

11-16-2012

The 2012 Environmental Law Symposium: California's Urban Wildlands: Cities as Habitat

Golden Gate University School of Law

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The Golden Gate
University
Environmental Law
Journal and
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Present



The 2012 Environmental Law Symposium

California's Urban Wildlands: Cities as Habitat



Welcome to the 2012 Environmental Law Symposium, held in conjunction with the publication of this year's edition of the Golden Gate University Environmental Law Journal's Symposium: The City as Habitat: A Place for Urban Wildlands. This edition and our Symposium bring to the stage discussions of California's urban habitats, including the Presidio's Crissy Field in San Francisco, the Ballona Wetlands in Playa Del Ray in Southern California, the Santa Monica Mountains Conservancy, and many others. Today we join many urban planning circles in the discussion on preserving a prominent place for greenspace and wildlife habitat amongst the granite of our cities.

Friday, November 16, 2012

9:00 AM - 4:30 PM

CUEL | CENTER ON URBAN
ENVIRONMENTAL LAW

Golden Gate University
School of Law
Environmental Law Journal
Center for Urban Environmental Law

536 Mission Street
San Francisco, CA 94105

Phone: 415-442-7000
ELJ E-mail: AllysonUmberger@gguelj.org
CUEL E-mail: [Professor Paul Kibel | pkibel@ggu.edu](mailto:ProfessorPaulKibel@ggu.edu)



Photograph from Large Parks (Princeton Architectural Press)

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The 2012 Environmental Law Symposium

California's Urban Wildlands: Cities as Habitat

9:00 AM—WELCOME

Welcome : Dawn Withers : Editor-in-Chief : Environmental Law Journal

Opening Remarks : Interim Dean Rachel Van Cleave : Golden Gate University School of Law

Introductions : Professor Paul Kibel : Symposium Director : Center for Urban Environmental Law

9:30 AM—KEYNOTE SPEAKER

Joseph Edmiston : Executive Director : Santa Monica Mountains Conservancy

10:15 AM—NORTHERN CALIFORNIA PRESENTATIONS

Deborah Bardwick : Assistant Field Solicitor : U.S. Department of the Interior

Robert Doyle : General Manager : East Bay Regional Park District

Norman La Force : Sierra Club : San Francisco Bay Chapter

Brendan Moriarty : Project Manager : The Trust for Public Land

11:15-11:30 AM - 15 minute break

11:30 AM—NORTHERN CALIFORNIA PANEL

Professor Paul Kibel will moderate a discussion between the Northern California panelists

12:30-2:00pm—LUNCH

2:00—SOUTHERN CALIFORNIA PRESENTATIONS

Robert Garcia : Executive Director : The City Project

Douglas Carstens : Managing Partner : Chatten-Brown & Carstens

Carlyle W. Hall, Jr. : Senior Counsel : Akin Gump Strauss Hauer & Feld LLP

John Buse : Senior Attorney : Center for Biological Diversity

3:15-3:30 -15 minute break

3:30-4:30—SOUTHERN CALIFORNIA PANEL

Professor Paul Kibel will moderate a discussion between the Southern California panelists

4:30—CLOSING REMARKS

Allyson Umberger : Symposium Edition Editor & Assistant Director : Environmental Law Journal

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**SANTA MONICA
MOUNTAINS
CONSERVANCY**

Executive Director, Santa Monica Mountains Conservancy

KEYNOTE: Joseph Edmiston

Joseph Edmiston was appointed Executive Director of the Santa Monica Mountains Conservancy by Governor Jerry Brown in 1979. Under his leadership, the Conservancy has preserved over 60,000 acres of public parkland within and surrounding the Los Angeles Metropolitan region, in a zone extending from the edge of the Mojave Desert to the Pacific Ocean. From north to south, these areas drain into the Santa Clara River, Calleguas Creek, numerous smaller coastal watersheds in the Santa Monica Mountains, the Los Angeles River and Rio Hondo. Edmiston has lectured extensively on environmental planning, park development, and urban land use. He and the Santa Monica Mountains Conservancy have been the recipient of numerous national awards including, most recently, the highest honor of the National Planning Association, the Daniel Burnham Award.

