



## Transcript of Video Interview with Steve Hoye, recorded 2007.

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### Interview with Steve Hoye

JB: Welcome viewers. I'm Janet Bridgers, founder and director of Earth Alert. Welcome to *Heroes of the Coast*. This is the program that brings you the personal stories of those who have dedicated their lives to protecting the California coast for all of us. And we're here today with Steve Hoye with Access for All. Steve, glad to have you.

SH: Thank you.

JB: So, I'm going to back up first of all for our viewers who may not know some of the background on coastal issues that we're very familiar with. The year was 1972 when voters in the State of California passed the initiative, Proposition 20, that created the California Coastal Act, and the California Coastal Commission. What were you doing in 1972?

SH: In 1972, I was actually in drama school in London. I was an actor in London, in England, for 20 years. I had no interest in the coast, no interest in California, never even been here actually, but gradually my path wove its way around and I ended up in Malibu in 1992. And I read the Coastal Act, and I said, "wow, that is really something!" I love the California. I come from New England and we had a house in Cape Cod on the beach, but when I actually tried to get to the beach in Malibu, I actually found that it was far more difficult than even Cape Cod. And that's actually what pushed me onto my path, trying to actually allow the public to access one of its beautiful resources, and that's the coast.

JB: And tell us, again, for the background of the viewers, the initial suit with David Geffen... I mean, no, the initial permits that Geffen filed to develop his property in Malibu. When was that?

SH: Mr. Geffen actually made three actual offers to actually acquire permits—1983, 1991 and the year 2000 and each of those permits had a chunk of land, in terms of an easement, "offered to dedicate," which meant that within a 21 year span of that particular offer, the City of Malibu or local authority, or somebody else, like a nonprofit association, could assume that offer and open up these particular easements to allow the public to get access. And Mr. Geffen is on Carbon Beach... Billionaires Beach is the euphemism... but at the same time it's a beautiful stretch of beach, about two miles long, and you can actually stand on that beach, or you could on July 4, and there would be no one there. I mean there would be absolutely no one there, because the people who live there don't really live there. That's usually their second home and basically you can see the servants occasionally walking the dogs, but that's about it. I do exaggerate. There are people who actually are there and quite frankly, I just wanted the public to be able to get there, because in the two areas that the City of Malibu actually funnels the public into, that's Surfrider Beach and Zuma Beach, and those two areas are pretty crowded and over-stretched.

JB: Right.

SH: Malibu has 27 miles of beach, and we'd like to see the public accessing all of it, or as much as we possibly can.

JB: Now, I'm going to fast forward real quick and then go back... Now you have been involved in this epic battle. Really epic battle with David Geffen to open access to the beach by his property. And so he, as part of his development permits for... well, the Coastal Act that was passed in '72 established that the public has the right to access the beach. And as our friend Ellen said, "you shouldn't have to do that with a rowboat." So he granted, at that time, with those initial permits, access to the beach, through his property, in exchange for permission to do the development that he wished to do. Right?

SH: Yes.

JB: Now what happened after that?

SH: Well, the local authorities should have been the actual repository for those "Offers" being accepted. They should have accepted those offers and gently opened them up to the public. That happens in every other constituency in the State of California, except for the County of Mendocino, where we also have a lot of wealthy homeowners who do not like to see the public coming to the beach. And there are organizations just like mine, the Redwood Lands Conservancy/Mendocino Land Trust that are actually operating, opening up easements there, because the local authority abrogates its responsibility to serve the public, as it really should do.

If you take 27 miles of the best beach in Southern California, I believe you have an obligation to the public to actually fulfill the ability of the public to access the beach.

JB: Which is, as we've just said, also part of the state law.

SH: It is. It's part of the California constitution. It's part of the Magna Carta. It's part of Justinian's law in Rome and it's certainly part of the Coastal Act. The term is "maximize public access."

JB: Maximize.

