



Transcript of Video Interview with Joe Bodovitz, recorded 2010.

This interview is part of Earth Alert's Heroes of the Coast video archive, featuring interviews with leading California coastal activists, past and present California Coastal Commissioners and Coastal Commission staff. For more information, visit www.earthalert.org.

Joe Bodovitz re BCDC & CCC

Janet Bridgers (JB): Okay, so Joe, did you grow up in the Bay Area?

Joe: I grew up in Oklahoma.

JB: How did you get out to California?

Joe: Courtesy of the U.S. Navy is how I got out to California. I finished college in 1951 when the Korean War was at its height and my career choice was enlist in the Navy or be drafted. So I enlisted in the Navy, went to OCS, was assigned to an aircraft carrier en route to Korea and spent the next couple of years basically off the coast of Korea, but from time to time in the Bay Area. The ship's home port was Alameda, so I became familiar, somewhat, with the Bay

JB: What were your earliest impressions of the Bay?

Joe: Oh I thought it was great. I can't say my earliest impressions were of the Bay. I mean I was more interested in the city and life in San Francisco, but obviously I was very aware of the bay, having helped bring an aircraft carrier in and out a few times.

JB: You became a journalist and worked for the San Francisco Examiner. What was your college major and how did that journalistic career come about?

Joe: My college major was English and at one point I thought I would go to law school. I had lawyers in my family, but I became interested in journalism, so with the G.I. bill, I went to the Columbia School of Journalism in New York and had a job offer from the Examiner in San Francisco. Although there were other newspapers in other places that were attractive, I was eager to come back to San Francisco. I worked for the Examiner. At that time, it was a morning newspaper. There were four newspapers in San Francisco, and at the time I was there, the Examiner had the largest circulation. It was a good education, a good experience.

JB: You would have been...and what year did you start working for the Examiner.

Joe: I began at the Examiner in 1956, a long time ago.

JB: And what was your beat?

Joe: I was a general assignment reporter, but I covered planning, urban renewal, redevelopment, education, a number of things like that. And it was really though covering planning and urban issues that I became interested in the problems of the bay and the rest of the Bay Area.

JB: So you would have been aware of the Corps of Engineers' feasibility study released in 1959 that said that 70 percent of the Bay was shallow enough to be filled.

Joe: I would have been and was aware of the Corps of Engineers' study.

JB: Is it possible to characterize the general reaction of the residents at the time that was released?

Joe: What I remember about the Corps of Engineers' study...you're referring to the study that had the map that showed how much of the bay could be filled in. I think it was after the Save San Francisco Bay Association had been created and there was much concern about the bay that that map had the impact it had...a picture being worth a whole lot of words. For people who don't know what I'm talking about, this was a map the Corps of Engineers released as part of a study showing how much of the bay was how shallow and easily filled in, so that if all that happened, if all that development took place, in some places the bay wouldn't have been much wider than a river. And it was very shocking to people to realize that that could happen.

JB: As a journalists, did your beat cover the efforts of Sylvia McLaughlin, Kay Kerr and Esther Gulick, who formed Save San Francisco Bay Association in 1961.

Joe: I don't recall that I wrote much about the Save San Francisco Bay Association. I was aware of it, but I don't really recall writing a whole lot about it. Obviously, I knew a whole lot more about it as I began work on the bay, but I think in the early days, I don't recall writing about it. I recall paying attention to it.

JB: How quickly did their work come to the attention of the major newspapers?

Joe: Hal Gilliam of the Chronicle wrote a lot about the Save the Bay effort and at about the time you're talking about. I simply don't recall what happened in what sequence particularly. I mean I can tell you when I got into it, but I don't know really before that.

JB: By the mid-sixties, the counterculture was beginning to develop in the Bay Area, and though the women--Kerr, McLaughlin & Gulick--were associated with Berkeley, UC Berkeley, they weren't counter cultural types. But do you think there was a correlation between the counterculture and the response, or was it just a response of the locals loving their area? I'm trying to get a sense...Was the environmental movement part of the counterculture, or was it just a natural response of people loving their local area.