NATURAL SPACE IN AN EVOLVING URBAN CONTEXT – PEOPLE WANT TO LIVE IN A PARK

People want to live in a park. They want to live surrounded by green, surrounded by trees. Today, we can't do that in most urban areas, but we still need to provide the desired aesthetic that will make people want to live in elegant density. Elegant density is about being able to relate in some way to green and to the natural environment while still living in an urban area. If we are going to put people in elegantly dense environments, we have to create elegantly non-dense natural environments to balance those habitats.

The Santa Monica Mountains Conservancy initiated the green park movement with Vista Hermosa, which is a 10.5-acre public park located just west of the Hollywood Freeway in Los Angeles. The Santa Monica Mountains Conservancy collaborated with the Mountains Recreation and Conservation Authority, the Los Angeles Unified School District, and the City of Los Angeles to build the park, which is the first public park to be built in densely-populated Los Angeles in more than a hundred years. Within six months of opening Vista Hermosa, we had hawks coming to the park. This demonstrates that natural spaces, where natural elements have the ability to prosper, are spaces that will be the most functional in the long run, while also providing the most benefit to natural species and to the people that visit these parks.

As we provide elegant density, we also must provide green space where people want to live. Santa Monica Mountains Conservancy recently completed a study that analyzes the potential for urban, elegant, natural spaces to function as a Central Park Unit. It would be unrealistic to expect 840 acres of green space to be centrally located in one place in a city, but we can easily spread this green space throughout a city. With this green space, we need to introduce real nature with some sense of natural functionality in addition to simply organizing these spaces around landscape provinces. The spaces must function as part of the city.

The green spaces of the type I've been talking about are essentially public goods that have to be provided by the public. If we identified these spaces, the public could visualize the benefits of elegant density, the benefit of elegant nature. We could make a very powerful case.

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Assistant Field Solicitor, U.S. Department of the Interior

Deborah Bardwick

Deborah “Dee” Bardwick graduated from Stanford Law School in 2000. Before joining the United States Department of the Interior’s Office of the Field Solicitor in 2007, Bardwick worked in private practice, focusing on environmental litigation and real property law. Prior to studying law and beginning her legal career, Bardwick earned her B.A. from the University of California, Berkeley and an M.S. in Sociology from the University of Wisconsin, Madison. Please see her article, *From Post to Pond: How the Public Created the Presidio’s Crissy Field Marsh*, in the companion Symposium Edition of the GGU Environmental Law Journal.

A TRUE CITY HABITAT—THE PRESIDIO’S CRISSY FIELD MARSH IN SAN FRANCISCO

Since its inception, the Presidio at Golden Gate National Recreation Area has been held by Spain, Mexico and the United States. Even under the United States flag, different groups with different agendas competed for how it should be used. What is now Crissy Field Marsh, a thriving wildlife habitat in the Presidio, was once an Army dump. Bardwick’s presentation will explore how members of the public were involved in every step of the restoration of an unwanted piece of land into an integral part of the National Park Service’s Golden Gate National Recreation Area. Nonprofit organizations, private foundations, and a huge number of individuals contributed time and money to fund the restoration of Crissy Field Marsh, a restoration now recognized as the Parks Conservancy’s signature project. Despite engineering challenges, environmental concerns, and unexpected archaeological sites, the public, partners, and the National Park Service cooperated and succeeded, resulting in an extraordinary success story.

Bardwick’s article, *From Post to Pond: How the Public Created the Presidio’s Crissy Field Marsh* further examines San Francisco’s Crissy Field and its long and unique history. Bardwick describes how Crissy Field transformed from a polluted military airfield into one of San Francisco’s premier parks. She explains how an incredible amount of community involvement and the National Environmental Policy Act came together to restore a once-productive tidal marshland so that it could remain an important ecological and public access point in the San Francisco Bay for generations to come.

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General Manager, East Bay Regional Park District

Robert E. Doyle

Robert E. Doyle is General Manager of the East Bay Regional Park District. He has served more than thirty-five years in the parks and open space field, beginning as a park ranger with the District, advancing into planning and design, then becoming chief, and later assistant general manager of the land division where he served for twenty-one years.

