



# NATURAL RESOURCES JOURNAL

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## Introduction

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## ACKNOWLEDGEMENT

While the last year of remote work and learning was different for us at the *Natural Resources Journal*, our editors and staff rose to the occasion again to create a second stellar issue. With the ominous drought projections for the next year, our submissions editors used their expertise to bring two articles focused on water in the arid Southwest, and a third addressing the danger of fracking on already scarce resources. In the consideration of equity, we wanted to push further and provide a platform for the historical communities being impacted by water shortages in New Mexico. By bringing all interested parties to the table, resiliency can hopefully be achieved in water systems across the Southwest.

Following this introduction is a short essay created by Dr. Eric Romero, Assistant Professor at New Mexico Highlands University. This essay reflects on acequia communities in northern New Mexico and southern Colorado. In the interest of adhering to the *Natural Resources Journal's* endeavor to reflect interdisciplinary issues, we have also included "Fighting the Tragedy of the Commons" by Poet Olivia Romo. The editorial board and staff of Volume 61 are certain that all readers will find something of interest and value in this issue.

Our first article, "The Colorado River Drought Contingency Plan: An Opportunity for Exploring Demand Management Through Integrated and Collaborative Water Planning" by author Daniel S. Spivak, describes the promise which the Drought Contingency Plan provides regarding water-smart growth planning in Upper Basin states. The article argues that the success of State's demand management programs rests on increasing the role of public engagement and improving the relationship between what some have referred to as an historical divide between urban and rural water users.

The second article, "Fracking the Bakken: Interpreting the Public Trust Doctrine and State Constitutional Law to Restrict Fracking Under Beneficial Use Principles" by author Cormac Bloomfield, explores the intersection of state constitutional law, the Public Trust Doctrine, prior appropriation, and inadequate protections around fracking practices. Bloomfield uses the Bakken Formation as a case study to highlight that courts can provide greater protections of public water resources from insubstantial fracking regulations.

Our third article, "Charging and Sentencing Patterns in U.S. Clean Air Act Criminal Prosecutions, 1983-2019" by authors Dr. Joshua Ozymy and Dr. Melissa Jarrell Ozymy analyzes nearly four decades of charging and sentencing patterns under the CAA and shows broader themes that have emerged over this period. The study shows six primary prosecutorial themes including: asbestos related crimes, vehicle emissions fraud, false reporting, renewable fuel credit fraud, negligent operations, and trade in restricted refrigerants.

The fourth article, "Integrating the Law of the Rio Chama Through Institutional Ontologies of the Middle Rio Grande Basin" by author Colin McKenzie, examines the systematic complexities of the Law of the River in New Mexico's Middle Rio Grande Basin. It attempts to sketch a Law of the River for the Rio Chama, through a practical application of the law and policy at play in the region.

The editorial board is extremely honored to welcome you to volume 61.2 of the *Natural Resources Journal*.

Dharma Khalsa and Sarah McLain  
Co-Editors-in-Chief

