

Volume 62 Issue 2 *Summer*

Summer 2022

Front Matter

Natural Resources Journal University of New Mexico

Recommended Citation

Natural Resources Journal, *Front Matter*, 62 NAT. RES. J. ix (2022). Available at: https://digitalrepository.unm.edu/nrj/vol62/iss2/1

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 disc@unm.edu.

THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

ACCREDITATION

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.

Copyright © 2022 by the *Natural Resources Journal* Cover design by Ashley Baca.

Summer 2022, Vol. 62, No. 2

Natural Resources Journal (ISSN # 0028-0739)

Published by the students of the University of New Mexico School of Law

Natural Resources Journal 1117 Stanford NE UNM School of Law, MSC11 6080 Albuquerque, NM 87131-0001

Permissions & Duplication/Reprint Information: Please submit your request in writing to our office for permission to duplicate articles for classroom or workshop purposes. Permissions may be granted per request in writing to our office for permission to duplicate articles, in full or in part, in other publications. For a full list of reprint permissions, visit the journal online at lawschool.unm.edu/nrj.

For inquiries on subscriptions or permissions please email: journals@law.unm.edu.

For information on manuscript submissions and editorial questions, please visit us online at $\frac{1}{\sqrt{\frac{1}{2}}}$ http://lawschool.unm.edu/nrj.

The views expressed herein are those of the authors and do not necessarily reflect those of the Editorial Board, the Law Faculty, or the Regents of the University of New Mexico.

Printed by Sheridan, Inc.

This text stock is 30% pcw and acid free.

Natural Resources Journal

Published two times per year by the University of New Mexico School of Law

| | Summer 2022 | No. 2 |
|-------------------------------|--|-------|
| re pr tro fir sio | ne isolation of scholars in various fields concerned with sources problems continues to be a principal impediment to togress [R]esources problems are so complex that additional lines of approach prove inadequate Rarely do we not the work of the lawyer and the non-lawyer appearing side by the The primary function of the [new] Journal is to meet this seed —from the Foreword of Vol. 1, No. 1, 1961 | |
| CKNOWLI | EDGEMENT | |
| | Jacqueline Hoswell and Luis Leyva-Castillo | i |
| ARTICLES | | |
| | echnological Transparency to Tenebrous Markets: The Case for to Validate Carbon Credit Trading Markets | Using |
| Gary E. | Marchant, Zachary Cooper, & Philip J. Gough-Stone VI | 15 |
| Premature (| Gray Wolf Delisting | |
| | Edward A. Fitzgerald | 18 |
| | and Beyond: Shifting the Space Regulatory Framework to Creaton-Minded Expansion | e |
| | Brandon M. Dekema | 23 |
| Deciphering | g Lessons From the Ashes: Saving the Amazon | |
| | Shannon Woulfe | 25 |
| BOOK REV | TIEWS | |
| Jnder a Wl | nite Sky: The Nature of the Future, by Elizabeth Kolbert | |
| | J. Spenser Lotz | 31 |
| | opment of the Law of the Sea Convention: The Role of Internation | nal |
| | Tribunals, edited by Øystein Jensen | |

Natural Resources Journal

Published two times per year by the University of New Mexico School of Law

| Vol. 62 | Summer 2022 | No. 2 |
|--------------------------------------|---|----------|
| ESSAYS | | |
| Who is in Charge of the | Mud? | |
| | Mike DeF | Hoff 325 |
| America's Public Lands Challenges | : A Sketch of Their Political History and | Future |
| | John Les | shy 341 |

Natural Resources Journal

Published two times per year by the University of New Mexico School of Law

Vol. 62 Summer 2022 No. 2

Editors in Chief
Jacqueline Hoswell and Luis Leyva-Castillo

Managing Editor
Rachel Grabenstein

Lead Citations Editor Cody Jeff

Citations Editors
Denisse Enriquez and Hallie Rossbach

Submissions and Citations Editor
Todd L. Filler

Associate Editors
Jeffrey Hoagland and Stuart Wilkins

Staff

Blade M. Allen Stephen D. Earsom Elisabeth Gutierrez Preston Hollis Emmalee Johnston J. Spenser Lotz Jacqueline Martinez Khan Muhammad Damian Shapes Padilla Emily Romero Katherine H. Tara Jordan D. Velasquez Deanna Warren Annie Watts Gretchen Wendlandt Kalista Wilson Brian Yardman-Frank

Faculty Advisor Cliff Villa

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.

Member of the National Conference of Law Reviews

THE UNIVERSITY OF NEW MEXICO

GARNETT S. STOKES
President of the University of New Mexico

REGENTS OF THE UNIVERSITY

THE HONORABLE MICHELLE LUJAN GRISHAM
Governor of New Mexico, ex officio
DOUGLAS BROWN
KIMBERLY SANCHEZ RAEL
SANDRA BEGAY
JACK L. FORTNER
RANDY KO
WILLIAM H. PAYNE
ROBERT L. SCHWARTZ

SCHOOL OF LAW

SERGIO PAREJA Dean of the School of Law

CAMILLE CAREY
Associate Dean for Academic Affairs

SERGE MARTINEZ
Associate Dean of Experiential Learning

SHERRI THOMAS
Associate Dean of Institutional Climate & Equity

NATHALIE MARTIN
Associate Dean for Faculty Development

MICHELLE RIGUAL
Associate Dean for Information Services

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 venders, 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