Doyle attended Diablo Valley College, San Francisco State University, and Saint Mary's College in Moraga.

Doyle has received industry recognition throughout his career, including a Mountain Star Award from Save Mount Diablo in 2002 and a Lifetime Achievement Award from California Trails and Greenways in 2010.

TENSIONS AND RESOLUTIONS BETWEEN HABITAT CONSERVATION AND RECREATIONAL USAGE AT EAST BAY REGIONAL PARK DISTRICT

The seventy-eight year-old East Bay Regional Park District is the largest regional park district in the nation, managing over 110,000 acres of important protected lands for public benefit and wildlife stewardship. The overwhelming conflicts with resource management in our park system continue to be population growth, major public infrastructure projects, and the impacts of climate change. Our current Master Plan Update process has highlighted many of these same management conflicts.

In the last thirty years, the District's acreage doubled, encompassing all of Alameda and Contra Costa counties, with ninety-five percent of holdings on undeveloped open space: prime habitat for many species. Recreational conflicts for park managers are rare, with greater conflicts stemming primarily from trail use interactions where there are increasing concentrations of hikers, mountain bikers, and dog walkers.

Some forms of concentrated use directly impact wildlife and their habitat: internet-popularized hikes are damaged through heavy off-trail use; public use along urban portions of the SF Bay increases concerns about disturbing migratory birds; the Master Plan process brought in a request to allow Off Road Vehicle recreational use, prohibited due to concerns of ecosystem impacts; in the highly fire prone urban interface, impacts of climate change will increase already serious wildfire threats to east bay hills homes and must be managed to balance fuels management and resource management, an expensive and complex challenge.

Public education about how to support park management and protect the rich legacy of East Bay conservation is vital to ensure the continually well managed parklands. Though Environmental Education by our naturalists and visitor centers has always been part of the District's core mission, we must do more to provide young people with access to parks and environmental education so, like previous generations, they will support and work to protect these urban parks, and to avoid what has happened to our State Parks.

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Sierra Club, San Francisco Bay Chapter

Norman La Force

Norman La Force is an attorney in private practice who has worked on San Francisco Bay environmental issues for the past thirty years. He received his law degree from Georgetown University Law Center. He clerked for Judge Jesse Curtis on the U.S. District Court in Los Angeles before entering practice as a civil trial attorney. For the past thirty years, he has been the Sierra Club's leader on issues concerning the East Bay Regional Park District and the expansion of park lands in the Bay Area. He is a co-founder of Citizens for the East Shore State Parks (CESP) and the Sustainability, Parks, Recycling, Wildlife Legal Defense Fund (SPRAWLDEF). Norman led the effort to create the East Shore State Park, now renamed the McLaughlin East Shore State Park. He has represented the Sierra Club and other environmental groups in litigating land use and CEQA cases. Norman served two terms on the El Cerrito City Council, once as council member and once as mayor. La Force also teaches Land Use Regulation at Golden Gate University School of Law.

CREATING AND MAINTAINING WILDLANDS IN AN URBAN ENVIRONMENT

The urbanization of America over the past 120 years has resulted in people losing a connection with an America that was once very wild. In the inner urban core, large tracts of undeveloped land do not exist, except for large parks or open space areas that were consciously created, like Golden Gate Park in San Francisco or New York City's Central Park. In the outer ring of the city core, including cities and the suburbs, there are parks and open spaces, but the urban environment either surrounds these park lands or encroaches on them in a variety of ways. For example, housing developments are built up to the edge of a park, office parks are built next to park land, or five-acre ranchettes are scattered over a large area adjacent to a park.

At the same time, there is a major commitment among many in the environmental field and among the country's environmental agencies to preserve or even to create wildlands in the urban setting. In the San Francisco Bay Area, many environmental groups have worked to preserve and protect open space with the understanding and belief that they are trying to preserve a wild environment. The East Bay Regional Park District, which owns and operates parks in Alameda and Contra Costa Counties, is one of the lead land agencies in this effort.

