



NATURAL RESOURCES JOURNAL

Volume 51
Issue 2 *Fall*

Fall 2011

Frontmatter

Natural Resources Journal

Recommended Citation

Natural Resources Journal, *Frontmatter*, 51 NAT. RES. J. i (2011).
Available at: <https://digitalrepository.unm.edu/nrj/vol51/iss2/1>

This Front Matter is brought to you for free and open access by the Law Journals at UNM Digital Repository. It has been accepted for inclusion in Natural Resources Journal by an authorized editor of UNM Digital Repository. For more information, please contact disc@unm.edu.

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>.

Copyright © 2011 by the *Natural Resources Journal*.
Fiftieth anniversary cover design by Ashley Baca.

Natural Resources Journal (ISSN #280739) is published two times a year in the spring and fall by UNM School of Law, 1117 Stanford Dr. NE, Albuquerque, NM 87131.

POSTMASTER: Send address changes to *Natural Resources Journal*, UNM School of Law, 1117 Stanford NE, MSC11 6080, 1 University of New Mexico, Albuquerque, NM 87131-0001.

Fall 2011, Vol. 51, No. 2

Library of Congress Catalog Number 64-63319

Subscription Price Per Year: \$40.00 in the United States, \$45.00 outside the United States.

Per Number: \$15.00

FOR SUBSCRIPTIONS & CHANGE OF ADDRESS NOTIFICATION: See order form at the back of this issue, e-mail nrjsubscriptions@law.unm.edu, or write to *Natural Resources Journal*, UNM School of Law, MSC11 6080, 1 University of New Mexico, Albuquerque, New Mexico 87131-0001. The subscription period is for the calendar year. Unless notice to the contrary is received at the editorial office, it is assumed that a renewal of the subscription to the *Natural Resources Journal* is desired. Cancellations must be received in writing and are for the calendar year only. No pro-rated refunds will be given.

FOR CLAIMS: Subscriber claims for undelivered issues must be received within ninety (90) days of mailing date of issue claimed. Submit claims via e-mail to nrjclaims@law.unm.edu, or write us at the address above, indicating "NRJ CLAIMS" in the subject field and/or the address.

Visit us on the Internet at <http://lawschool.unm.edu/nrj>

PERMISSIONS & DUPLICATION/REPRINT INFORMATION: Except as otherwise expressly provided, permission is hereby granted to copy materials from this publication for classroom use, provided that (1) copies are distributed at or below cost, and (2) author and journal are properly identified. Please contact us by mail, e-mail, or fax regarding all other requests for permission to duplicate or reprint.

Printed by Joe Christensen, Inc.

This text stock is 30% pcw and acid free.

Natural Resources Journal

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

Vol. 51

Fall 2011

No. 2

The isolation of scholars in various fields concerned with resources problems continues to be a principal impediment to progress. . . . [R]esources 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 [new] Journal is to meet this need. . . .

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

INTRODUCTION

vii

PROFESSIONAL ARTICLES

Another Case of the Century? Comparing the Legacy and Potential Implications of *Arizona v. California* and the *South Carolina v. North Carolina* Proceedings

Caitlin S. Dyckman 189

Sustainability and the Urban Forest: An Ecosystem Services Perspective

Keith H. Hirokawa 233

NAFTA, the Mining Law of 1872, and Environmental Protection

Allan Ingelson & Lincoln Mitchell 261

The Wilderness Act, Prohibited Uses, and Exceptions: How Much Manipulation of Wilderness Is Too Much?

Gordon Steinhoff 287

A Clash of Paradigms in the Water Sector? Tensions and Synergies Between Integrated Water Resources Management and the Human Rights-Based Approach to Development

Hugo Tremblay 307

STUDENT ARTICLE

Conservation Easements and Urban Parks: From Private to Public Use

Ashleigh G. Morris 357

INDEX—VOLUME 51

385

TITLE INDEX 386

AUTHOR INDEX 387

SUBJECT INDEX 388

Natural Resources Journal

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

Vol. 51

Fall 2011

No. 2

Co-Editors-in-Chief

Maggie Lane & Ashleigh Morris

Managing Editor

Jennifer Salazar

Citations Editors

Lacy Daniel, Sarah Parks, Dominique Work

Manuscript Editors

Tony Burchell, Kristina Caffrey, Genevieve Graham,
Dayan Hochman, Stephen Marshall, John Verheul

Staff

Dan Akenhead
Matthew Beck
Jesse Benoit
Elisa Dimas
Anne Illanes Meyers
Owen Johnson

Monica Moya
Nicholas L. Pino
Sarah Plazola
Danielle Rodgers
Mia Rubin

Faculty Advisor

Reed D. Benson

Publications Managing Editor

Lynne Arany

Business Manager

Marquita Harnett

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

DAVID JAMES SCHMIDLY
President of the University of New Mexico

REGENTS OF THE UNIVERSITY

THE HONORABLE SUSANA MARTINEZ
Governor of New Mexico, *ex officio*
JACK L. FORTNER
DON L. CHALMERS
CAROLYN J. ABEITA
J.E. (GENE) GALLEGOS
LT. GENERAL BRADLEY C. HOSMER
JAMES H. KOCH
JACOB P. WELLMAN

SCHOOL OF LAW

KEVIN K. WASHBURN, DEAN

BARBARA E. BERGMAN
Associate Dean for Academic Affairs

J. MICHAEL NORWOOD
Associate Dean for Clinical Affairs

CAROL A. PARKER
Associate Dean for Finance and Administration