Joe: The question...where did the counterculture that was in existence at about the same time come into this? I don't think the environmental movement really was a part of the counterculture or vice versa, although people may have been involved in both and had the same. The Save the Bay Association was founded, as you said, by three women who were very prominent in the Berkeley area. One was the wife of the Chairman of the Board of Regents, Sylvia McLaughlin, one was the wife of the Chancellor of Berkeley. I guess he was president of the University at that time, Clark Kerr, and the third, Esther Gulick's, her husband was a math professor at Berkeley. And they, as citizens of Berkeley, although the Kerrs lived in Kensington, as I recall, or El Sereno, but they were very concerned with plans of the City of Berkeley for a massive fill project, which would have been visible from a great part of Berkeley and people with homes in the hills liked looking at the bay better than what this development was going to be. So that's where it began. Now the extent to which and when the counterculture people adopted some parts of it, I don't really know. But this clearly didn't grow out a countercultural sort of anti-anything, as I recall. I mean those were the days of Haight Asbury and people were looking for drugs and rock'n'roll, not for environmental causes.

JB: You were invited to become deputy director of San Francisco Planning Urban Research Association, known as SPUR. Tell us about that organization and your involvement in it.

Joe: Well, at the time, there was something at the end of WWII, or even during

WWII, called the San Francisco Housing Association. And its concern was that during the wartime, there were all sorts of people crowding into San Francisco, as a port, military and shipping to the Far East. So there was great concern that the older housing in San Francisco not become tenements as a result of the crowding during the war. So one solution to that was seen to be planning. So there was great interest in having a strong planning department in San Francisco and a strong citizen's organization that would help support planning and urban renewal. So it was formed by some leading citizens of San Francisco, with some financial help from business leaders. And it started out with a director and a secretary, and as it began to prosper a little bit, they decided they needed another person to do some writing and some research for them. And I because I had been doing writing about planning and housing issues was a logical person to go to that. It was a big wrench for me to give up newspaper reporting, but by then I was married and though if we were going to stay in San Francisco, this would be a good thing to do, so I took the job and was there a while. I had an excellent boss named John Herton (sp?) who was also one reason for going there.

JB: Who was Senator Eugene McAteer and his role in the story of saving the bay and how you became involved in the legislative study commission that McAteer helped create

Joe: Okay, the Berkeley women who had formed the Save San Francisco Bay Association realized it would take state legislation to really make a difference. That the different cities and counties and private owners who held portions of the bay would just go their merry way unless somebody forced some sort of coordination. And mainly they were concerned in stopping all the development plans that then existed. So they tried through the then-Assemblyman Nick Petrus (sp?) who was from the Berkeley-Oakland area. And he tried a couple of times to get bills through the legislature that would stop the unrestricted, or limit restricted filling, without any

success. So they decided they would try their hand in the Senate. And because Gene McAteer, who was the San Francisco senator, at that time (this was before reapportionment), was a Cal alum, and because they invited legislators to go to football games and sit with university presidents, as I'm sure they still do, Gene's McAteer's version of it was, he told the Berkeley women at one of those occasions that he'd do anything they wanted if they'd just let him watch the football game.

He realized there was no way that the legislature was going to enact a real moratorium bill with teeth, because most legislators had no idea what the issue was, and they would respond to the screams of the people who didn't want to be forced to stop what they were doing. So in those days, this was before the legislature met full time, the legislature had study commissions during the interim. The legislature would meet and adjourn in June and then have the second half of the year and they would form study commissions that would go out and look at issues and then come back in January and recommend legislative action. So Gene McAteer had the power in the Senate to create such a commission and did, and then when the time came to appoint the members to it--it was going to be members from the two houses of the legislature and appointees of the Governor Pat Brown. Then the governor said to Senator McAteer, "why don't you be chairman?" So I don't think Gene McAteer had ever intended that, but he wined up being chairman. And I had come to know one of his administrative assistants who had worked for the redevelopment agency when I was covering redevelopment. His name is Bob Mendelson. He was later a supervisor in San Francisco. The study commission needed somebody to run a four-month study. It wasn't a full-time job...well, it was a full time job but for four months. So there weren't a lot of people who were eager to quit a real job to do that, but John Herton, the leader of the SPUR, said I could do it for four months and have my SPUR job when I came back, which was extremely decent of him, because it made more work for him, and it was a big contribution to what later resulted. So I went there and did that for four months. It was a study commission--nine members. We held a lot of public hearings to hear from everybody what the problem was, or from the people who thought it wasn't a problem. And at the end of four months, had a draft of what became the San Francisco Bay Conservation and Development Commission.

