



NATURAL RESOURCES JOURNAL

Volume 42
Issue 3 Summer 2002

Summer 2002

Introduction

Natural Resources Journal

Recommended Citation

Natural Resources Journal, *Introduction*, 42 Nat. Resources J. vii (2002).
Available at: <https://digitalrepository.unm.edu/nrj/vol42/iss3/1>

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 amywinter@unm.edu, lsloane@salud.unm.edu, sarahrk@unm.edu.

INTRODUCTION

This issue of the *Natural Resources Journal* offers just what lead essayist John Leshy, former solicitor of the Department of the Interior, says has come of efforts to reform the 1872 Mining Act: more of the same, once again. Leshy is critical of the failed efforts, but the *Journal* is proud of those elements of this issue that embody its deepest traditions.

Long-time editor-in-chief Al Utton devoted a lot of *Journal* attention to the international aspects of resource management and two articles in this issue embody that long-standing focus. In their article on the Lower Guadalquivir Basin, nine European academics analyze the reaction of water authorities and institutions in southern Spain to extended drought and perhaps permanent global warming. Water institutions in the American Southwest grew out of the ancient hydraulic traditions of southern Spain and the current crisis in both places reflects that common heritage. Critics of the Bureau of Reclamation's operation of dams in the western United States in the face of increasing pressure on a diminished supply will find a familiar theme in the sophisticated analysis that these authors apply to the operation in southern Spain of no less than 60 dams on the Rio Guadalquivir. In both places, say the Spanish and U.S. critics, carryover storage is exhausted in reacting to short-term shortages experienced by inefficient users rather than in adapting more permanently to changed circumstances. Once again, not in the fifteenth century but in the twenty-first, U.S. readers will find a distant, sharply focused mirror in current Spanish water management problems.

The problem of elephants as pests in southeast Asia offers a similar mirror, this one of Brobdingnagian scale. Government policy in Sri Lanka must balance conserving the huge animals against the gigantic threat they pose to agriculture. That problem resembles the current struggle in the United States over the balance between protecting endangered Lilliputian aquatic species and providing essential irrigation water to farmers. Authors Bandara and Tisdell argue in this article that paying money to farmers for damages caused by elephants offers a more effective means to conserve elephants than a legal prohibition against killing them. The distant Sri Lankan debate illuminates a problem much closer to home.

Finally, this issue of the *Journal* brings back the best of University of New Mexico student legal writing on resource issues. Third-year student Jamie Dawes magnificently dissects the U.S. Supreme Court's 2001 decision in *Palazzolo v. Rhode Island* dealing with regulatory takings, a critical issue in natural resource management. Last term, in a surprising move, the Supreme Court took on the same general issue again when it decided *Tahoe-Sierra Preservation Council*. Instead of overbearing Dawes's discussion of the earlier case, the most recent decision simply makes her penetrating analysis even more important. As with the other articles in this issue, Dawes's discussion provides a critical comparison to other events now closer to home.