



**Transcript of Video Interview with Richard Charter,
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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.

JB: Hi, I'm Janet Bridgers with Earth Alert. And welcome to another episode of Heroes of the Coast. I'm very happy today to have as our guest Richard Charter. Richard, thanks for making your way.

RC: Thank you.

JB: So Richard, would you tell us briefly what the path is that led you to coastal protection involvement.

RC: It's all my father's fault. I grew up on a small ranch in Concord, Calif. and my father was crazy, absolutely crazy for abalone. So every low tide we were in the tidepools on the coast and I was so small that I would get parked literally in the little intertidal zone, with the little fishes and the little aquarium of the tidepools and I fell in love with the intertidal in the California coast.

JB: And what is your current position and title and the work that your organization does?

RC: I am senior fellow with the Oceans Foundation and what we do is we acquire and fund...acquire funding for and fund ocean related projects all over the world.

JB: Do you have a scientific background or did you come to this through legal...How did you get involved in that position.

RC: All of the above. As a small child, I was sort of a mad scientist, sort of a nerd at the time, a child prodigy. I was interested in being a research chemist. I segued from that into industrial design, majored in fine arts and went into government.

JB: That's a broad background. So we're going to get right into the meat of this stuff. How would you describe the short and long term effects of the 1969 Santa Barbara oil spill?

RC: Well, you have to view the Santa Barbara oil spill, the blowout, in a couple of ways, in my opinion. The point at which society was standing at that crossroads in time, the Cayahoga River was catching fire, Rachael Carson was reaching all kinds of fame with Silent Spring, and then this oil drilling rig, Platform A, Union Oil in the Santa Barbara Channel, had a blowout. Nobody knew what a blowout was. We'd been told this was a safe technology. Nothing could go wrong ever. And it turned out that the public learned from the Santa Barbara blowout that not only could the oil industry have accidents that you couldn't clean up, and they couldn't clean up, you couldn't even turn them off. And it went on and is still leaking a little bit today and it taught people that you could have these tremendous ecological disasters that came from the offshore oil industry, and that seems to be since a lesson that we need to learn about every 10 to 15 years. It's not an innocuous industry, but it was really the beginning of the modern day environmental movement. That particular Santa Barbara blowout incident started a whole new way of thinking.

It engendered three or four major federal laws, that ironically Richard Nixon was supportive of and signed into law, and it was a turning point for our society in terms of understanding how we need to live in harmony with the environment.

JB: And what were you doing at the time of that incident?

RC: I was actually for a graphic design firm in San Jose, California, working away for what later became the tech boom, working for companies like IBM and Memorex, doing graphic design, working my way through college. And I was concerned about the environment, but it wasn't something I was working on. Once in a while, I would tithe part of my time as a graphic designer and public affairs person to progressive political candidates who were running for office. In those days, they didn't have too many too many environmental people in politics so part of my time I gave to people who were trying to change the political scene for the better. But mostly I was doing commercial graphic arts.

JB: So how did you become involved directly in coastal protection.

RC: It was a complete accident. I had quit doing any environmental work in the 70s. I just felt I had done it. I had worked on large damn projects, California nuclear initiative, and I'd decided I'd had it with the environmental I movement. I was working day and night. I was wearing myself out, so I just stopped. And I ended up living on the coast between Jenner and Bodega Bay and I discovered that the Secretary of the Interior, Cecil Andress for then-President Jimmy Carter, was going to ... one day I read that he was going to put offshore drilling rigs right in front of my house. So it was what you'd call "enlightened self-interest."

And I thought, "well, I could do a little flyer." So I went to a printer friend of mine and I said "a little half-sheet flyer, could you print some for me?" He put it on blue paper, bright blue. He had a lot of blue paper. He printed two-up, so we got twice as many. And then he wandered off and left his printing press running for a couple of hours extra. So pretty soon I had like 14,000 of these little flyers that said, "Offshore drilling on the Sonoma Coast—They've got to be kidding." We needed a name to put on it, so we called the group, which didn't exist at the time that we printed the flyer, Friends of the Coast. And we simply put them on storefront counters, like grocery stores, bait shops, the yacht harbor, and said "write to the Secretary of the Interior. And pretty soon we had a steering committee of 12 people and a membership of 2000, literally in about 60 days. And we had a lawyer show up who got us nonprofit status, and that was how I got started.