A great part of this was because the Berkeley women had prevailed upon a researcher named Mel Scott to do a great deal of research about what the problems of the bay were, and that had come out shortly before the study commission got going. So we didn't have to reinvent anything. It was excellent, excellent work. And Mel documented how shallow the bay was, how divided the ownerships were, what would happen if nothing was done, in very readable language. So that made our work, not only easier, but really possible in four months, because he had done a year or two of work. I don't know how long he spent on it actually.

So we came in in January of '65 with recommendations for legislation which were put into shape with the legislative council's office with a bill that Senator McAteer introduced in the beginning of 1965.

JB: And you said that Brown was governor. And what was his position?

Joe: Oh, I think he was supportive. He signed the bills as they came along. I don't think he would have said he was a big environmentalist, but he was an ally of Gene McAteer and liked help the

way they were both San Francisco Democratic politicians. And they didn't agree on everything, to put it mildly. But I think Pat Brown would have liked Gene McAteer to be mayor. I never heard otherwise. And Gene McAteer died of a heart attack before that ever happened. But since he was looking to run for mayor, he had the political acumen to see the potential of an issue like this. He was new to environmental things pretty much. He had become familiar with Bay issues because he was partners in a restaurant that was built in Sausalito before the Bay-fill concerns became known, and he was also a partner in restaurants in Fisherman's Wharf, so he clearly had a connection to the Bay.

JB: In your words, what was the significance of this legislation and how did it get through the legislature. First, how did it get through the legislature and the vote?

Joe: Well, the bill got through the legislature because Gene McAteer was one of the powerhouses in the Senate at that time. And this was...it's hard to remember, but this was the whole new world of environmental legislation. This, again, was before the legislature had been reapportioned in response to the Supreme Court decision and each county had one...each county had one senator, but if there were three counties with small populations, the three counties would have one senator, so there were more cow counties than there were urban counties. So Los Angeles, despite its huge population had one state senator and San Francisco, one. And there were no term limits, so people stayed a while if they wanted to, and became familiar with issues and had clout in the Senate or Assembly. And Gene McAteer was one of the people who had amassed some clout in the Senate. So he really wanted the bill to pass, although it, for the first time, going to be a tough environmental bill. Now I say the first time on an issue like this. There were a lot of environmental bills having to do with forestry at that time, and likewise with Lake Tahoe similar concerns that other legislators had in mind.

But this was a bill that was drafted to impose a moratorium on filling for three years while a plan for the Bay was being made, and so this was regarded as a very tough piece of legislation. It had two parts. One, if you wanted to do any filling, you had to get a permit from the Bay Commission and two, the Bay Commission was to plan for the Bay and make its recommendations in three years. The reason for the moratorium is it, of course, doesn't make any sense to plan for something if somebody is then free to go out and develop it before the plan can even be considered. So if you don't stop things, the planning is just an academic exercise. But this was not frequently done in California or anywhere else, then or now. So it was a tough bill to get through, because all the people being stopped didn't like it, from oil companies, industrial companies, the division of highways that wanted to build freeways in the Bay...just a lot of unhappy people and it took great political skill and effort to get the bill through. But it was passed by both houses, with Nick Petrus' help in the Assembly and Pat Brown signed it.

JB: Then how did you become part of BCDC? The bill created BCDC?

Joe: The bill created BCDC. I need to go back on the question on how did the bill happen. As I said, it had a senator with clout, Gene McAteer. It also attracted public interest, in that there was a radio disc jockey named Don Sherwood who lived on a houseboat in Sausalito and had the premier radio...this again is hard for anybody of the modern generation to remember or even believe could have happened. There was limited...people watched television but they mostly

listened to the radio. And Don Sherwood had a talk and playing music show during the morning drive time and I think was the most-listened-to voice in the Bay Area at the time. And he got interested, living on a houseboat, and for other reasons I suppose, got interested in the Bay fill issue. So he would call Gene McAteer and interview him, and he would tell all the listeners "the bill's in front of a committee and you've got to write letters," and I'm sure he got in terrible trouble with the station management for doing that, but he had the clout of the largest audience. So the issue itself generated a kind of public interest that had not arisen around any environmental issue in the Bay area. Now there may be somebody who will watch this and think of freeways. There was a big revolt against freeways which was going on in the Bay Area at that time and elsewhere in California.

But there was a kind of novelty in the legislature and for people in the Bay Area that this bay you were driving by or over was threatened. I just didn't occur to the average person that it wouldn't always be there the way it was as you saw it. So that led to the formation of the Bay Commission, BCDC.