La Force will discuss some of the critical issues related to creating and maintaining wildlands in an urban environment. His presentation will focus primarily on the experience in the East Bay of San Francisco and environmental campaigns in that area in order to analyze and to identify the different challenges that decision makers, environmentalists, and the public face in trying to recreate or preserve a wildland experience in the urban landscape. His talk is not intended to be a historical recounting of all of the efforts or to be exhaustive in terms of land areas or issues. It is intended to use a few past and ongoing campaigns based on the La Force's experience as an environmental activist with a point of view that he would characterize as "pragmatic yet zealous advocacy." La Force will analyze the different issues that arise, the different strategies for creating a wildland experience in the urban environment, and the problems that those campaigns encountered or created. Based on that analysis, La Force will identify common issues and concerns and the unique problems that arise from these campaigns. La Force will discuss the Richmond Shoreline, the McLaughlin East Shore State Park, the East Bay Regional Park District's vegetation management program, and the Drakes' Bay Estero.

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Project Manager, The Trust for Public Land



Brendan Moriarty

Brendan Moriarty manages the Bay Area Natural Lands program for The Trust for Public Land. His work primarily involves managing real estate transactions that convey private lands with conservation value to long-term stewards. Prior to his position with The Trust for Public Land, Moriarty managed conservation transactions for the Gallatin Valley Land Trust in Southwest Montana. He holds Masters degrees in Urban Planning and in Public Policy from the University of Michigan.

THE TRUST FOR PUBLIC LAND—CONSERVING LAND FOR PEOPLE

The Trust for Public Land is a national land conservation organization headquartered in San Francisco since 1972 with the mission of conserving land *for* people. The Trust for Public Land has completed 134 projects in the Bay Area counties, conserving 34,000 acres of natural lands in and around our metropolitan area. After these forty years, the organization's goal today is to ensure that all Californians have access to parks and natural places. It is a bold commitment to our human communities that has The Trust for Public Land investing in a broad spectrum of conservation projects: from parks and playgrounds in our most dense cities to vast tracks of wildlands on the urban periphery. The objective in every case is to connect land and people first, with public access an important criteria. This is a people-first approach to conserving urban habitats. Moriarty will discuss The Trust for Public Land's human-centric approach to land conservation and why it is so important to defending our urban wildlands.

Moriarty is Project Manager for the Bay Area Natural Lands Program at The Trust for Public Land. The program protects irreplaceable natural resources on the land that filter clean water, allow farmers to grow local and organic food, and sustain native wildlife and plants. The primary objectives of the project are to conserve coastal wetlands important for water filtration, absorbing storm and sea level surges, and habitat for fish, birds and wildlife; protecting unspoiled watersheds and natural habitat areas; and helping family farmers and ranchers keep their land in production and safe from development.

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The
City
Project

Executive Director, The City Project

Robert García

Robert García is a civil rights attorney who engages, educates, and empowers communities to achieve equal access to public resources. He is the Founding Director and Counsel of The City Project, a non-profit legal and policy advocacy organization based in Los Angeles, California. In 2010, he received the American Public Health Association Presidential Citation for his passionate work on behalf of social justice. Hispanic Business Magazine recognized him as one of the 100 most influential Latinos in the United States in 2008, among other "men and women who are changing the nation." He graduated from Stanford University and Stanford Law School, where he served on the Board of Editors of the Stanford Law Review. Stanford Law School has called him a "civil rights giant" and Stanford Magazine "an inspiration." García delivered the George Butler Lecture at the National Recreation and Parks Association Congress and Exposition in 2012.

THE BALDWIN HILLS AND SOUTH CENTRAL LOS ANGELES AS URBAN HABITATS

The Baldwin Hills and South Central Los Angeles comprise the historic heart of African-American Los Angeles. The more affluent Baldwin Hills area has traditionally been an epicenter of excellence for African-American life and culture in the United States, along with Sugar Hill in Harlem, and, most recently, the White House. These communities, disproportionately populated by African Americans (and, increasingly, by Latinos and other people of color), have long strived for equal access to public resources, including parks and recreation. They have also struggled to be free of environmental degradation, including sewage overflows and urban oil fields.