JB: So, what year was that?

RC: We're talking here about the late 70s, about '76, I think, was the first time I heard about offshore drilling on the Sonoma County coast and seguing into about '78. And then in 1980, there was a job advertised in Santa Cruz, California, to be based in the San Mateo County Planning Department to coordinate city and county governments who were concerned about offshore oil drilling on the whole central and northern California coast, from really Big Sur all the way to the Oregon border. And I and about five of my friends all applied for that job one day and a very impressive team interview where you went in with five county supervisors from

different counties and I left and they said “we’ll call you in a couple of weeks.” And I never heard anything. And about a month and a half later, a secretary from the County of San Mateo called me up and said, “Oh, congratulations.” I said “what?” Oh you don’t know, well, act surprised, you got the job.”

Then I’m in a situation that I have to commute from Bodega Bay to Redwood City a couple days a week and they have me an old metal desk, a black rotary telephone and an empty file cabinet and said, “it’s impossible, we know, to stop federal offshore oil drilling off the Central and Northern California coasts. We know it’s impossible, but we’d like you to try and that’s your job.”

JB: Great attitude going in, but I’m glad you didn’t have that attitude. Then 1980, President Reagan takes office and appoints James Watt. Now you’ll have to coordinate the timing for us. Meanwhile, the Coastal Act had passed in 1976 in California. Now where does the Coastal Zone Management Act come in, and when was that?

RC: Well, the drafters of the Coastal Zone Management Act, the federal law, created a sort of a carrot and a stick approach for coastal states to motivate coastal states to adopt a federally approved coastal zone management plan for the state—a state coastal plan. The feds, under the Coastal Zone Management Act, the Department of Commerce, would give the states money, potential grants, to do good things with and also give the states a little bit additional clout under certain types of projects, federal projects, like federal offshore drilling plans and federally sponsored projects, like onshore facilities that a company might want to build in the coastal zone of that state, the state acquired what was called the right of consistency, finding out or making a determination at the state level whether or not the act of building that offshore drilling-related project was consistent with the state’s federally approved coastal zone management plan. This is called consistency and it’s very important to how the California coast looks today because the state of California now had a federally approved coastal zone management plan and I don’t think it was part of the original vision necessarily of passing the Coastal Act in California, and having a federally approved coastal zone management plan, but it became one of the most important tools to protecting the coast from federal offshore drilling in places like Big Sur, and Mendocino, and Humboldt County. This was the primary tool for the counties and the state.

JB: And so, it empowered them in certain ways, but more specifically how did it help them prevent offshore oil drilling?

RC: ...somewhere off the coast of California or anywhere else that had one of these federal plans wanted to come ashore with a pipeline and build an onshore facility, it was obviously going to have what the law called a direct effect on the state’s federally approved coastal zone management plan and on the state’s coastal zone. That was clear. What had to be tested in court, and this was where James Watt came in, James Watt decided that his predecessor, Cecil Andress, had made a mistake in backing off drilling in Big Sur, Santa Cruz, San Mateo, Marin, Sonoma and Humboldt County. And so James Watt, after he’d been in office about a month, reinstated an offshore drilling plan for all of Central and Northern California. He just put them back. He said, “my predecessor took ‘em out. I’m putting ‘em back in.” This set in motion a chain of events by which the counties—county boards of supervisors, city councils and mayors that I worked for—

went to the state and said, “Help! These guys are going to destroy our economies, destroy our lifestyles, they’re going to destroy our coast.” And in the back of everybody’s mind, of course, was the lesson learned from the Santa Barbara blowout.