JB: And you became...what was your position? How did you get there?

Joe: Well, I became executive director of it having been director of the study commission. I've said a lot times, I was no means an expert on the Bay as a result of a four-months stint. On the other hand, having been involved in drafting the bill and having seen first-hand what the issues were, I probably was as qualified as anyone else to be director. I mean, it would have seemed odd, I suppose, having gone through from the beginning with the study commission, if somebody else had gone to BCDC and had to start over. The planning had a very limited time, so the commission in getting organized really didn't have time to waste getting organized. But you'd have ask the Commissioners who hired me why they hired me. I'm giving you reasons I think they might have, but they may have had others that I don't know about.

JB: What year was that?

Joe: This was 1965. The first meeting was in September of 1965 with the newly appointed commission.

JB: Oh, I wanted to...we'll...This language in the Findings and Declarations of Policy of the act included a sentence that "the public has an interest in the Bay as the most valuable single natural resource of an entire region, a resource that gives special character to the Bay Area." Was there any legal reaction to this provision, or any other provisions of the act?

Joe: I'm sure there were lawsuits. When we get to the Coastal Commission, I'll tell you about lawsuits. I don't think there was a great legal reaction. It was all founded on existing law at that time. I mean there was nothing we were doing that gave anybody great...not that people didn't challenge on the basis of property rights and so forth, but the courts at that time had backed up really every piece of what we were doing and had allowed...The big issue was can you really not

let people develop their property and still tax them, and the courts in a previous decision, not long before BCDC, had held that you could, provided that it was a bonafide moratorium. You couldn't say "we're going to do the plan in three years" and then tell the property owners "oh, by the way, it's taking 10 years, and you can't develop for 10 years." The courts would have thrown that out. But as long as it was a bonafide planning effort, the moratorium would have stuck. I don't recall whether anyone challenged it in court, but I don't think there was any doubt that we were on firm legal ground.

Now, people didn't love it and understandably, we felt a great pressure to get the planning done as quickly as possible. The two grounds on which you could get a permit from the commission during the moratorium were: 1) it would not interfere with the plan being prepared, for example, if the plan was hands-down going to say that a certain port should expand into this area, then most people would say it didn't make a lot of sense, "well, you have to wait until the plan's approved in three years before you can go ahead." 2) or the other grounds for a permit was that there was really something of such an emergency nature for the welfare of the Bay Area that you had to let it happen. I'm not sure that any of us knew what that would have been exactly, but suppose the economy would have been devastated if something had happened to the airport, or a port, you needed to let something that clearly have major public importance go ahead, so most of the permits were on grounds, obviously, of something that would not interfere with the plan being prepared.

JB: So your work is rolling along, permits are being submitted, processed, issues, and then along comes January 1969, the Santa Barbara oil spill. Do you remember your reactions to that at the time?

Joe: Well, I remember my reactions to it because my wife and I had made arrangements to go to an alumni camp at the University of California at Santa Barbara. The university then (I have no idea about now) opened the student dorms to alumni families for kind-of summer camps for kids. We weren't alums, but we were friends of some people who where, and so we were invited to go along, so we spent a part of that ensuing summer in Santa Barbara, experiencing the tar balls on the beach, and hearing first hand the stories of the people who had been there from the beginning of the oil spill.

JB: We're going to fast-forward a little bit that the oil spill was one of a number of things that helped the groundswell that created Prop. 20. And how did you become at all involved in the Prop. 20 campaign?

Joe: I did not. I was, obviously, aware of it, but no, I was not involved in the campaign for Proposition 20.

JB: So then Prop. 20 passed, with a healthy margin, but all of a sudden, you had the same issue that faced you with BCDC was that the commission had to get going really fast.

Joe: Yes, the commission really had to get going fast, so I was asked to help with people who were putting the commission together. This was when Ronald Reagan was governor, but he

had some people, although he himself opposed Prop. 20, which is what created the Coastal Commission, it was not, I think, a major issue to him. And he had some people on his staff who were good environmentalists. The Resources Secretary at the time was Ike Livermore, than whom there is nobody finer. Sadly he's no longer living. So he was very eager to help get the Coastal Commission going. He was very friendly with Mel Lane, who had been chairman of BCDC and was very enthusiastic about asking Mel to be chairman of the Coastal Commission. And there were other people in the Reagan Administration, who, although Reagan had opposed the measure, were eager not to sabotage the measure and see it get off to a good start.