Concerned Citizens of South Central Los Angeles (Concerned Citizens), one of the first environmental justice organizations in the nation, has been a central part of the struggle in Baldwin Hills and South Central Los Angeles. The City Project, a policy and legal advocacy non-profit organization, has represented Concerned Citizens in this environmental justice work. The mission of the City Project is equal justice, democracy, and livability for all—a mission reflected in the work with Concerned Citizens. Together with other diverse allies, we are making come true the dream of the Baldwin Hills Park, the largest urban park designed in the United States in over a century. We have also fought to regulate the adjoining Baldwin Hills oil fields to better protect human health and the environment. This work has defined the standard for protecting human health and the environment in urban oil fields, including those in communities of color and low-income communities. We have helped fix the sewer system citywide to eliminate noxious odors and to create park and clean water projects. We are doing this through a \$2 billion settlement agreement in what the United States Environmental Protection Agency has called one of the largest sewage cases in United States history, and the first case in which the Clean Water Act has been used to clean up noxious sewer odors.

Although Baldwin Hills may be comparatively well-off financially, unlike wealthy non-Hispanic white communities, Baldwin Hills is plagued by the inequality and environmental injustice common to South Central and other low-income communities and communities of color. That is why we continue the struggle with Concerned Citizens. "Concerned Citizens is about environmental justice, places to play in parks and schools, affordable housing, economic development and local jobs, the community taking part in making decisions that affect our lives," states Mark Williams, a board member of Concerned Citizens. "The environment is not just about the absence of contamination."

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Chatten-Brown & Carstens
Enforcing Laws To Protect California's Natural Resources and Quality of Life

Managing Partner, Chatten-Brown & Carstens LLP



Douglas Carstens

Douglas Carstens is the Managing Partner of a five person petitioners' environmental law firm, Chatten-Brown & Carstens LLP, based in Santa Monica and San Diego and practicing throughout the state. Carstens graduated from Cornell University and the University of California, Los Angeles Law School. Carstens' law firm primarily represents environmental and community groups. His firm has helped bring about the public acquisition of parklands in the Rio de Los Angeles State Park, the State Historic Park in downtown Los Angeles, and additions to the Kenneth Hahn State Park in Baldwin Hills and in northeast Los Angeles.

LOS ANGELES RIVER HABITAT AND INSTREAM FLOW

In olden times, the Gabrielino-Tongva Tribe settled along the Los Angeles River to take advantage of its natural bounty. In 1769 the Spanish Portola Expedition found a "good sized, full flowing River," lined with lush greenery. See the Friends of the Los Angeles River (FoLAR) website for this chronology at http://folar.org/?page_id=16. From 1781 until 1913, the Los Angeles River was the sole water source for Los Angeles. Later, with an influx of urban development in Los Angeles, the Los Angeles River came to be regarded as no more than a storm drain, walled off and concreted from the rest of the Los Angeles basin by the Army Corps of Engineers in the 1930's, sentenced to languish under a "concrete straitjacket." Back then, the Corps saw no further than the mission of flood control protection and shunting water as quickly as possible to the ocean. In 1989, a State Assemblyman proposed turning the River into a truck freeway. "Over our dead bodies," FoLAR said, instigating a publicly-built revitalization movement. The first annual FoLAR River Clean-Up (La Gran Limpieza) in 1989 drew thirty people. In 2006, 3,000 volunteers showed up for La Gran Limpieza.

In 1991, Mayor Tom Bradley created the River Revitalization Task force. In 2001, after a sustained struggle that included litigation by environmental and community groups against the City of Los Angeles and two powerful developers, the California State Parks purchased two former industrial rail yards, the "Cornfields" site and Taylor Yards—now the State Historic Park of Los Angeles and the Rio De Los Angeles State Park. In 2007, the City of Los Angeles adopted the Los Angeles River Revitalization Master Plan, which designs a 32-mile greenway from Canoga Park through downtown Los Angeles to Vernon.

