Keith Hirokawa, Professor of Law at the University of Albany School of Law is CE³’s next Scholar of the Month. He graduated with a B.A. from Ursinus College in 1994. Hirokawa subsequently earned his J.D. and M.A. in philosophy from The University of Connecticut in 1998. Additionally he received his L.L.M. in Environmental and Natural Resources Law in 2001 from Lewis and Clark Law School. Prior to joining the University of Albany, Professor Hirokawa practiced law in Oregon and Washington focusing on environmental and land use law. Professor Hirokawa was also an Associate Professor at Texas Wesleyan University School of Law as well as an Adjunct Professor at the University of Oregon School of Law. Professor Hirokawa currently teaches courses in Environmental Law, Policy & Ethics, and Property.

Professor Hirokawa’s research focuses on the role of federal and local land use issues in relation to environmentally sustainable practices including urban development and ecosystem preservation. He has published numerous articles addressing development in these areas. His work has appeared in many journals including the Washington University Law Review, the Virginia Environmental Law Journal and the Stanford Environmental Law Journal. Professor Hirokawa has also delivered a number of presentations focused on environmental ethics within the scope of local government. Hirokawa is also the editor of Environmental Law and Contrasting Ideas of Nature: A Constructivist Approach, which looks at ways that nature either directly or implicitly shapes human behavior, law and other social structures.

In Urban Forests as Green Infrastructure, Greening Local Government: Legal Strategies for Promoting Sustainability, Efficiency, and Fiscal Savings, ALBANY LAW SCHOOL RESEARCH PAPER NO. 7 OF 2012-2013 (2012), Professor Hirokawa (with Dean Patricia Salkin) discusses the economic benefits of urban forests. These benefits, which are both aesthetic and economic in nature, are being recently recognized as having a significant impact by local governments. Urban forests directly affect urban ecology by providing shade (thereby reducing needs for cooling costs) and reducing pollutants. The aesthetic benefits are also correlated to economic advantages in terms of increased property values as well as increased tourism and retail activity. Additionally, the paper discusses that these benefits are not widely recognized due to misinformation and burdensome zoning regulations.

The authors address these shortfalls and provide a few solutions to overcome ordinances which make urban forests a difficult venture. The article advises for overlay zones, creating a hybrid land permitting zone, which identifies areas of environmental importance and imposes limits on private development. Another solution proposed is regulatory coordination incorporating urban forestry. This solution is essentially an affirmative act for municipalities to increase programs for urban forest development such as planting trees and implementing storm water regulations in an effort to develop communities as more environmentally responsible.

In Sustainability and the Urban Forest: An Ecosystem Services Perspective, 51 Natural Resources Journal 233 (2012), Professor Hirokawa discusses the (often overlooked, and sometimes intangible) non-economic benefits of urban forests and suggests methods for local government to help promote and increase their commitment to this important venture. Through a number of case studies of cities throughout the United States, Professor Hirokawa shows a trend in societal benefits correlated to the amount of tree cover in urban areas.

First, Professor Hirokawa explains that because of the relative passive nature of urban forests, societies and governments have historically downplayed the importance of these features. He argues that the benefits (like carbon sequestration) largely go unrecognized until the urban forest is not there to provide...
Professor Hirokawa argues that urban trees are a powerful effect on the biological and ecological impact of cities. Incorporating treescapes into city planning can help prevent degradation of water resources in urban environments by mitigating stormwater erosion and the pollution associated with runoff. Trees help to create a natural process of energy conservation is well by providing shade and carbon sequestration.

The social services, which Professor Hirokawa identifies, are the most intangible of the benefits that urban forests help provide. Professor Hirokawa argues that urban forests can provide a unique escape to nature that many city dwellers are unable to experience on a daily or even frequent basis. This benefit is hard to measure, but provides spiritual and psychological tranquility for many people. Tied into the ecological benefits, trees can offer overall health benefits for people in cities, trees help provide shade, mitigate pollutants and provide areas for recreation. Studies have shown that the presence of trees can help protect against epidemics such as cancers and obesity. Professor Hirokawa also shows evidence that communities with urban trees tend to value their own communities more, which leads to a reduction in crime and better community relations as a whole.

Next, Professor Hirokawa shows the general economic benefits of urban forests by providing a number of case studies of cities having a positive impact from increasing tree coverage (Cheyenne, WY, Vancouver, WA and Durham, NC) as well as cities facing consequences of reduced urban forests (Charlotte, NC and Bellevue, WA). From these case studies Professor Hirokawa found that Charlotte lost 49% of its urban tree cover between 1985-2006, resulting in billions of dollars spent curbing stormwater problems and over $19 million per year to mitigate pollution. Similar problems occurred in Bellevue, but to a lesser extent due to only losing 21% of its canopy cover over a similar time frame. In contrast, Professor Hirokawa argues that Cheyenne’s opposite approach of increasing tree cover has provided a yearly benefit of over $600,000 to the city through various social and ecological benefits.

Lastly, Professor Hirokawa provides strategies for local governments to implement urban forests, as well as solve the difficulties associated with equitable distribution of urban forests throughout communities. Regulations and other ordinances can often stand in the way of implementation, and communities often hold different levels of value for urban forests, creating an inequitable distribution or demand for the services.

In Local Planning For Wind Power: Using Programmatic Environmental Impact Review to Facilitate Development, 33 PLANNING & ZONING REPORT 1 (2010), Professor Hirokawa writes with Andrew Wilson about the costs and benefits of wind power, and how to facilitate successful development of wind farms through anticipatory planning. The article addresses the concerns about wind power like bird deaths, radar interference and noise pollution right away, claiming that there are obvious issues with wind power, but like any source of power, renewable or not, there will be tradeoffs. The paper states that the benefits of wind power largely outweigh these ecological impacts and societal inconveniences.

The authors then identify programmatic environmental impact statements as a stepping stone to progress wind power projects. By creating a cost benefit analysis of each site, NEPA and states are better able to weigh the impacts, and make informed decisions. This analysis further helps local governments in their implementation of projects in a number of ways. By increasing public awareness of the potential for a project, a discourse can start for public engagement in the project. Realistic goals of the project can be estimated more accurately with a thorough review, leading to better information to weigh the costs and benefits. Lastly, EIS analysis can lead to an expedited project permitting, and make the overall endeavor more efficient for local governments.

Professor Hirokawa’s expertise in land use and urban development issues creates a broad range of topics with which he can expand his research and provide helpful authority. In each of these articles, a common theme of application to local government zoning develops. Whether it is discussing urban forests or alternative energy projects like wind power, the viability of urban planning for these projects is crucial to their implementation.

By Palmer Hilton, UNC School of Law, Class of 2018