’s function as advocate, judge, legislator, teacher, administrator, or civic leader.

Such education neither begins nor ends in the law school, and the School of Law is continually concerned not only with its own curriculum but also with the quality of pre-legal education and with the continuing self-education that should be pursued by all members of the profession. Consequently, students are urged to enter the School with as broad a cultural and educational background as possible. Accordingly, the basic requirement for admission is now a baccalaureate degree from an approved college or university.

The student will spend the equivalent of six semesters of study in the School of Law in courses designed to bring the teachings of history, philosophy, and the social sciences to bear upon the solution of legal problems and to develop the skills and insights essential to research, analysis, synthesis, criticism, and exposition. Due to the low ratio of students to teachers (fewer than 15 to 1), substantially more individual and small group work is possible in the School than in most law schools.

For application materials and further information, write to UNM School of Law, MSC11 6070, 1 University of New Mexico, Albuquerque, New Mexico 87131-0001 or go to http://lawschool.unm.edu.
The isolation of scholars in various fields concerned with resources problems continues to be a principal impediment to progress. . . . Resources problems are so complex that traditional lines of approach prove inadequate. . . . Rarely do we find the work of the lawyer and the non-lawyer appearing side by side. . . . The primary function of the Journal is to meet this need. . . .

—from the Foreword of Vol. 1, No. 1, 1961

INTRODUCTION

PROFESSIONAL ARTICLES

A Regulatory Comparison of Hydraulic Fracturing Fluid Disclosure Regimes in the United States, Canada, and Australia

Allan Ingelson

Tina Hunter

217

On Local Fracking Bans: Policy and Preemption in New Mexico

Alex Ritchie

255

Goal-Oriented Disclosure Design for Shale Oil and Gas Development

Kate Konschnik

319

Hydraulic Fracturing: If Fractures Cross Property Lines, is There an Actionable Subsurface Trespass?

Keith B. Hall

361

Assessing the Scope of the National Environmental Policy Act: Recent Attempts by Environmentalists to Add Climate Change Considerations into NEPA Review

Maureen O’Dea Brill

409

Can the United States Control its Natural Gas?: International Trade Implications of Restrictions on Liquefied Natural Gas Exports

Adam Eldean

439
Natural Resources Journal

Published two times per year by the University of New Mexico School of Law

Vol. 54 Fall 2014 No. 2

Editors in Chief
Justin Nyberg & Kylie Cook

Managing Editor
Samuel Walker

Submissions Editor
Jason Kerkmans

Citations Editors
Jessica Candelaria, Catherine Russell, Ian Stoker, Shayne Huffman, David Barbour

Manuscript Editors
Freeman Faust, Leah Gallant, Rachel Giron, Jason Wallace, Caitlin Dillon

Student Articles Editor
Kate Thompson

Staff

Hooman Hedayati
Brianna Jagelski
Doreen Jameson
David Ketai
Ramon Maestas

Devon Moody
Victor Sanchez
Lila Semrau
Xochitl Torres Small
Curtis Vernon

Faculty Advisor
Reed D. Benson

It is the purpose of this JOURNAL to publish articles of value to members of the legal profession and to individuals active in the resources field. Publication does not indicate adoption by the JOURNAL, its editors, or the advisory council of the views expressed.

Member of the National Conference of Law Reviews
THE UNIVERSITY OF NEW MEXICO

ROBERT G. FRANK
President of the University of New Mexico

REGENTS OF THE UNIVERSITY

THE HONORABLE SUSANA MARTINEZ
Governor of New Mexico, ex officio
  JACK L. FORTNER
  CONRAD D. JAMES
  SUZANNE QUILLEN
  J.E. (GENE) GALLEGOS
  LT. GENERAL BRADLEY C. HOSMER
  JAMES H. KOCH
  HEIDI N. OVERTON

SCHOOL OF LAW

DAVID J. HERRING
Dean of the School of Law

EILEEN GAUNA
Associate Dean for Academic Affairs

APRIL LAND
Associate Dean for Clinical Affairs

CAROL A. PARKER
Associate Dean for Finance and Administration