



## Transcript of Video Interview with Peter Douglas, recorded 2006.

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](http://www.earthalert.org).

JB: Welcome viewers. I'm Janet Bridgers, executive director of Earth Alert. And we're here for the next in the series, *Heroes of the Coast*, interviews with those who have dedicated their lives to protecting the California coast for the rest of us. I'm very pleased to have as my guest today, Peter Douglas, executive director of the California Coastal Commission. Peter...

PD: Thank you, Janet.

JB: Thank you for coming. Peter, you've served for 20 years as the executive director of the California Coastal Commission, and previous, before that, you were deputy commissioner. Did your experience as deputy commissioner prepare you for the bumpy roads you encountered as executive director?

PD: You mean chief deputy director, not commissioner. I can tell you that my work in the legislature really prepared me more than anything else, because dealing with the legislature on controversial issues and conflict was extremely useful for my work with the commission as chief deputy director. Part of my job was to be the legislative representative. But it certainly prepared me to be the executive director, because I learned about the most important asset that the Coastal Commission has is its staff. And it taught me the importance of recruitment, getting good people to work for the Commission and keeping them. It taught me about conflict, which I already knew quite a bit about, how to deal with that, policy development, translating policy into action and implementation...taught me about civil service and constraints of civil service, which still frustrates me no end, because we just can't do all the things we need to do. We just don't have the flexibility. But nevertheless, it was a good training for me to prepare me for the executive director position.

JB: There was a statement from an article about the commission that appeared in *California Journal*. It said, "much of the controversy surrounding the commission disappeared in 1981 when the legislature repealed a provision requiring developers to make low-cost housing a part of whatever projects they wanted to bring in the coastal zone. How do you feel about that statement?"

PD: I'm still very...actually angry about that because we worked very hard to implement the requirement to protect and provide affordable housing in the coastal zone in new developments. And it was working. And because it was working, the development community and local governments went to the legislature because coastal real estate is the most important real estate that we've got and in the wake of Prop. 13, they needed all the property taxes they could get and the Coastal Commission was requiring 25% of subdivisions to be affordable units. So it repealed. And I think that was a big mistake. Local governments did not take on the responsibility of affordable housing. We had the opportunity and we lost the opportunity to provide literally thousands of affordable units on the coast, and maintain them. One of the reasons we had so

much opposition was because we had affordable requirements that were in perpetuity, for the life of the project. So there were resale controls on units that were affordable, and that was key, I thought. And repealing it, I thought, was really a travesty. It still really angers me to think about what a great opportunity California lost when that provision of the Act was lost.

JB: Certainly changed the character of the coast in terms of housing for normal people.

PD: It did, and the Coastal Plan of 1975 made clear that the ability to live near the coast was a form of access, and therefore affordable housing should be an integral part of the mandate of the Coastal Commission. And the Coastal Commission was making it work.

JB: Deukmejian. Deukmejian and the California Coastal Commission. This is about the time you were first started as the executive director and he was the first governor to endeavor to curtail the effectiveness of the Commission. Tell us what happened and what the effect was.

PD: Well, he ran on a platform to abolish the Coastal Commission. He was an opponent of it when he was in the legislature. I worked with him when I was working in the legislature. He was consistent, and when he got elected, he couldn't abolish the Commission because he didn't have the votes in the legislature. So he went about... First of all, he appointed people to the Commission who were opposed to what the law was about and who actively tried to sabotage it, but fortunately, the appointing process of the Commission, where the governor only got one third of 12 member appointments, he didn't control the Commission, so his commissioners were often overruled by the others. But then what he did is he went after our budget. And the first thing that I got to do when I became the executive director in the summer of 1985 was to close our North Coast office in Eureka, because the governor's people said, "if you do that, we'll leave your budget alone in subsequent year."

Well, we did it. We had to lay off about 25 people. It was a big mistake in retrospect. They left us alone for one year and then came back and directed me to close the Santa Cruz office and the Santa Barbara office and I refused to do that. I said, "no, it was a mistake to have closed the North Coast office. Now everybody who has business with the Commission up there has to come to San Francisco. It's unfair to the public. It's unfair to the property owners. There's no basis for closing these offices and all the information you're putting out there that suggests we don't need them anymore, that's just baloney. It's just conscious deliberate dissembling... misinformation," and refused to do it. And fortunately the Coastal Commission backed me up, not the governor's people, of course, but the eight others said, "we agree with him. Let's not close those offices." So he couldn't force us to close those offices, so he cut our budget. But as a result of having some great heroes in the legislature... I remember at the end of session, he'd cut \$500,000 out of our budget, which is a lot of money for a small agency. And we had a senator supporter who held up the CalTrans budget of \$500 million. He said to the governor's people, "you will not get that money for CalTrans unless the Coastal Commission gets the \$500,000 back." The legislative rep for the governor, 11<sup>th</sup> hour and 59<sup>th</sup> minute came down to the floor of the Senate and whispered in the ear of Senator Henry Miller, who was the one holding it up, saying, "the governor wants you to know that the most despicable thing he's had to do since he's been governor is give the Coastal Commission money back, but he's going to do it." So we got the \$500,000 back, CalTrans got their \$500 million.