But what this led to was a court case called California V. Watt. And the State of California, joined by a large number of co-plaintiffs in the form of county governments, and city governments, wound up challenging whether or not the act of leasing federal offshore lands, federal offshore tracts, the act of having a lease sale also had a direct effect on the state’s coastal zone. And we won in the 9th Circuit Court of Appeals.

We went all the way to the U.S. Supreme Court. This was something that law students study now. This took about four years. And we lost in the U.S. Supreme Court. The Supreme Court...we built a lot of good case law along the way, but the Supreme Court said, “no, the act of leasing tracts is simply a paper transaction and a paper transaction does not have a direct effect on the state’s federally approved coastal zone. But what this did was keyed up a whole understanding on the part of the oil industry that if you try to drill off one of these Northern or Central California counties, they will fight you, every single step of the way.

And they did. Because the next thing the counties did is 22 different local governments passed, either by putting them on a local ballot for a vote of the people, or by action of the city council or the county board of supervisors, onshore facilities ordinances which either banned outright onshore facilities for offshore drilling, or put it to a vote of the people. If an oil company came, for example, to the County of Sonoma and said, “you’ve got to build an onshore facility in Bodega Bay...I still have maps of mine that never got built...the people get to vote on it, or it’s banned, depending on the county and the city. We made each one of these different, these ordinances. In places like Santa Cruz it passed by something like an 80 percent margin when we put it on the ballot that we would have this ordinance.

The oil companies, of course, sued the counties, challenging, I think, 12 different claims. The first was the commerce clause, that the Constitution had been violated. You were banning interstate commerce of oil onto the shore to be refined. And so the State Attorney General, and city attorneys and county counsel from all of these counties got together and fought the lawsuit. And we always thought we’d have to change the language of some ordinances if they lost in court, we would substitute language from the ones that survived in court.

We never had to do that because we won on all claims in every county. And those ordinances still stand today. This has a tremendous chilling effect on an oil company that might be wanting to bid, for example, on tracts off Sea Ranch or Mendocino Village because they probably will never be able to get anything they find to shore. They might be able to barge it or tanker it away, but that’s probably not going to happen.

JB: And the length of coast where this applies is?

RC: Basically from the southern boundary of Monterey County all the way pretty much to Del Norte County. It’s spotty elsewhere in the state. It is basically a “Keep Off” sign that can be seen from the ocean by the oil companies and, interestingly enough, there was just a Government

Accountability Office study that came out a week ago and it cites this series of onshore facilities ordinances as a reason why it's not wise to try and offer leases off the coast of California because you'll never be able to transport your product to a refinery if you can't get across the coastline.

JB: When does Lease Sale 73 come into the story?

RC: Well, with Jimmy Carter as President and Cecil Andress as Secretary of Interior, we had been facing a lease sale called Lease Sale 53, which was basically was Big Sur, Santa Cruz/San Mateo coast, Marin/Sonoma coast, Mendocino coast and Humboldt County, Humboldt Bay, because we'd invented a new tool for that and James Watt went nuts and tried to lease everything, Congress got involved. And the county supervisors and the city council members went to their members of Congress and which we have a large congressional delegation, in a bipartisan way, that House delegation and both of our Senators, cut off James Watt's money, just like you do with your teenagers when you're getting credit card receipts from Baja, they cut off his money and said no funds shall be expended under this title, the Interior Appropriations Bill that funds the Interior Department, for leasing, releasing and related activities in the following geographic areas. The first time they did that in calendar '81 for fiscal year '82, Congress cut off Watt's money for leasing any of the areas off Central and Northern California. That was carried by a congressman named Lessa Coin who remembered dead cows washing up on Oregon beaches from floods from rivers in Northern California. He knew that the currents would carry an oil spill into Oregon. And the bottom line is that expanded every year, the geographic scope of that, as other states decided, "we want one of these in North Carolina, we want one of these in Florida." And that became what was known as the offshore drilling moratorium...lasted in a bipartisan fashion for 27 years.

