



**Transcript of Video Interview with Mel Nutter,
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.

JB: Hello and welcome to Heroes of the Coast. I'm Janet Bridgers with Earth Alert and we're here to bring you more stories of the people who have dedicated their lives to protecting the coast for the rest of us. I'm very pleased to have with us today Mel Nutter, former chair of the California Coastal Commission. Mel, thanks for joining us.

MN: My pleasure.

JB: Thanks for fighting traffic. You're an attorney by profession.

MN: I am an attorney from Long Beach and practiced law before I even found out there was a coast, so I've been dealing with legal matters and coastal matters for a good long while.

JB: How did you become involved in coastal activism?

MN: Well, many years ago I was the chair of the Long Beach group of the Sierra Club and one thing lead to another. I became the chair ultimately of the City's Environmental Advisory Committee when one of the members of that committee joined the Proposition 20 Coastal Commission. And ultimately, in effect, followed him along to the Coastal Commission as a career, although initially I found myself walking the neighborhoods collecting signatures on the old Prop. 20 petition back in 1972.

JB: So you were involved in that campaign.

MN: I was...as a foot soldier, not as one of the generals.

JB: Well, we need all of that. And then after...so you said one of your colleagues was one of the first commissioners.

MN: One of the original Prop. 20 commissioners who was actually the business manager of the Press Telegram.

JB: Who was that?

MN: Barney Ridder. And he served during the Prop. 20 days and then decided that was enough. Interestingly enough I think part of my Coastal Commission career occurred because I was on the fifth floor of the old Security Bank building and Senator Kennick, who was a member of the Senate Rules Committee had his office in Long Beach on the sixth floor and the men's room was between the floors. So it's funny how where you are and your timing can have a lot to do with what happens.

JB: So was he the one who nominated you?

MN: I became a Senate Rules appointee to the South Coast Commission back at the beginning of the Coastal Act of 1976. This is a start which meant that January of 1977 I joined the South Coast Commission.

JB: You've told me that among the many things you encountered as part of the commission that, first of all, the new Coastal Zone boundaries, that was an important part of the beginning of the Coastal Commission's activities.

MN: It was indeed.

JB: What was that all about?

MN: Well, Proposition 20 had sort of an arbitrary set of jurisdictional boundaries as part of that original initiative, but with the Coastal Act of 1976, one of the first responsibilities of the regional commissions that we had then, as well as the State commission was working with legislators to come up with boundaries for the new Coastal Zone. And that was a terrific fight and battle.

JB: It's not uniform all the way.

MN: No. You've got to pull out the maps to figure out where the Coastal Zone is. There are some general guidelines, if you will.

JB: What were those, more or less?

MN: Well, more or less, in rural areas, you'd go five miles inland or to the top of the nearest coastal ridge. In urban areas, it really depended on how the struggle came out, but there was a primary focus on areas seaward of the major roadway.

JB: Well, that explains to me now why we do have some beautiful agricultural areas along the coast now. I wasn't familiar with that.

MN: In the Santa Monica Mountains, for example, there was a huge battle going on as to where that first ridgeline was, because, of course, landowners would prefer to stay out of the Coastal Zone and therefore out of the regulatory process.

JB: And speaking of Malibu, that brings the subject of Local Coastal Plans, so that was one of your next jobs was to establish...well, you tell me.

MN: Well, the original Prop. 20 proposition contemplated that the Coastal Commission as then constituted would then prepare a plan for the entire California coast and present it to the legislature for its adoption. It didn't quite work out that way. Instead, what happened was after lots of tugging and pulling in Sacramento, the Coastal Act of '76 came into place and required local governments to prepare so-called Local Coastal Programs for their own jurisdictions. Those are programs, or plans if you will, that would include general land use requirements as well as all

the implementing ordinances and the local governments were charged with coming up with those plans or programs and then presenting them to the Coastal Commission for Coastal Commission approval, or as we called it “certification.”

And the Coastal Commission was only to certify plans or programs that were consistent with the whole number of policy requirements in the Coastal Act. And so the legislation contemplated that within approximately three years, all of those plans would be in place and approved, and of course, here we are some 30 years later, and some of those plans, we’re still waiting to have approved.

JB: And I gather that the Commission has pretty much figured that some communities just aren’t going to do them, like Malibu.

MN: Well, there are a variety of reasons why they haven’t happened here and there, and frankly sometimes, I can recall some conversations with representatives of City Councils here in Orange County and L.A. County, “we really like having a Coastal Commission because you can take the heat and we don’t have to the heavy hard lifting. You can be the bad guys in terms of the political process.”