And then the development community went to the governor and said, “look, it doesn’t do us any good for you to cut the budget of the Coastal Commission, because the permit requirements are still there. They need the staff to actually process them. You’re hurting us by cutting their budget.” So we kind of reached an impasse after that. And it was trying, troubling, but we survived. And we survived because the public support was still there, and the support in the legislature.

JB: Now Deukemejian was also the person who changed the Commission from a regional, or eliminated the regional?

PD: No, that was built into the Coastal Plan of 1975. It was built into the Coastal Act that the regional commissions would be temporary, that they would go out of existence by their own...by the operation of law after a certain period of time. The assumption was that local government would complete local coastal plans and that the regional commissions would no longer be necessary. So that was built into the law in 1976. It was not something that Deukemejian did. But what happened was a lot of people thought the State Commission was supposed to go out of existence, too, and it didn’t. And that again, misinformation, misrepresentation. The law never provided that. It always provided for a permanent state-level Coastal Commission. The regional commissions were temporary. They did their job and went out of existence in 1981, I believe it was.

JB: Willie Brown was the next major state political figure who tried in various ways to affect the work of the Commission. Now he was, at the time, the Speaker of the Assembly. In 1991, David Malcomb and Mark Nathanson tried to orchestrate a coup against you. Tell us what happened.

PD: Well, you have to remember that I was appointed executive director on a 7 to 5 vote in 1985. And David Malcomb was one of the five joining the four Deukemejian appointees against me. And since I’ve been executive director, there have been at least a dozen attempts to get rid of me.

JB: A dozen?

PD: To become the executive director, I had to be able to count to seven, but as soon as I became the executive director, I only had to count to six, because as long as I had six votes, I knew that I would maintain my position. And in 1981 [sic], it was just more in a series of attempts to try to get rid of me, but it was very personal, it was very painful, very nasty. They tried accusing me of criminal wrongdoing, to the point where I got an attorney. And it was so concocted, so misrepresentative of truth that when it came to a vote in July of 1991, whether or not to retain me as executive director, both Malcomb and Nathanson were not present because they had been proven to be such liars and so wrong in what they were trying to do, that to prevent them from possibly facing a defamation liability lawsuit from me and some other consequences, they stayed away and I was reappointed on a unanimous vote. In fact, it was David Malcomb’s alternate to the Commission that made the motion to reappoint me as executive director.

And Mark Nathanson, I maintain, was the worst commissioner we ever had. I’ve known them all. The best was clearly Mel Lane and the worst was Mark Nathanson, who spent five years, as

you know, in federal prison for racketeering on the Commission. And David Malcomb was recently plead guilty and found...had to pay his criminal penalty for his wrongdoing on the Port of San Diego. So, things come around. There is some justice in the world, but that was an extremely nasty experience. But I'm a survivor. And it didn't phase my ability to do my work. It just was very difficult for my family, emotionally. It wasn't that hard for me because it comes with the territory.

JB: Comes with the territory.

PD: That's right.

JB: They were appointees of Willie Brown. Were they acting under his instructions?

PD: No they weren't. I'm convinced of that. Willie Brown...he's a brilliant politician. And over the years, we crossed swords many times over issues. But he was always very upfront with me. I know he would have preferred to have seen me go, because I couldn't be controlled by him, I couldn't be controlled by the governor, I wasn't controlled by the Senate president. I worked for the commission. And he didn't like that. But at the same time, he also appointed two good people who were supportive, one of whom he fired on his way to the meeting in '91. The guy was ready to get on the airplane, and was told by his police chief that he was no longer on the Commission because he was going to vote for me. But they still didn't have the votes to get rid of me.

