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Introduction

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ACKNOWLEDGEMENT

This year looked different at the *Natural Resources Journal*. Although we started off relatively normal—absent the obstacles any Journal may face—it quickly became a novel environment for everyone here at the University of New Mexico and all around the world. Due to COVID-19 we had to become much more flexible with our work process. For this reason, we would be remised not to send an extra-large thank you to the incredible students who have worked so diligently through a pandemic to get this issue published on time. It is their hard work, despite personal hardship and concern, that provide the foundation on which the *Natural Resources Journal* rests.

The *Natural Resources Journal* would also like to extend its gratitude to the Zia Pueblo for allowing the continued use of their sacred Zia Symbol as part of our logo. This symbol has existed since time immemorial. The four rays on each side represent the four cardinal directions, the four seasons of a year, the four parts of the day, and the four seasons of life, while the center of the sun represents life itself. The *Natural Resources Journal* encourages anyone seeking to utilize or who already uses this important religious symbol to contact the Zia Pueblo in order to pay appropriate respect for its further dissemination in the public domain.

Additionally, we wish to thank the two pillars of the *Natural Resources Journal*, Cliff Villa and Dan Akenhead who know just how to balance furnishing support and supplying sufficient space to work. It is their consistent guidance, cheerleading, and unwavering confidences that help keep the *Natural Resources Journal* operating smoothly. We would also like to extend our appreciation to a few people outside of our board and staff who were instrumental on this issue. Taylor Bui, a previous managing editor, for going out of his way to share his expertise, Joshua Burby and Tyler Morrow for writing us code to help speed the editorial process along, and Associate Dean Sherri Thomas for not only stepping into the role of Journal coordinator but also stepping up to assist us in a tricky to navigate virtual environment.

Lastly, to everyone who has read, contributed to, and supported the *Natural Resources Journal* along the way: thank you. We are honored to introduce the first issue of volume 61 of the *Natural Resources Journal* and hope you enjoy each of the distinct pieces we have gathered for you.

To begin, we include a teaser image from our featured photography essay “Moonlight” by David A. Westbrook. The *Natural Resources Journal* is excited to showcase this photo essay as part of its commitment to being an interdisciplinary forum devoted to the study of natural and environmental resources.

Our first article, “The Rise of Force Majeure amid the Coronavirus Pandemic: Legitimacy and Implications for Energy Laws and Contracts,” by author Cosmos Nike Nwedu, argues that the coronavirus pandemic creates instances of force majeure for energy contracts and sales and purchase agreements. Nwedu also emphasizes current debates surrounding the concept of force majeure and what this could mean for energy law contracts in the future.

The second article, “Robert Brace and the Shifting Sands of the Administrative State” by author Thomas J. Philbrick traces the potential negative impacts that administrative overreach may have on American farmers. He uses the real-life example of Pennsylvania farmer Robert Brace to illustrate how regulatory frameworks divorced from the realities of farming may cause much more harm than ever intended.

The third article, “Taxing Power Delegation For Better Environmental Regulation: A Proposal on Federal Carbon Tax Policymaking,” by author Kaijie Wu,

argues for the expansion of the delegation of environmental taxes, proposing for the Environmental Protection Agency to take authority on adjusting carbon tax rates. Wu also notes how a comparative study of Chinese legislation and United States delegation power emphasizes the increasing need for delegating environmental taxing power in the United States.

The fourth article, “Monopolizers of the Soil: The Commons as a Source of Public Trust Responsibilities” by author Connor Bartlett McDermott, delves into England’s common law and political history to illuminate the ideological building blocks of America’s public trust doctrine as championed by two populist groups, the Levellers and the Diggers. McDermott argues that despite narrow interpretations by American jurists, any modern articulation of the public trust doctrine must embody the radical ideologies of these groups, thus entailing broader responsibilities to the public.

The final offering of this issue is a photo essay, “Moonlight,” by Professor David A. Westbrook. He leads us through a moonlit walk in the snowy woods with his dogs. This curated look at a mountain environment in the light of the moon is captured by an assortment of images the editors found particularly arresting. For best viewing, the editors recommend the entire unabridged essay at: <https://www.davidawestbrook.com/moonlight.html>.

We hope you enjoy this issue!

Sarah McLain & Dharma Khalsa
Co-Editors-In-Chief



Moonlight: David A. Westbrook