So there were these layers of protection now. Congress cutting off money to the Interior Department. The Coastal Zone Management Act providing the state with another tool and finally, throughout this whole process, of course, everybody kept looking for "How do we get permanent protection? What's permanent? You can't just renew protection once a year, because one of these years, you could miss?"

And literally, for 27 years, I would go to a markup in the House Appropriations Committee, and sometimes win by a one-vote margin. And most of those years I could have lost 1300 or 1400 miles of coast, just like that.

So what became the Holy Grail, if you will, the ultimate goal, was to find what's the mechanism for permanent protection. There are only two such mechanisms available. One is called an OCS, or Outer Continental Shelf, exclusion zone, whereby any President and their Secretary of Interior can just take an area of the Outer Continental Shelf off the map, so they can never be leased. Those are very rare. We only have two of them in California and they're very small. One is just a tiny little postage-stamp off of the City of Santa Barbara that Richard Nixon granted to the people of Santa Barbara after the Santa Barbara blowout, and the other one is a loop around Point Reyes that John Burton, when he was in the House of Representatives, got excluded.

But we kept looking for a larger and more lasting mechanism. And that second mechanism is called a national marine sanctuary. A national marine sanctuary doesn't automatically ban oil

leasing, but it can, and if it does in its management plan and its designation document for that national marine sanctuary, it bans oil drilling permanently.

And so Channel Islands National Marine Sanctuary, the Monterey Bay, Gulf of the Farro Islands, Pordu Bank (SP?) National Marine Sanctuary, somewhere between a quarter and a third of the California coast is permanently protected as long as future administrations in Washington respect the national marine sanctuary program.

JB: But, as you know, oil drilling continues in the Santa Barbara Channel, from leasing that was before the '69 spill. And they keep trying. Just a few years ago, PXP and the slant-drilling concept... So do you think they'll ever stop trying?

RC: I think that as long as there is money to be made by harvesting non-renewable resources on this planet, that the current level of general awareness or consciousness of how healthy ecosystems support our economy and our jobs and our lives, oil companies are going to keep trying to drill. The PXP proposal to slant-drill or directionally drill from existing platforms is back.

This year, spring of 2012, we saw the House of Representatives, the mood of which is very pro-drilling right now, pass three lease sales for California, Southern California, the first of which is next year, 2013, which is horizontal drilling from existing platforms. Now will this be passed by the Senate? Possibly. Would it be signed by the current administration, the Obama Administration? Probably not. Would it be signed by a Romney Administration? In a heartbeat.

The thing about horizontal drilling is it's a fool's game. It's a trick. It involves everything needing to be perfect with the well seals, what is called cementing procedures in the creation of that well. And it was actually failed cementing that caused both the 2009 blowout off the west coast of Australia, called the West Atlas spill, was a cementing problem. The Deepwater Horizon blowout was a faulty cementing issue among many other stupid things that the company had done. So California is actually on a trajectory toward the riskiest kind of offshore drilling, which is slant drilling from onshore footprints at existing platforms. It's a trick.

JB: And the oil operations are now owned by what I call Mom-and-Pop operations. It's not the big well-known names. It's smaller companies that have bought these operations, but are they equipped to deal with a spill?

RC: Well, after the Exxon Valdez tanker spill in Alaska, the response to large oil spills was changed. So while the spiller, the company that causes the accident and the oil spill, pays the bill, there are now industry cooperatives—large bunches of equipment that are owned or contracted out to large oil companies that cause the spill, so it really doesn't matter if you're a mom-and-pop, you're still going to have the same response. But response to oil spills in the ocean is extremely ineffective, as we saw during the Deepwater Horizon, yet again. We do not have skimmers that can gather more than 15 to 20 percent of the oil on a good calm day, if you're lucky to have one of those. We can't shut off these undersea leaks, sometimes ever. You can actually fracture the sea floor, as they did with the Santa Barbara blowout and create leaks that go on for decades. And we don't have capacity, even if we could gather the oil from the sea

surface, you have to store an immense amount of oil and water to be re-separated somewhere onshore, and we don't have that number of tankers and barges. So we are totally ill-equipped to respond to oil spills.

