THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

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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, visit us online at lawschool.unm.edu.
The isolation of scholars in various fields concerned with resources problems continues to be a principal impediment to progress . . . . Resources 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

ACKNOWLEDGEMENT

Jacqueline Hoswell and Luis Leyva-Castillo

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Premature Gray Wolf Delisting

Edward A. Fitzgerald

To Infinity and Beyond: Shifting the Space Regulatory Framework to Create Conservation-Minded Expansion

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Deciphering Lessons From the Ashes: Saving the Amazon

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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.

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ACKNOWLEDGEMENT

On behalf of the editorial board and staff of the Natural Resources Journal, we are proud to present issue 62.2.

In our first article, “Bringing Technological Transparency to Tenebrous Markets: The Case for Using Blockchain to Validate Carbon Credit Trading Markets” Professor Gary Marchant, along with Zachary Cooper and Philip J. Gough-Stone VI, make the case for the power of blockchain. This technology can increase the transparency in the often-shadowy world of carbon credit markets. Numerous problems plague these markets, including redundancies from sellers who double count the same credits. Blockchain offers a way to provide accountability for market vendors, but without a central database. As technology adapts to the changing world, networks of people will need networks of accountability to ensure a fair and just market.

The second article, “Gray Wolf Premature Delisting” Professor Edward Fitzgerald shows how the gray wolf was prematurely delisted, using a definition of “significant portion of the range” that violates the Endangered Species Act. This de-listing was the culmination of nearly twenty years of advocacy on the part of conservative voters. He details the long history of wolf populations in the United States, and the long road to listing and then delisting. He highlights the many corners FWS cut to make it happen. Most significantly, FWS did not use the best available science, and so exposed the wolf to hunters, trappers, and livestock owners who see it as a pest—not a national treasure.

Next, Brandon Dekema proactively prescribes a regulatory framework for resource extraction in outer-space in his article, “To Infinity and Beyond: Shifting the Space Regulatory Framework to Create Conservation-Minded Expansion.” The article notes that existing resource extraction policies encourage resource overuse and depletion. Instead of making the same mistakes in space as humanity has on Earth, Dekema highlights current and successful policies that could form the basis for sustainable space resource extraction.

In our fourth article, “Deciphering Lessons from the Ashes: Saving the Amazon” Shannon Woulfe distills a history of Amazon deforestation, and the efforts to reverse it. This article explains the global importance of the Amazon rainforest, examines shortcomings of past efforts to curb rainforest destruction, addresses why underlying tones of colonialism impact Brazilian forest management in the Amazon, and proposes a framework to effectively preserve the Amazon. By piecing together lessons from several past successful conservation initiatives in the Amazon, Woulfe identifies what Amazon rainforest conservation could look like in the future.

Next is an interdisciplinary piece from the Returning Rapids Project. The Returning Rapids project seeks to document the recovery of Colorado River resources in Cataract Canyon that were once inundated by a full Lake Powell and are now being exposed as the reservoir level declines. For the best viewing, the editors recommend viewing the pictures at https://digitalrepository.unm.edu/nrj/.

Finally, issue 62.2 ends with an essay by Professor John Leshy titled “America’s Public Lands: A Sketch of Their Political History and Future Challenges.” Professor Leshy wrote this essay from remarks given at the University of New Mexico School of Law in April 2022. Please keep an eye out for a book review of Professor Leshy’s upcoming book, Our Common Ground, in volume 63 of the Natural Resources Journal.

We want to thank the staff and the editorial board for their hard work, and Cliff Villa and Dan Akenhead for their support. We hope you enjoy this issue!

Jacqueline Hoswell and Luis Leyva-Castillo
Co-Editors-in-Chief