Willie Brown was over the years...he was an enigma in many ways, because he appointed some good people to the Commission and some people who were very pro-development. Not that they wanted to do away with the Coastal Act, like the Deukemejian appointees, but that they were voting for projects that clearly couldn't be justified under the law. So it was a difficult go, but on the other hand, he helped us with legislation in Sacramento, so it was a mixed bag. But I had a lot of respect for him because he was just such a clever, sharp politician. You never wanted to cross Willie Brown.

JB: Volumes to be written about him.

PD: That's true.

JB: And then in 1996, Pete Wilson, who was then governor, tried to oust you and how did that come about?

PD: Well, it came about because the Wilson administration, through the Secretary for Resources Doug Wheeler, wanted to allow Southern California Edison to escape their responsibility to mitigate the massive adverse impacts on the marine environment from the nuclear power plant at San Onofre. And we had imposed those conditions back in the '70s and we were pushing to make them work over the many years in between. And they wanted out of those conditions. They found them too onerous. And we refused to do that.

The second thing was there was a project proposed for Bolsa Chica, the Bolsa Chica wetlands in Orange County, 700 homes in the wetlands. The staff recommended against it. And Doug

Wheeler was furious about that because the developer had cut a deal with the county for these 700 homes and reducing the overall density, but from our perspective, not making any difference because those other densities...they were pie-in-the-sky dreams anyway. So we recommended against it. And they were furious about that, and asked me to resign. And I didn't say I wouldn't resign. I just said, "I didn't have time. I'm too busy. I don't have time to resign." And so they pushed it to a vote.

Well, as you may know, Chuck Pringle, very conservative assembly member from Orange County became the speaker of the assembly that year, the first time a Republican had been speaker of the assembly since the Coastal Act was passed. And he appointed four people to the Coastal Commission who were to the right of the Wilson people on the Coastal Commission. And they, in a heartbeat, would have replaced me, but they didn't get along with the Wilson people. They thought the Wilson people were too liberal. And so they were at odds. Plus, they thought, "gee, why get rid of him in the summer of '96 when we have a big election coming up in November. Let's wait until after the election." So a couple of them actually called me and said, "we don't like you. We're going to vote to get rid of you, but after the election. So don't worry about July. We're not going to do this. This is stupid."

And sure enough, along comes the meeting, and I demanded a public hearing. I'm a public official. I wouldn't resign. I said, "if you're going to fire me, I want you to do it in public. I want you to explain why you're doing it, because I have to find another job. And if it's for political reasons, I want the world to know that." And so I demanded a public hearing. They set a public hearing. It was in Huntington Beach in July. Every newspaper in the state editorialized against my firing because, what happened, I got a gift on July 4<sup>th</sup>. I was on the beach on Pt. Reyes and somebody, a friend of mine from Sacramento actually happened to be on the beach and said, "did you see the L.A. Times today?" I didn't.

What happened was that Doug Wheeler...the Administration was getting so much flack trying to get rid of me that he held an "off-the-record" call with reporters and told them why he wanted to get rid of me. So the reporter from the L.A. Times hangs up, calls him right back and says, "okay, now on-the-record, why do you want to get rid of him?" And he said the same thing. And that was in the paper on July 4<sup>th</sup>. They wanted to fire me because I wouldn't recommend approval of 700 homes in the Bolsa Chica wetlands. And I heard that and I said, "yes, there is a god!" And that was the best thing, with opposition like that, you don't need friends. This was the best thing that could have happened. Then every newspaper that had not editorialized editorialized. "That's why they want to get rid of him, because he's carrying out the law? The Commission should keep him."

And so all these editorials were around the room at the hearing. It was a circus. There were demonstrations on Pacific Coast Highway. There were Hollywood celebrities who came down in support. I didn't orchestrate any of this, but they couldn't...they wanted to cancel the hearing, because they didn't have the votes, which I found out about 4:00 a.m., but they couldn't do that. So they had to go through with this circus and it ended up being incredibly dramatic...people yelling at each other. It was quite quite the dramatic theatre, and in the end, they tabled the motion to fire me, and as a result of that, as somebody said in Sacramento, firing me became a "third rail" issue—third rail being that highly charged electrical rail that runs transit, and you

don't want to touch it. And so I thought, "okay, they did me a favor there, too." But that was a turning point. In fact, in 1996, when I decided I didn't have a mid-life crisis. I really didn't have to worry about what I'm going to do with the rest of my life, what my career is going to be. I love doing what I'm doing. This is a labor of love. Why should I change this? And that's when I decided what I was going to do when I ultimately grow up, which I haven't done yet. But I was 54 at the time, and so I tell young people all the time, "don't rush into it, don't worry, you don't know what you're going to do." I didn't figure it out until 54, until I was 54. Now I know.

