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## Front Matter

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*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

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## ACKNOWLEDGEMENT

The editorial board and staff of the *Natural Resources Journal* are pleased to introduce Issue 59.2. It can hardly be denied that in today's world, environmental issues are becoming increasingly more severe with dwindling time left to address or mitigate the causes—as is evidenced, for example, by the recent IPCC Special Report on Global Warming of 1.5° C (2018). In an effort to broadly address the issues of climate change, water supply and shortage, and human response to the same, we have gathered articles under the theme “Hot Topics in Environmental Law.” We hope these articles will inform and challenge our readers to consider the global issues of our time, encourage innovation, inspire continued dialogue, and create policy change.

To begin, we include a foreword by Rebecca Roose entitled, *What You Don't Know Does Protect You*. A critical aspect of “the environment” is that we all reside in it. Through her previous work at the Environmental Protection Agency (“EPA”), Ms. Roose found that many people were unaware of the myriad of environmental laws that protect them every day. To that end, she wrote this short introduction describing some of the ways that the American public is protected by our robust system of environmental laws.

Developing this theme, we are honored to include an essay adapted from a talk given at the University of New Mexico School of Law by former EPA Administrator Gina McCarthy. The essay, entitled *We Have to Talk About Climate*, perfectly identifies how the conversation surrounding climate change has been affected by the current American political climate. In particular, Administrator McCarthy spoke of the war on science and the shifts she believed could be made despite the antagonistic approach currently prevailing in Washington, D.C.

Moving from discussion on how environmental law generally protects us in the day to day, and how conversations on environmental law have been stymied by the current administration in America (and in other similar regimes throughout the world) we next present an article by Dean Melinda H. Benson, from the Haub School of Environment and Natural Resources at the University of Wyoming. She encourages us to shift in our way of environmental thinking in her article *New Materialism: An Ontology for the Anthropocene*. Rather than perpetuating the binary view that humans are separate from nature, doing things to nature, she encourages a more complex interrelated perspective. After introducing us to new materialism, she applies the concepts to environmental and resource law, showing an example of how these theories could affect governance of natural disasters across the Southwestern United States to contend with issues of drought, wildfires, and climate change.

As the threat of disasters increases as a result of human-caused climate change, the discussion surrounding the best strategies to deal with these disasters must also increase. In his article *The Ore Tailings Dam Rupture Disaster in Mariana, Brazil 2015*, Délton Winter de Carvalho, a Brazilian environmental lawyer and scholar, presents a discussion of disaster law in the context of the largest environmental disaster in Brazil to date. Carvahlo explores how in Brazil, and throughout the world, the current systems do not present sufficient ability to evaluate and manage catastrophic risks prior to disaster striking. Carvalho presents disaster

law principles as tools useful for analyzing the systems in place and for identifying future disaster risk reduction policy.

The issue then transitions to another hot topic in environmental law, the vital discussion regarding water scarcity. As populations continue to grow and water becomes a more precious resource, Professor David J. Devlaeminck asks us to consider the potential stress on international relationships. Specifically, in *The Legal Principle of Reciprocity in the Peaceful Management of Transboundary Watercourses: The Duty to Cooperate, Rules of Procedure and Self-Help Measures*, he guides the reader to consider transnational water issues and rights through the powerful lens of reciprocity.

Combining the discussion on human response to climate change and also on water allocation, Mahmud Tekuya, a J.S.D./Ph.D candidate at McGeorge School of Law, delves into the flexibility of treaties in light of climate change using the Nile Basin for a case study in his article entitled *Governing the Nile Under Climate Uncertainty: The Need for a Climate-Proof Basin-Wide Treaty*.

Finally, turning from water to air quality, Mingjie Hoemmen, 2019 J.D. graduate of University of New Mexico School of Law wrote an article, *Vertical and Horizontal Modes of Injustice in Air Pollution: A Comparison of Law and Society in China and the U.S.* for this edition of the *Natural Resources Journal*. In it, she presents the challenges of air pollution through the lens of environmental injustices within China. National and international policy is explored through a comparative analysis with the United States in hopes of finding solutions transferrable among cultures.

In sum, the current state of environmental urgency demands new ways of conversing about and exploring innovative solutions to old problems. The editorial board submits this issue of the *Natural Resources Journal* to our readers in the spirit of inspiring new ways of thinking, exploring ways to precipitate change, and finding new solutions in our changing world.

We hope you enjoy this issue!

Jennifer E. Brannen & Serena R. Wheaton  
Co-Editors-In-Chief