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New Center on Urban Environmental Law: Greening Bay Area Cities

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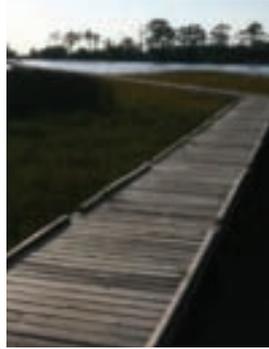
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New Center on Urban Environmental



by Garrett Wheeler

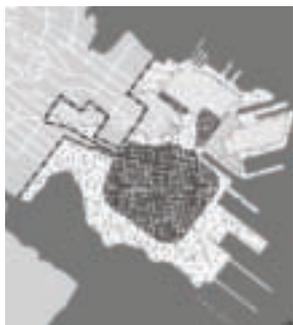
Garrett Wheeler is a second-year law student focused on Environmental Law. This past summer, Garrett worked at the Pacific Coast Federation of Fishermen's Associations (PCFFA), and during the Fall semester he served as a legal intern at San Francisco Baykeeper. Garrett looks forward to gaining further experience in areas related to Environmental Law, particularly in a judicial or governmental capacity. He is currently serving as a writer on the *Golden Gate University Environmental Law Journal*, where he is authoring an article focused on sustainable aquaculture. Email: GWheeler84@gmail.com

Once a bustling naval air station nestled against the eastern edge of the San Francisco Bay, Alameda Point today is a series of dilapidated hangars and runways that have remained largely unused since the end of World War II. The area also hosts more than 50 tenants, ranging from boutique distillery St. George Spirits and the Pacific Pinball Museum to Habitat for Humanity and local businesses such as Jim Bustos Plumbing. But unlike many old military bases scattered across California, Alameda Point is home to thriving wetlands, unimpeded views of the San Francisco skyline, and an abundance of wildlife, including the endangered California Least Tern—the perfect place, it would seem, for a park.

As with any piece of land in the Bay Area ripe for development, the former site of the Alameda Naval Air Station is currently engaged in the long, tumultuous process of city planning. Proposals for the 1,560-acre expanse, which includes both federal- and city-owned portions, include a new site for Lawrence Berkeley National Laboratory, a Veterans Administration facility, and—at one time—extensive housing developments. The planning stalemate presents the perfect launching point for the new Center on Urban Environmental Law (CUEL) at Golden Gate University School of Law.

Law: Greening Bay Area Cities

“We developed CUEL because while there are a lot of great programs around the country focused on climate change, energy, wildlife preservation and other rural issues, there are a lot of important concerns, particularly urban issues, that are not getting enough attention,” says CUEL founder and Co-Director, Professor Paul Kibel. “[GGU Law] is particularly well positioned to take on these issues. The greenspace project at Alameda Point is a chance to present a compelling argument to create urban parkland.”



CUEL has retained Stephanie Landregan, former Chief Landscape Architect for the Mountains and Conservation Recreation Authority in Southern California, to act as the consulting landscape architect for the CUEL greenspace project. Kibel says the open space portion of Alameda Point, if cleaned up and maintained as one cohesive park space, could improve the local economy and help bolster local property values. CUEL has proposed the name “Flight Park” to honor both the area’s history as a military base and the birds and wildlife that make it their home.



Although the transformation of Alameda Point into an urban greenspace is not without its complications, particularly the jurisdictional division between city and federal land, Professor Kibel is confident that CUEL-proposed plans will allow all those involved to bring their ideas to fruition. Kibel says implementation of the Hannover Principles (in which large swathes of contiguous open space are planned according to natural borders to maximize habitat benefits) will not only ensure wetland preservation and avoid vehicle traffic and fragmentation, but will also help address economic concerns. Possible investors in search of wetlands enhancement projects are more likely to help fund the creation of a large-acreage naturalist park, Kibel says; once established, the parks tend to be much cheaper to maintain than smaller, micro-designed landscapes. In addition, CUEL hopes the expansive parkland will increase the desirability and value of surrounding properties, allowing nearby commercial development to flourish.

CUEL began when Professor Kibel and fellow GGU Law Professor Alan Ramo decided that a program focused on urban environmental issues would be an ideal research arm to complement the school’s

already robust environmental law programs, including the Golden Gate Environmental Law & Justice Clinic (ELJC). “We wanted the Center to be more research-focused, as opposed to ELJC, which represents clients in litigation,” says Kibel. “The Center is a vehicle to do scholarly work in the area.” Kibel’s research pursuits and passions include the study of water law and urban greenspace, as well as environmental justice issues related to parklands in socio-economically challenged areas. His body of work includes the especially relevant report “Access to Parkland: Environmental Justice at East Bay Parks,” published in 2007.

CUEL’s areas of study are water, air and climate, and greenspace. In addition to heading scholarly inquiries into local issues, CUEL will create a new law school curriculum focused on urban environmental issues as well as publish the CUEL Grey Papers. A body of treatises and scholarly articles, the Grey Papers will address topics ranging from vegetation removal along urban creeks to the federal America’s Great Outdoors initiative of 2010. CUEL’s website hosts a blog where both student and faculty writers contribute articles on contemporary environmental issues.

As the newest member of the family of environmental law programs at GGU Law, CUEL is a welcome addition to the school’s Environmental Law & Justice Clinic, the Environmental Law Journal, the LLM in Environmental Law program, and the Environmental Law Society. “GGU Law has always had a serious commitment to environmental law,” says Dean Drucilla Ramey. “CUEL is a wonderful new direction that will help give city residents a voice on environmental issues, so many of which take place in an urban setting.”

Dean Ramey believes the Alameda Point project represents the type of work that CUEL is uniquely positioned to undertake. “Rather than filing lawsuits after mistakes are made, CUEL is forward-thinking, identifying initial challenges and actions in advance and enabling informed decisions. Alameda Point is an extraordinary piece of land, and it’s imperative that there is coordination between the federal government and the city of Alameda to preserve it as an open space.”

Though the fate of Alameda Point is far from certain, the decision to maintain a portion of the land as an unimpeded wildlife preserve and allow residents to enjoy the area’s natural beauty is closer to fruition, thanks to the efforts of CUEL and project partner Urban Land Institute (ULI). As CUEL’s roots spread through the Bay Area, California’s urban areas may have a greener future. “We need to think of cities as organisms,” Kibel says, “where environment and people coexist.” ///