JB: Now you know. Kind of completing that, seems like most governors of California have had some issues and problems with the Coastal Commission and Gray Davis was not an exception either. Now what happened in the Davis Administration?

PD: That's a long and sad story. I think they just got carried away by the special interests that they felt they needed to cater to, pander to, to keep campaign contributions coming in. And that was really unfortunate, because he appointed some good people to the Commission and he gave us resources for the program that we hadn't been able to get in previous years and he was a supporter of sorts, but we just didn't have the deep down support in the Administration that we needed. On the contrary, we had more harm done in some ways than previous governors had been able to inflict on the Commission. But that's technical...for me to explain that would take another couple of hours, but it was, for me, a very disappointing experience because we had looked to him as being a strong friend and it turned out that he wasn't.

JB: But ironically, as his administration ended, was cut short, the whole lawsuit with Marine Forests came about and...

PD: Yes it did. And that actually...they had been trying, the attorney who was one of the founders of the Pacific Legal Foundation, the right-wing ideological law practice that basically takes on environmental regulation and promotes corporate profit, they...this attorney became the attorney for the Marine Forest Society, found a judge in Sacramento who agreed with him that the Coastal Commission's appointment process violated the separation of powers and was declared unconstitutional. That went up on appeal and the Court of Appeal rule upheld that decision. The legislature then quickly stepped in and established fixed terms for the commissioners so they serve four years. They can't be removed at will, which was what the Appeals Court said was the flaw in the law, that commissioners could be yanked off the Commission if they didn't vote the right way, and that gave the legislature too much control over this commission in violation of the separation of powers. Fixed terms came in, and the Supreme Court, the California Supreme Court, upheld the constitutionality, reversed the Appellate Court, and the trial court and upheld the constitutionality of the Commission, which strengthened the Commission in ways that we had never been able to achieve before. So it's actually the law and the Commission is now stronger than it was before that decision.

JB: You're working on getting permanent funding. What's the mechanism there?

PD: Well, there is legislation. Senator Simidian (sp?) has proposed legislation to find a permanent source of funding for coastal and ocean protection, that means marine reserves and marine life management, as well as the coast and San Francisco Bay. It's going to be a tough go,

because it means new revenues, it means new taxes. The proposal he had was to impose a \$1/night room tax on all hotels in the coastal counties. It's not a lot of money. That would have been enough to fund the program, both of the Coastal Commission and the Department of Fish and Game, but the hospitality industry opposed it and it didn't get a vote out of committee. That issue is still alive and we hope that we can find a way to establish permanent funding so we don't have this budget battle every year where our ability to carry out the law is really hampered. We're handicapped by virtue of our constant roller coaster ride on the budget. As I think I mentioned before, we have one biologist for the entire state of California. So from my perspective, permanent, adequate stable funding for coastal protection and ocean conservation is the single-most important thing we can do. And it would be a great legacy for Governor Schwarzenegger to leave in coming on to support something like that, I think, would be a great thing for him to do, or whoever the next governor is going to be, to leave that as a shining legacy to the environment and future generations.

JB: Certainly you have some support from the environmental community in suggesting that legislation.

PD: They, in fact, have. A number of environmental groups, lead by the Sierra Club, have been out there pushing sponsoring of this legislation to try to make this happen. We need more support, but that is the single-most important thing I think that people can do to ensure that permanent protection.

JB: We're into the last couple minutes of the program, but very briefly tell us where the local coastal plans stand.

PD: I think that overall it's worked very well, that local governments have completed these coastal plans and had them certified by the Commission, so they're our partners carrying out the Coastal Plan.

JB: Are they all done now?

PD: No, they're not all done, but 90% of them have been done.

JB: Do you think they ever all will be done?

PD: I don't think so, because there are certain disincentives for some local governments to do it. They'd rather have the Coastal Commission do the heavy lifting on the permits, but I think that the biggest problem that we have is that we didn't build into the act the requirement to upgrade, update these local coastal plans. Some of them are 20 years old, and we can't make the local government revise them to bring them up to date to meet current needs and circumstances, so it's really...that's the biggest challenge. How do we update these outdated local coastal plans and that's one of our challenges for the future.

JB: Peter, it's been a delight to have you with us, very informative. Thank you so much for making your time available to us.

PD: Thank you for having me.

JB: Viewers, thank you for sharing your time with us. If you'd like to know more about coastal issues, go to Google, type in California Coastal Commission and that will bring you to the California Coastal Commission website and you can find out how you can become involved in coastal issues, too.

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