SH: Absolutely. You can't have enough. I've never seen an access way I didn't like. And what Mr. Geffen did was basically make these offers and just assumed no one would pick them up, because the City of Malibu doesn't like this role. So I went to the Coastal Commission and the Coastal Conservancy, the two arbiters of this particular decision, and I put forward to them a management plan to open up this site, which would include signage, which would include hours of opening, which would include the ability to police that in terms of litter, and I was granted those. So we assumed those on January 17, 2002, and told Mr. Geffen, and basically what happened is a few months later, after we'd had discussions with him at Dreamworks, they sued us.

JB: They sued you! They started it.

SH: Well, yes, they did. What they basically....What happened really...

JB: You weren't being contentious in the process that you'd gone through, right?

SH: No, no. We were just simply a party that was trying to talk to them about what they thought were going to be problems, address their fears, solve those problems, and when we solved them, every single one, they sued us.

JB: Really. Were you floored?

SH: No, I was kind of expecting it, because it's really not about little problems like parking, and rest rooms and public safety and those things. It's all about privilege. It's all about taking the public's property and making it into *de facto* your own, which is really what happens in Malibu. The City of Malibu actually lined up with Mr. Geffen and that was surprising to me because, quite frankly, I felt I was doing the city's job. The city didn't actually want to open an access to this inaccessible beach. It should be remembered that down coast of our current access, where you can't get to the beach for four and a half miles in Malibu. Up coast there is an access way a mile, but you can't get past that at high tide, or even basically from mean high tide, so it's very tough to get to this beach.

JB: So in that whole stretch that we think of as Malibu there are three access points?

SH: There are actually 10, but they're clustered. There are five of them on Malibu Road, and there are a couple of them on Broad Beach. There's one at Escondido. There's one at Zonker Harris, which is right next to the pier. But there are large chunks of Malibu beaches that you simply can't get to.

JB: So now as an actor, were you frightened that having somebody as powerful as Geffen on your case was going to impact your career?

SH: What career? You don't mess with [unintelligible] and walk away. No, quite frankly, I haven't been an actor...actually, I've never been an actor in the United States. I was only an actor...I became a fundraiser for the Labor Party. I used to take them to lunch and ask them for 2000 pounds for the Labor Party. And when I came to the U.S., I actually got a job as the director of ?? for the Sierra Club of Los Angeles.

JB: Plenty of fundraising jobs....

SH: True. I actually tried to get Sierra Club to take a lot of these easements and run off with them, and Carl Pope, the executive director, was extremely interested. But when we took it to the board of the Sierra Club Foundation, they declined.

JB: Really?

SH: Yes, they felt it would be a legal morass, which it has proved to be. And I couldn't find anyone else to do it, so I set up a 501c3, a nonprofit organization, to do it myself.

JB: Now what have been the milestones in this?

SH: Well, every two days a milestone. Offers to dedicate, absolutely, the offer to dedicate and the acceptance of those is a milestone for us. We hold 22, and they're all in Los Angeles County and we accept one which is in San Diego.

There are two types. There are the lateral which run along the beach, and there are the verticals, the very valuable verticals, which go directly from the main public road to the water. And we hold five of those and we're currently trying to open three of them, two of them are in litigation at this moment in time, and Mr. Geffen still hasn't actually settled at this moment in time. We're still actually trying to find other solutions to that crisis.

JB: How has it felt to have this whole epic drama played out in the comic strips and how did Gary Trudeau, Doonsberry's (sp?) creator, become aware and become involved.

SH: I don't know.

JB: You don't know.

SH: Not a bit.

JB: Really.

SH: Twenty-eight years, when Zonker Harris, the last access way to open up in Malibu was opened after a similar struggle, there was a newspaper cartoon at that time, but out of the clear blue sky, in August in 2002, Mr. Trudeau actually launched in for about two weeks of a story about our access way. And I've been...I've tried to be very open and kind and judicious and smart and legally correct when dealing with Mr. Geffen in public, but Mr. Trudeau...

What actually happened was there was it was little strong, but very funny. And right on the money, and tickled me pink inside but scared me pretty much outside, because Mr. Geffen is an extremely powerful man, if nothing else. And he does have \$3.9 billion.

JB: \$3.9 billion?