And Bob Moretti was Speaker of the Assembly and he was eager to help, so through Ike Livermore and Bob Moretti, and I'm sure there was somebody in the Senate as well, there was an effort made to get the regional commissions organized and get appointments made. The governor and local governments made appointments to the Coastal Commission and to six regional Coastal Commissions. So there was a big effort to get the appointments made, and then in December, this would have been December '72, I guess, the people who were working on it, myself included, arranged for an all day meeting in Sacramento of all the people who had been appointed to state or regional Coastal Commissions, where the people who had been involved in drafting the law could explain what the responsibility of the new commissions would be. And people could get to know each other and that really made a huge difference, because when the first meetings were held, people had already met each other. Everybody had been given pep talks about the importance of moving quickly, because when the doors opened, people were there with permit applications, before we had an office or a staff.

I think, as with BCDC, many people just thought it couldn't be done, that the barrage of work would inundate everyone, and I think it would have if we hadn't gotten the running start we gotten the running start and the help we'd gotten from Bob Moretti and others in Sacramento. And then Mel—Mel Lane—who was part of the family that owned Sunset Magazine. His parents had started Sunset. He and his brother ran Sunset, so in addition to having a major job, a major business responsibility, he had taken the time to be chairman of BCDC and with whatever misgivings took on the Coastal Commission as well...misgivings not because he didn't want to do it but because of the impact his absences would have on his business.. But I think for many years, both at BCDC and Coastal Commission, he spent at least as much time on the public's business as the business he was running.

Because Mel had been appointed...I'm jumping ahead a little bit...Reagan appointed Mel as Chairman...I guess he appointed Mel to the Coastal Commission. The commission elected its own chairman, and Mel having been chair of BCDC was a logical choice. And then Ellen as one of the women on the commission, and a Southern California leader, was elected vice chairman. And they stayed that way up until Mel left the commission. So that's how I got into the Coastal Commission.

But if I may answer...I'm back to the question of how did Proposition 20 pass, this was a real citizen initiative. This was before people got paid to gather signatures in front of your supermarket. And people really went out and got signatures, got this thing on the ballot. It was the 20th initiative, although Hiram Johnson reforms that lead to the initiative were in 1911. Here

we are in 1972 with number 20. And it stunned everybody politically because things like this didn't happen, hadn't happened before and didn't happen. And it was a citizen effort. The proposition passed in all the coastal counties of California except for the northern four, northern-most four, the rural areas, I think with much justice think they're going to be outvoted because they have such a small population with the rest of California, and are sort of terrified of having their fate in the hands of people from Southern California who don't know anything about the North Coast or the economy or life on the North Coast.

So when I became director of the Coastal Commission, I had known parts of the coast well, but I clearly was not intimately familiar with every mile of coast. So as the commission got underway, I tried to spend as much time as I could in the areas I knew the least, trying to understand what people wanted or expected and why Proposition 20 had passed. And in my view, it had passed because of excesses of development. People just saw too much change too fast. I remember in places like Redondo Beach, and Torrance, beach neighborhoods that had been about the same since the 20s, one- and two- story houses, bungalows, neighborhoods, schools on priceless real estate, and developers discovering that the zoning allowed multi-story buildings, or if the zoning didn't allow multi-story buildings, they would seek waivers and zoning changes, and before long, these neighborhoods were disappearing into five- and 10-story condo and apartment buildings. And in the minds of the people, this was really terrible. I'm sure in the minds of the people who now had ocean views from these multi-story buildings, this was great progress and a great improvement. But in any event, I think the coastal county vote was just people concerned that beach access was really going to disappear, that the beach was being walled off by Miami-style development. And the creator of the Dennis the Menace cartoon strip had a little cartoon he contributed, "We went to the beach but it wasn't there." Or something like that that was very powerful and made the point in the course of the campaign.

And I came to realize how much people in inland areas valued the coast, because everyone didn't have air-conditioning. And if you went up to Bodega Head, then and now, during the heat of the summer, you just see wall-to-wall camper trucks of people from the Valley, taking their vacation, going out to enjoy the ocean breeze and do some fishing. So there were a lot of reasons it passed, but I don't think the main reasons were because people concerned about fish and wildlife, for example. The main reasons... obviously a lot of people were... but I think it was just a feeling which we continue to have in California that the state we knew and loved was changing too fast and we wanted to slow things down and be sure this is what we wanted.