If we're having a really good season and great weather, we might get 15 or 20 percent of the spill back. So it doesn't matter who owns the well. They may not have the deep pocket to pay for it, but that will be determined later in the court of law.

JB: And what's the state now of the Gulf, in your opinion.

RC: The Gulf of Mexico was, of course, the worst environmental disaster in U.S. history and I hesitate to use the word, "was." It's still going on. As we speak today, there's a hurricane coming ashore through the marshes which have layers of oil entrained in the sediments. This is not uncommon. There will be oil in some of those marshes for 40 or 50 years, based on science we've done elsewhere. And when you have a storm like Hurricane Issac, it can stir that oil back up and put it back into the water column. We don't know yet whether that's happening. But even without that, there has been oil deposited at mean high tide, up in the marshes, that's still there, as toxic as the day it was spilled. There are thousands of people with health problems. They don't know whether it's an exposure to the oil or the mixture of oil and Correctit (sp?). Correctit is extremely controversial without certain precautions. And so you've got sick people, a sick ecosystem, an economy that's still reeling. All this time since the Deepwater Horizon, and yet you've got Congress behaving as though nothing happened. What happened at the Deepwater Horizon that didn't happen after the Santa Barbara blowout?

What happened after Deepwater Horizon is that the oil industry has spent tens of millions of dollars on public relations to "greenwash," point the finger of blame at each other and claim it can never happen again. Why did they do that? Because they want to go to the Arctic. Shell Oil has three drill ships today, three ships, two of them drilling rigs, headed for the Arctic Ocean. We know one thing. There is no technology on earth anywhere to clean up spilled oil in the Arctic, particularly among broken sea ice, so if they use the open water season, now they're asking for an extension of their drilling rights into a season where they're likely to be hit with ice again. You're taking a high risk endeavor, offshore drilling, into a pristine environment, particularly sensitive to the toxicity and the range of problems of problems that come with offshore drilling, and you haven't got a spare. You haven't got a backup. It's really not just stupid. It's insane. But if you spend enough money convincing the American people that it will somehow lower the price at the pump and somehow create jobs—offshore drilling has become the mantra for jobs, as you've noticed—this didn't happen overnight. This was a plan. Tens of millions of dollars were spent creating offshore drilling equals jobs and no risk. So until the next big accident, and I'm sad to say there will be one. I just sat through a Chemical Safety Board hearing on the Deepwater Horizon in Houston. The Deepwater Horizon was so preventable, it was pathetic. It never needed to happen. But between human error, mechanical failure, and just natural risk, just accidents happen, we're going to continue to have accidents in the offshore drilling arena.

So I think our job is to make sure our most pristine crown jewels—what's been lost in this reprogramming of public perception by the public relations companies that work for the oil

industry, what's been lost is America's heritage, the fact that protecting our coast protects our environment and protects our jobs.

In 2000, the last time the State of California ran the numbers, we were looking at about a \$42.9 billion coastal economy in California, coastal dependant on clean coast. We were about 19 percent of the national coastal economy and in that year, and using the multiplier effect, you've got about 700,000 jobs in California dependant on a clean coast.

JB: 700,000?

RC: 700,000. So if you want to talk about jobs, keep your coast clean.

JB: And we've found, of course, coastal real estate has gone up. Richard, I know we could talk for hours, I know, but thank you for your time today, and very much thank you for your work.

RC: Thank you very much. It's not just been my work. This would not have happened without tens of thousands of people, all over the country, including in California, who cared enough, had the emotional connection to work to protect this coast. And my hope is that the next generation—and I get calls all the time from students—the next generation will carry this on, otherwise, it's gone. We just delayed the inevitable.

JB: Viewers, thank you for watching. We'll be back next week for another episode of Heroes of the Coast.

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