Today, there are efforts to create habitat restoration and an emerald necklace of parks strung throughout the Los Angeles basin. The Los Angeles River winds its way along a fifty-one mile course from its headwaters in the San Fernando Valley to the Pacific Ocean near the City of Long Beach. Recently, kayaking expeditions have begun, following a recognition by United States Environmental Protection Agency that the entire length of the Los Angeles River is "navigable waters," and passage of state legislation that authorized use for recreational purposes. Today, birds, fish, and native plants are finally returning to the Los Angeles River.

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Akin Gump
Strauss Hauer & Feld LLP

Senior Counsel, Akin Gump Strauss Hauer & Feld LLP

Carlyle W. Hall, Jr.

Carlyle Hall's legal work has helped create California's current environmental and land use regulatory framework. During the course of his career, Hall has represented environmental, governmental and private sector interests, and he has played a major role in some of Southern California's biggest and most controversial land use disputes, including the Century Freeway (I-105), the Irvine Industrial Complex, Playa Vista and the LAX Master Plan. Besides overseeing the litigation and settlement of the Ballona Wetlands litigation for more than twenty years, he has brought many cases in the Santa Monica Mountains in an effort to protect its precious open space resources. Hall received his B.A. from Yale College and his J.D. from Harvard Law School. Please see Hall's article, *Protecting the Ballona Wetlands in West Los Angeles: A Look Back at Three Decades of Urban Habitat Advocacy*, in the companion Symposium Edition of the Golden Gate University Environmental Law Journal.

THE BALLONA WETLANDS LITIGATION

Located in the heart of dense urban development on the west side of Los Angeles, the Ballona Wetlands are the County's largest remaining coastal wetlands, providing critical habitat for about 300 bird species and numerous threatened plant and animal species. Over 100 years of urban development encroachments, however, have severely degraded the Wetlands: the channelization of Ballona Creek, the creation of the enormous Marina Del Rey facility next door, and Howard Hughes's development of a private manufacturing facility and airstrip on much of the 1,000-acre private parcel that contains the remaining Wetlands.

In the late 1970's, Hughes' Summa Corporation proposed to redevelop the site with a huge mixed-use mega-development extending into the heart of the Wetlands. Representing the Friends of Ballona Wetlands, attorneys from the Center of Law in the Public Interest brought suit in 1984, fighting the project for years. In 1989, a new developer, Maguire Thomas Partners (MTP), took over the project, proposed an entirely different "smart growth" redesign, and agreed to settle the litigation with the Friends. Development would be pulled back from the key wetland areas, and the Friends would partner with MTP to jointly design a freshwater marsh, a restored salt marsh and surrounding open space habitat totaling almost 350 acres, which MTP would build out.

As development proceeded in the years that followed, the freshwater marsh successfully opened and hundreds of bird species now flourish in the surrounding habitat. But the salt marsh restoration reached only an interim stage, in which limited salt and fresh water could flow through newly installed flap gates on the Ballona Creek channel. MTP had run through its financial resources before it could build any significant revenue-producing development. The proposed project's considerable size and costly infrastructure, its lack of financeable phasing and the economy's constant fluctuations made obtaining needed additional financing difficult, and in 1997, Playa Capital Corporation (PCC), primarily Wall Street bankers, took over the project. PCC made a highly visible, but unsuccessful, effort to bring in the DreamWorks Studio as an anchor project. When that effort collapsed, PCC dramatically scaled down the development side of the project, and, in 2003, it sold to the State about 600 acres of the 1,000-acre parcel, including the Wetlands, for \$139 million, which PCC has used to finance the remaining development.

With State ownership of the Wetlands, the MTP/Friends settlement plans for the remainder of the salt marsh restoration became moot. Further, the State's purchase included substantial additional lands that are entirely covered with approximately fifteen feet of fill dumped decades before when Marina Del Rey was built. Since 2003, the State's restoration planning efforts for the overall expanded acreage have proceeded very slowly, and, almost ten years later, it is still in the initial stages of its environmental studies. With its ongoing budget struggles, the State will face an extremely challenging task to marshal the necessary financial resources for a high price tag restoration.