SH: He is probably the greatest philanthropist currently operating in the United States. I line up with him on most issues. He's a good liberal guy, and that's the way I like to look at myself. And he actually made the largest unrestricted philanthropic gift in the history of the United States, \$200 million, to UCLA. Well, on this one, he's got it wrong. And so, gently, we'd like to put him off. Now he has done the right thing. He has handed over the keys to the gates, and allowed us to open and operate this access way. But unfortunately, they don't forget.

JB: No?

SH: No, not really.

JB: Do tell.

SH: Well, they're trying to basically find a way of living together with the homeowners on Carbon Beach, and which one is Mr. Geffen, of course. And I do have four staff people who are gently directing the public to where they may or may not be, and we have homeowners who are strolling up and down the beach and roaming in packs and trying to basically tell...make the public actually feel quite frankly that they shouldn't be there. It's a hard berth for the homeowners in this situation, and it's a very difficult one to actually go from what was *de facto* silent and private to, quite frankly, what it should be—open and public.

Now I have the greatest respect and confidence in the public, in the people of the State of California. We have some problems in these situations, but they usually come from the homeowners. And that's what we're going through right now.

I'm down at the access way on Sundays and we do have some problems. I received a phone call from a homeowner last Saturday. They told me there were 18 jibs of color in front of his house. Didn't have a problem with that. He did have a problem with them actually being rowdy, and making lewd gestures, and he said that they left tons of litter in front his house that he had to go and pick up by one.

So I said I'd take care of it, and I talked to my staff person who said this was absolutely not the case. Sure, they were a little loud, they were having a good time. They were going swimming and quite frankly, they were having fun. And they took every single piece of litter and they put it into my trash bin and there really wasn't a problem there at all. But when you look out of your picture window and you see the ocean straight away and then you turn around and you look out of your picture window and you see the public, it can be a tough transition for these people, and that's what we're having to deal with.

JB: Well, we wish them the best. But other than that, in terms of getting over that problem, but you're not seeing the problems that they anticipated...the parking issues, or drownings, or..

SH: No.

JB: No.

SH: Nope. None. On Broad Beach, which is a very similar beach, there have been two open vertical access ways, open for 20 years. No problems with parking. No problems with rest rooms. No public safety. Nobody on Danny deVito's terrace. None of that happened.

JB: Are you saying that the homeowners occasionally lie about these problems.

SH: I think they exaggerate. I think it's kind of a raw situation to a certain extent. And I can sympathize with them because I live adjacent to public land in Topanga Canyon and the public

wants to go to the state park. And it's a question of when you walk out on your back deck for 20 years and you basically see something that you know really probably isn't really yours, but you're kind of letting yourself think about it like that, and it's hard to be brought back to reality, realize that it's not yours. It actually belongs to the people and they really like to be able to get there.

So I don't think they lie. I do think that this is a tough transition for them and I think they may exaggerate from time to time to actually make a better case.

I had Major Richard Riordon (sp?) up the easement last Sunday. Mr. Riordon had quite a few bits of advice for us.

JB: Really? Like...

SH: Well, I actually did say on four occasions, "I don't think you've got it quite right there, Mr. Mayor." An understanding of the law in this situation for any homeowner on the beach is...essentially takes into consideration the "mean high tide line," which is actually the back end of a lot of these peoples' property. The mean high tide line is the average of the two high tides on any given day.

JB: That's really complex, you know.

SH: Well, actually, it's pretty simple in the way the courts have translated it. The complex situation is it's the average of the two high tides averaged over the lunar cycle. That means 18 years worth of mean or average high tides, or 18 years of different days. That's what the State Lands Commission, the only entity that can actually measure the mean high tide line, actually measures it. They actually look at that sort of span. The politi-courts' translation is far easier. It's the state's tide lands. It's the average of the two high tides. And in California, we have two high tides and two low tides that are irregular every single day. That means they're different. So it's the average of the two high tides.

So basically it translates for the courts as the "wet sand," as the sand that has been wet in the last 24 hours of the high tides.

The State of Massachusetts and the State of Maine, it's the mean low tide line, which means that homeowners can actually own out into the water. They've actually found a way past that on Cape Code by actually declaring a National Seashore, but that's a different story.

