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INTRODUCTION TO THE ISSUE: ADAPTING TO A SHIFTING BASELINE

PAUL STANTON KIBEL¹ & PHOEBE MOSHFEGH²

Over the past two decades, considerable attention has been given to the subject of climate mitigation, of the development of laws and policies to reduce the amount of greenhouse gas emissions that are contributing to global warming. More recently, in addition to climate mitigation, attention has turned to the question of climate adaptation, of the development of law and policies that respond to the environmental consequences of climate change. In this Pacific Region Edition of the Golden Gate University Environmental Law Journal, titled *Climate Resiliency – California Prepares for an Altered Environment*, we develop this theme of climate adaptation. Our edition features six articles, three from professionals in the legal field and three from students at Golden Gate University.

CLIMATE RESILIENCY – CALIFORNIA PREPARES FOR AN ALTERED ENVIRONMENT

Our first professional article considers how forward-looking, science-driven reforms in federal fishery management under the Magnuson-Stevens Fishery Conservation and Management Act may help buffer the United States West Coast’s “Blue Serengeti” from climate change effects. Author Andrea Treece (an attorney with Earthjustice), in *Sweating The Small Stuff: Managing Fisheries And Fostering Marine Ecosystem Resilience In The Face Of Climate Change*, discusses how the combination of climate change, increased water temperatures, and intensified

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fishing has had a marked effect on the small, oily fish that play a huge role in sustaining the food web of the California Current Large Marine Ecosystem. Populations of sardines, anchovy, and other so-called “forage fish” have declined significantly in recent years, followed closely by mass starvation and breeding failures among marine predators like California sea lions and brown pelicans. Treece’s article explores the legal mechanisms to prevent fishing from exacerbating climate-driven forage fish declines, promote more resilient forage fish populations, secure crucial food supplies for marine predators, including salmon, tuna, humpback whales, shearwaters, and many more, and protect the human communities that rely upon and value this ecosystem.

In the next article, *Ten Regulatory and Cultural Principles that Improve California’s Drought Planning*, Chris Shutes of the California Sportfishing Protection Alliance discusses ten regulatory and cultural principles, developed in the last decade, that are becoming embedded in drought planning in California. These principles include: “Water users can and must reduce demand for water,” “Groundwater can and must be regulated,” and, “Regional planning is essential.” Shutes’ article discusses the evolution of these principles from diverse sources, including drought crises, litigation, and various cooperative processes. It analyzes both good decisions and mistakes that advanced these principles, and it describes opportunities that these principles present for better drought planning in the future.

Our third symposium article considers how ensuring, evaluating and monitoring climate resiliency efforts – whether at the local, state or national level – is an unprecedented challenge with many un-resolved questions. Building on climate adaptation goals defined in California climate policy, in her article *Climate Resilience Metrics – Putting Them to Work in California*, Alexandra Leumer of The Nature Conservancy identifies examples of performance based metrics to measure and track the effectiveness of climate risk reduction and resilience actions in California in order to inform developing state policy and guidance on resilience metrics. After a brief review of California’s climate goals, Leumer proposes a set of guiding principles for climate metric development. An overview of the current discourse on resiliency metrics follows and the paper concludes with a set of recommendations for the state as it moves forward in the development of metrics.

The professional and student articles presented in this Pacific Region Edition recognize that the impacts of climate change are not something that will happen in the future. These impacts are happening now, and this necessitates the development of laws and policies that lead to

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strategies and programs to preserve biodiversity and natural resources in this new altered environment.

As we present this next edition of the *Golden Gate University Environmental Law Journal*, we sincerely hope you will find this edition informational and engaging. We would like to extend a special thank you to Deanne Morton for her wonderful editing skills and commitment to improving the Environmental law Journal. Also, this edition could not have succeeded without the hard work of our student editors and devoted authors. Finally, we would like to thank the faculty and staff of Golden Gate University School of Law, particularly Dean Rachel Van Cleave, for their dedication to and support of legal scholarship within the environmental law community and among our students.