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Senior Attorney, Center for Biological Diversity

John Buse

John Buse is a Senior Attorney at the Center for Biological Diversity, where he works in the Center's Urban Wildlands and Endangered Species programs. Buse is also the Center's legal director. He is involved in litigation concerning endangered species conservation, environmental review, and land use under both federal and California law. Buse is a 1992 graduate of the University of California Davis School of Law. Prior to law school, he attended college at the University of Chicago and received a masters of science in biological chemistry from the University of Illinois at Chicago's medical campus. Please see his article, *Can a Multi-Species Habitat Conservation Plan Save San Diego's Vulnerable Vernal Pool Species?* in the companion Symposium Edition of the Golden Gate University Environmental Law Journal.

MULTIPLE SPECIES HABITAT CONSERVATION PLANS

Since the mid-1990's, many cities and counties have relied on large multiple species habitat conservation plans to resolve conflicts between rapid urban growth and shrinking habitat for endangered species. In southern California, such plans often cover thousands of square miles and dozens of species. These plans have attracted millions of dollars in funding and preserved significant endangered species habitats that would otherwise have been lost, but their overall conservation value is debatable. Too often, habitat conservation plans appear to elevate the facilitation of development over species recovery. Using the framework of the federal Endangered Species Act, which establishes species recovery as its paramount objective, Buse will explore what habitat conservation plans are and what they are supposed to be. Buse will also examine the documented shortcomings of large multiple species habitat conservation plans.

In 2006, a federal district court invalidated the vernal pool portion of San Diego's Multiple Species Conservation Program because, among other things, it failed to promote the recovery of the species it covered. Buse will discuss what this ruling should mean as the City of San Diego develops a new vernal pool plan. Buse will return to the central concept of species recovery and consider what the ruling may mean for all habitat conservation plans. Finally, he will discuss whether there are viable alternatives to large multiple species habitat conservation plans that better achieve the objective of recovering endangered species.

Please see our Symposium Edition for Buse's article, *Can a Multi-Species Habitat Conservation Plan Save San Diego's Vulnerable Vernal Pool Species?*, which analyzes the Endangered Species Act's Habitat Conservation Plans (HCPs) and the practicalities of implementing them. Buse examines the advantages and disadvantages of HCPs and discusses the notable legal battles that several have faced. Buse focuses on San Diego's Multi-Species Habitat Conservation Plan and how San Diego used it to plan development in the entire City, highlighting the good and bad aspects of the MSHCP, and discusses the litigation that soon encompassed it. Buse explains why the MSHCP ultimately failed in court and how it could be re-written to be a success.

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Our Moderator**



Associate Professor at Law, Golden Gate University

Professor Paul Kibel

Paul Stanton Kibel is Associate Professor at Golden Gate University (GGU) School of Law in San Francisco, where he co-directs the GGU Center on Urban Environmental Law (CUEL) and serves as faculty editor for the GGU Environmental Law Journal. He also is of counsel to the environmental, natural resource and water law practice group at Fitzgerald, Abbott & Beardsley LLP in Oakland. Kibel worked previously for Pacific Environment, the California State Coastal Conservancy and the Sierra Club Legal Defense Fund (now Earthjustice).

His books include *Rivertown: Rethinking Urban Rivers* (MIT Press, 2007) and *The Earth on Trial: Environmental Law on the International Stage* (Routledge, 1999). Kibel's articles have been published in the *Stanford Environmental Law Journal*, *Columbia Journal of Transnational Law*, *Ecology Law Quarterly*, *Georgetown International Environmental Law Review*, *Boston College Environmental Affairs Law Journal*, *Berkeley Journal of International Law*, *Natural Resources Journal*, and *UCLA Journal of Environmental Law & Policy*.

From 2002-2008 he served as co-chair of the Natural Resources Subcommittee of the California State Bar Real Property Section, and is presently a faculty advisor to the California Water Law Symposium and a member of the International Association of Water Law. Kibel holds an LL.M from Boalt Hall Law School at the University of California at Berkeley and a B.A from Colgate University in New York.



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Please email Allyson Umberger at symposiumedition@gguelj.org for more information.