Anyway, the mean high tide line and the wet sand situation is a tough one for homeowners to get, because it's a moving line. It's ambulatory. That's the actual phraseology in the actual constitution. And the idea that some days it can be right next to your deck, and some days it can be 30 feet away is kind of a tough one. But that's the law. And Mr. Riordan didn't quite understand that one. He thought it was the mean tide line, which is the average of high and low tide.

JB: You mean high tide?

SH: He also felt that quite frankly there were ways we could better manage the access way.

JB: Now you're involved in other issues besides just public access to the beaches in Malibu.

SH: Too many.

JB: Okay. Tell us about Holister (sp?) Ranch.

SH: Holister Ranch. Well, yes, that's interesting. Um. Along the coast in Santa Barbara, where there are huge development pressures, there is a stretch of land to the west of Gaviota State Park called the Holister Ranch, which is one of the oldest, if not...well, actually it's the last one, I believe, something in that neck of the woods, to actually go over into a private ownership situation. It was held as one piece by the Holister family until...

JB: As a ranch?

SH: Exactly. Obviously. Next to it is another ranch called Bixby, which is actually a different type of ownership situation. And on the coast of (sp?) or upcoast from there is Pt. Conception and Vandenburg Air Force Base. So when you're actually driving up 101, you take a right turn at Gaviota and that's because of Holister Ranch, Bixby and Vandenburg Air Force Base.

JB: I wondered about that actually. You go through that tunnel and then you're inland for quite a ways.

SH: That's right. You actually take a right turn. I mean if you did what the railway does, you'd actually go through Holister Ranch by the coast. There are seven of the most beautiful beaches in the state of California within the boundaries of Holister Ranch. Holister Ranch has 140 100-acre private parcels that are actually all for sale. Well, not all of them are for sale. 25% are actually owned, and 75% are actually for sale at this moment in time. There's one road that goes through Holister Ranch. It is actually a private road and smack dap in the middle of Holister Ranch off that private road there is an "offer to dedicate" easement. The YMCA wanted to build a summer camp and actually offered them and made an offer to dedicate an easement, and it's still on the books. The summer camp was barely initiated construction, then they basically sold out to the Holister Ranch Owners' Association. But I'd like to open an access to Holister Ranch because I don't think any part of the state of California should be inaccessible.

However, there are certain parameters because Holister is a pretty pristine, beautiful piece of land. There's a caveat to that. The homeowners do actually claim the environmental high ground and don't want to see "the hoards from L.A. invading," and that's a direct quote. And yet they drive on the beaches, amongst the rack, scattering the animals, here and there. They seem to actually think, quite frankly, that they can do what they please.

I'd like to say something else here. There's a million dollars in the County of Santa Barbara, specifically sequestered from oil leases, particularly for access to Holister Ranch.

JB: Really?

SH: I want that one million bucks. And I would actually like to lay a program down which would have State Park rangers taking people onto the ranch on a permit basis, a la the wilderness permits for the Grand Canyon, for example, on a day-basis, taking them on coaches down into the ranch, using that opportunity to do some public education about the different species and the habitat and how we protect it, and basically allowing them to go onto the ranch for the day, and then taking them off at the end of the day. And I'd like to go to the Holister Ranch Owners' Association and put that idea.

And the reason I'd like to do that is because I actually think the more the public becomes aware and becomes proud of places like Holister Ranch, the more that we actually look at the possibility of doing something that the owners object to, which means putting a national seashore there on Gaviota, the more we actually look at extending the ownership of public lands in that area, the more we can stop that area being lost to development.

JB: Right.

SH: Because that's what's happening in California. Millions of people coming here, all wanting their own private homes, all gobbling up bits of the wilderness. If we can find ways of actually introducing the public in a gentle fashion to these things, developing a sense of ownership, a sense of public awareness, if we can actually get the federal government to understand why we should actually have this pristine bit of California protected with national seashore status, then we can work together with the Vandenburg Air Force folks to basically ... when they abandon that base, as they inevitably will, to actually get that into a national park situation, then we can really save one chunk of California and keep it as beautiful as we possibly can. I have no objection to the folks who have actually purchased and own places at Holister Ranch, but I have a feverish objection to anybody else actually coming in there an accessing...