JB: In the initial phase, the California Coastal Commission had regional commissions on the model of the State Water Control Board. Describe the advantages of that.

Joe: Well, the advantages of that... as I say, I didn't draft Proposition 20, but the advantage of it, obviously, were several-fold. One is it's a really long coast, and the idea that a few people can do it all is going to get you in trouble. And if people are applying for permits, it just made more sense that you would apply someplace that's reasonably convenient, and that the hearings would be held someplace reasonably convenient. I think the largest region was three counties—Del Norte, Humboldt and Mendocino—no, Sonoma may have been in that... three or four counties. But Los Angeles and Orange County were one region. San Diego was one region. In the more populated areas, the idea of people having shorter distances to go for hearings seemed to make a

lot of sense. So there were a total of 84 state and regional commissioners. But you also needed one guiding state commission to make sure the regions were all coming down the same way on the same issue...that is you didn't want one region giving a permit for somebody to do A and somebody in the adjacent region saying, "no, you can't do A, you've got to do B." So you needed someplace where the major policy decisions could be made. So the Prop. 20 was drafted with an appeal process so that the planning would be directed by the state commission and people who didn't like either the granting or the denial of a permit could appeal the granting or denial to the state commission. And if the state commission found that there was not a substantial state issue, then it wouldn't accept the appeal. This is modeled after the court system. The reason you have a U.S. Supreme Court is because different circuit courts of appeal can decide the same issue differently and this way this lets a supreme court, or in the case of the Coastal Act, the Coastal Commission, make the decision so everybody is doing the same thing the same way. Now obviously the coastal issues in Humboldt County aren't the same as in San Diego, but there are many issues that really were the same, even though the topography was very different.

So it was a very, I thought, workable system. It got lots of hearings held more expeditiously than I can think could have been held any other way. Were some of the regions too large? I'm sure some people felt so, because in the North Coast regions, you still had a long trip to a hearing. The State Coastal Commission met basically near San Francisco Airport and near Los Angeles Airport for most of its meetings and then tried once a year to be other places along the coast—Eureka, San Diego, Santa Barbara, Carmel/Monterey, so people close could come hear what the Coastal Commission was doing. So I think the six commissions were a very good idea—the six regional commissions, anyway.

JB: The California Coastal Act of 1976 replaced the structure established by Prop. 20 with a permanent Coastal Commission, Coastal Conservancy, continuation of the BCDC. What are your thoughts now about the way this evolved?

Joe: Well, in 1976...once again, the Coastal Commission, like BCDC, had three years to do its planning. And three years to plan for one bay and the surrounding shoreline is one thing. Three years to plan for the entire coast of California, land and water, is another thing. And I'm still amazed that we got it done in both cases within the budget and on time. And a lot of people did an awful lot of work. And the commissioners who contributed hours and hours and hours to doing this are just amazing people. But somehow, with a lot of sleepless nights, it did get done, on time.

The legislature debated it and agonized over it. And adopted not everything the commission had recommended, but the main idea of a continuing coastal regulation by the state. As around San Francisco Bay, if each community did its own thing, the cumulative result might be awful even if each individual project had a lot of merit. And there was the same concern about the coast...that allowing each municipality to do its own thing with no concern about the rest of the state or the rest of the shoreline just wouldn't work. But the mechanism this time, in the Coastal Act of '76 was for each city or county, city and county, to prepare a local...what's called a local coastal plan for its own part of the coast, which would then be approved, or modified and then approved by the state Coastal Commission, after which the city or the county would then administer the plan, subject again to appeals to a state Coastal Commission. Other people thought the regional

commissions should have been continued. I would have been in favor of that, but in the back and forth that was necessary to get a bill passed, those for, I think, bad reasons were not continued.

JB: Was the Bay Plan a model for the local coastal plans that were supposed to be created to succeed...

Joe: I suppose in some places, but the Bay Plan really focused on bay fill issues, and most of the local coastal plans focus on shoreline and land issues, so I think a community general plan...the state law had been requiring communities to have general plans for a long time with particular elements and features, and I think those were probably the plans that people modeled the local coastal programs on.

JB: And now we see that some of those communities have just never done a plan, like Malibu. What are your thoughts about that?

