

# Hastings Environmental Law Journal

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## Prefatory Matter

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**Hastings  
Environmental  
Law Journal**

**Volume 25, Number 1, Winter 2019**

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## Editors' Foreword

On behalf of the *Hastings Environmental Law Journal*, we are excited to announce our Winter 2018 Issue. This issue includes a diverse set of articles and student notes that address pressing environmental topics in California and around the globe. Our authors explore traditional favorites like California housing policy and CEQA reform and investigate lesser tread topics like the preservation of cultural resources in the ancient world and the comparative regulation of contemporary gold mining technology.

The issue begins with an article entitled, *Developing Policy from the Ground Up: Examining Entitlement in the Bay Area to Inform California's Housing Policy Debates* by Moira O'Neill, Giulia Gualco-Nelson, and Professor Eric Biber. The article follows up on their February 2018 working paper titled, *Getting it Right*, and presents research that identifies areas of California housing policy and local land-use regulation that pose the biggest barriers to development of affordable and sustainable housing. The study compares the entitlement processes in the Bay Area cities of San Francisco, San Jose, Redwood City, Palo Alto, and Oakland. The article shows how statewide building standards and statutes like the California Environmental Quality Act are applied in various jurisdictions alongside their local entitlement and review processes. The result is a complex web of restraints on development throughout the State, without a one-size-fits-all solution.

Local issues also inspire our next two articles. In "*The Lord's Work*": *An Overview of CEQA's Judicial Remedies and Recommendations for Reform*, Michelle Ouellette and Ali Tehrani discuss how the courts have used their broad discretion to apply statutory judicial remedies under CEQA and their recommendations for reform. In *Thirsty for Justice: The Fight for Safe Drinking Water*, Debi Ores focuses on the human right to water and the different tools and funding sources available to implement that right in California.

Turning to international environmental law issues, Helga Turku examines cultural heritage in Albania and how international law works to protect cultural heritage sites worldwide in her article, *Cultural Property, Human Rights, and Sustainable Development: The Case of the Ancient City of Durrës*. Taufik Haryanto's and Kai P. Purnhagen's article, *Governing Nature Conservation in Political "Hotbeds": A Contractual Approach*, discusses the benefits of bottom-up contractual approaches to conserve nature in regions where governments lack enforcement capacity for the conservation of nature.

We are also proud to publish three student notes. First, in *Suction Dredging in the United States: Current Regulations and Potential Paths Forward*, Colin Arsenault

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presents a regulatory recommendation for suction dredge mining, a particularly harmful method of extracting gold from sediment in water beds. Next, Perry Elerts discusses how crop insurance schemes can change to better address climate change in his note, *Crop Insurance Reform in the Face of Climate Change*. Finally, Michelle Castaline advocates for a state-centric solution to combatting vehicle emissions in *Clearing the Air: Disincentivizing Driving and Encouraging the Use of Public Transportation to Combat Vehicle Pollution at a State Level*.

We extend our sincere thanks and gratitude to our authors for entrusting us with their scholarship and our editorial staff whose tireless efforts made this issue possible.

Ethan R.T. Pawson  
Kimberly M. Willis  
Editors-in-Chief, Class of 2019  
Vol. 25, Issue No. 1, Winter 2019

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