JB: I think you're the man to make this happen.

SH: Well, I mean, what we're doing is we'll have a consortium of environmental organizations in Santa Barbara including Coast Walk, including Surfrider, Surfrider Foundation Santa Barbara chapter. I pitched them on this idea and I got their blessing to limit access to Holister. I think we actually want to basically look at the environmental movement looking at the way of understanding, how to promote the co-ownership of public and private land. I think that's actually the key to a lot of these issues.

JB: So it's not one or the other.

SH: Well, it's a question that...

JB: I mean that's granted by the Constitution, that the wet sand is the public's. But the whole issue of access is kind of a thorn.

SH: [unintelligible] look at stage to get a little bit more theoretical, if you'll indulge me, just to go to the idea of what means public and what means private. The whole idea of public property and private property. Now in this country, we have the most gifted country I've ever seen with regard to public lands. We have the most beautiful, and I'm so proud of these great national and state parks, and it's a question that I actually think as an environmentalist to actually bring the public's awareness to how much that is part of their identity, to actually build that sense of "I am who I am. I am my home. I am my family. I am my national and state parks. This is part of who I am as an American." I actually think the state tidelands in California are a very important part of that, to understand that the beach and the interface and the tidelands are really something that we all own, because the sense of common ownership of both mountain and beach I believe will eventually bring about a sense of protection of our own interest and of the land itself. I think to actually bring about in the public the knowledge that this is part of their identity is the key to bringing them on as somebody who will help put the environment higher up the list than they do currently.

JB: Do you have ideas about how to nourish coastal activism? The truth of the matter, as you know, is that there are millions of people who enjoy going to the beach and a handful of people who are really willing to fight for it. But, as you also know, it's an expensive proposition to be engaged in this kind...How do we nurture and develop and support more activism?

SH: Several ways. First of all, we want to fight for more public money to actually purchase land. That is absolutely imperative. We've had several great bond issues. We purchased a lot of property. We purchased conservation easements on a lot of property, which will actually keep that in the public trust. That's great. We need more, much much more, because the coast is quite frankly pretty expensive. In Malibu, it's approximately a million dollars an acre for raw land.

JB: A million dollars an acre.

SH: Before you even go for permits and even start to build, that's right. And every inch of it is lusted after by the general public and people who can afford it. And it's in our interest as state citizens to actually understand that we have to basically get a hold of that. It's really important. It's an asset and the adjacent lands and certainly the habitat in terms of the coastal ecosystem is terribly.

Secondly is actually supporting good LCPs—local coastal programs. The Coastal Act basically has a second generation of understanding. From the Coastal Commission, we actually get an individual area will put out its own LCP, its own local coastal plan, which will interpret the Coastal Act and which will safeguard the habitat and the general coastal area from outrageous, or difficult or threatening development. It doesn't forbid development, but it makes it pretty difficult. I am a strong supporter of the particular coastal program that actually in the City of Malibu, which is a strong one. It's very difficult to develop in Malibu and I think that's great, because I think that quite frankly, if we cannot develop in balance with our ever diminishing habitat, then we really will actually lose the situation very, very quickly. So supporting local coastal programs...County of Los Angeles' LCP will be coming up and there will be public meetings and there will be public meetings. I'd really like to see some folks there understanding these issues and actually speaking to them.

Ultimately, fighting for legislators who actually promote the coast and actually fight these particular battles. I'm a firm believer in the organizations, which actually talk to legislators and make sure they actually vote the right way for the coast. And I'm a strong supporter of the Democrats and quite frankly, Democrats have always...well, maybe not always...but quite frankly they've been pretty good about the coast, and...within parameters.

Other ways, I think that to a certain extent...well, let's leave it there.

JB: It's been great to have you with us, Steve. And thank you for your work on behalf of the coast..

SH: Thanks a lot.

[end of interview]