Joe: The law required communities, cities and counties, to prepare the plans, but had no penalty, as I recall, if you decided not to do it. And I had left the commission before all this became an issue, but my strong impression was that in some places, the local city and county officials just didn't want the heat of preparing the local plan and were happy to let the state commission deal with their local planning issues. And then instead of having to take the heat for preparing the plan themselves, they could just blame the Coastal Commission for anything they didn't like in the Coastal Commission decisions. And I suppose the lesson of that, if you could do it all over again, you'd put a penalty of some sort in, because in most cases the local governments were so happy to have the ability to do their own planning and then submit a plan and get it approved and go on doing the right thing by the coast without the state Coastal Commission involvement, except on an appeal. So I think the atmosphere in Sacramento at the time was the local governments liking the idea of being full partners in the planning and really having the say-so for their own territory. So I don't think it really occurred to anybody that there might be some who wouldn't do it. Long answer and a lesson learned.

JB: How long were you with the Coastal Commission?

Joe: I started in January '73, when it started. I left, I think, in '78.

JB: Could we redo that sentence with you saying, "I was with the Coastal Commission..."

Joe: I was with the Coastal Commission in its different forms from when the first Coastal Commission started in January of 1973. And I left, I think, in 1978, around the middle of the year, as I recall.

JB: During this time, was Peter Douglas a deputy?

Joe: Yes, I think that during some of that time, anyhow, Peter Douglas was a deputy.

JB: Was there anyone in between you and him as executive director?

Joe: You know I'm not really sure he was a deputy then. I'm sorry to say this is where my memory isn't. He was on the staff of committees in Sacramento that dealt with environmental and land use issues and I think he was still in Sacramento then. When I left as executive director, the commission hired Mike Fischer, who had been director of the regional commission for the North Coast as my successor. And my recollection is that Peter was still in Sacramento working for committees at that time. He, obviously, will know better than I'm recalling. But in any event, well, that's my best recollection.

JB: Why did you leave?

Joe: Well, for a couple of reasons. I never envisioned that I was going to spend my life doing this, and it was and I'm sure still is, an extremely intense job. I mean it is a great big coastline and there's one major issue after another. And I found that it would be very hard to leave in the middle of a major crisis or controversy. It would be less fair to the commission to just walk away from some major controversy. And I thought this was a good time to go because the local coastal plans were just getting underway. It was about as quiet as it was going to get, and I could just see coming the issues that were going to arise from the local coastal plans and I'd be back again into a very intense period and it would be hard to do something else at that point. And also I had some offers of some teaching and doing some other things that appealed to me, and I just thought there are no sabbaticals in that kind of work and I just thought I need a little time off from that intensity, for better or worse.

JB: We were talking before...you mentioned lawsuits

Joe: Under the Coastal Act. When the Coastal Act got started, there were many issues, and I recall many fewer around the Bay, many issues up and down the coast where developers seeing that the Coastal Act had made the ballot, or just in the normal course of land development had projects that they thought were sufficiently underway to be exempt from the Coastal Act. And this was a great big deal. These were some very big projects, a huge project by a company then called Avco in Orange County where the Ritz Carlton Hotel is and huge residential area now. The City of Monterey had a big redevelopment plan that they thought was exempt. So they came to the commission and said, "please recognize our exemption and we'll get on with things." And we had our lawyers and other staff analyze what they had done. And my recollection is that land owners would think they had moved some dirt around and done some excavation, but hadn't settled on a final plan because they were going to wait and see what the market was when they got ready to build. And we would say "it's hard to say that's an exempt plan because you don't know yet what you it is you're going to do." And they would say "we're going to build houses, or offices, or supermarkets, or whatever."

So we thought the courts should be the judges so we denied...I mean, we just didn't think they were exempt. In some cases they were, in some cases they weren't. So we had a series of cases at the very beginning about exemptions, and my recollection is we won all but maybe one that wasn't exactly on this point. And this really needed doing at the beginning, because we just didn't...that skirmishing about that for three years wouldn't have been good for anybody. And it let the landowners know where they stood, and it let us know where we stood. These went to the State Supreme Court. So it was a fairly major thing at the beginning of the Coastal Commission.

I'm not trying to say we were just totally hard-hearted. My recollection again is if somebody was about 80 percent done, you'd say, "yes, you're done." But in the cases where people had just done some earth-moving to show that they were underway... Somebody will see this and want to re-litigate and say they'd done a great deal more than I've ever given them credit for. But in any event, the Supreme Court saw it our way in most of these cases.

[break in interview while tape is switched]