JB: Isn’t that convenient?

MN: It certainly was, and sometimes still is.

JB: Now you mentioned Governor Deukmejian and the closure of the Eureka office. That was really a major blow to the commission in the early days.

MN: That’s true. When I first became a commissioner and I was on the regional commission initially and then served on the state commission for a period of time as the regional commission’s representative. And my regional commissioners fired me and then I wound up directly being appointed to the state commission as the regional commissions disappeared. And when I joined the state commission for the second time. Naomi Schwartz was the chair and we had Governor Brown at that point—Jerry Brown—who had appointed Naomi, she was wise enough when George Deukmejian was elected to replace Jerry Brown to know that her days were numbered.

She resigned from the commission and I became the commission chair, just as we had a governor who didn’t like the Coastal Commission. In fact, I recall a commission meeting very clearly where...I should explain for those that don’t know that George Deukmejian was the attorney general for the state of California before becoming governor. And as attorney general, it was his responsibility to represent the Coastal Commission. And we had at every meeting, one of his deputies sit in with us to provide us with legal guidance and advice.

And I recall during his run for governor, while he was still attorney general, one of this representatives appeared one morning and explained to us that the fellow we had seen on the 6:00 news the night before was George Deukmejian, the candidate for governor, not George Deukmejian, our very own attorney. So we knew that Governor Deukmejian, once he took

office, was not going to be our best ally and friend. One of the things he did was reduce our budget substantially. As I recall, it was about a one third cut suddenly and we had to reduce staff and one of the things he decided needed to happen was the closure of our Eureka office. And that was traumatic for the commission and quite frankly harmed property owners and folks who wanted to develop up there more than it helped them because they had now to make the trip down to San Francisco to deal with the commission.

So it's been a long history and a long battle with the process as we go forward over the years in terms of support from Sacramento, and George Deukmejian was certainly someone who made it far more difficult for us.

JB: Bolsa Chica. You said that Bolsa Chica was one of the major issues...wetlands preservation, in general, while you were chair. What happened during your time?

MN: Well, the County of Orange in conjunction with the major property owner when I first became a commissioner had in mind essentially expanding into Bolsa Chica what we had immediately up-coast in Huntington Beach, namely another Huntington Harbor with a marina and essentially the elimination, if you will, of any of the wildlife and natural habitat values that Bolsa Chica has been known for over the years. And the initial plans kept getting changed and modified with the political process that the Commission and folks in Sacramento and those folks that knew where the courthouse was generated. And when I was on the state commission, we had one of the county's plans, which in effect, would have allowed a navigable ocean entrance through the Bolsa Chica State Park into a marina. And I jokingly, after some negotiations and some commission decision making, concluded that the commission actually had denied the application of the county and the landowner with conditions because we approved the so-called land use plan for the area with some requirements that I knew could never be met in terms of protecting the environment. And that turned out exactly to be the case.

And I'm happy to say that now, many years later, a good portion...in fact, all of the lowlands now in Bolsa Chica are in public ownership, and some of the area above is also in public ownership, and without the Coastal Commission, I am certain that never would have happened. There's a long struggle and a history that would take a long time...

JB: A story in itself, yes, but definitely 25 years, at least, of process. I want you to tell us about what you saw in terms of offshore oil leases in your time in the commission.

MN: Well, during the time I was serving on the commission, we were dealing not only with federal outer-continental shelf leasing proposals, which occupied a great deal of our time and attention. But the State of California...

JB: What would you have to do with those....

MN: Well, there's a federal Coastal Zone Management Act that gives states the right to have some control and some influence in what the federal government either permits, or proposes itself to do in areas that are outside of state boundaries, that is beyond, for instance, the three-mile limit here in California offshore if what's proposed may have some significant effect on our

coastal zone. And other states have similar sorts of opportunities if they have a federally approved Coastal Zone Management program and California did and does.

And so we had an opportunity as commissioners to consider lease proposals on the outer continental shelf, proposed by the federal government in conjunction with various oil companies.

And so we considered a number of those leases, and the federal government wasn't always happy, nor were those oil companies with our concern because we thought there ought to be comprehensive thinking and planning rather than simply a race to stick holes here, there and elsewhere without thinking about the consequences of doing that in a comprehensive fashion.

So we dealt with the federal government on those, but likewise, the State of California also had plans to lease in state lands, particularly north... maybe I should say west of Santa Barbara, since the coast doesn't go north and south there, but in the Pt. Conception, Pt. Arguello area, as I recall, the State of California was seriously considering through its State Lands Commission state leases. And I found myself as the commission's representative dealing with Leo McCarthy as the "good cop" of the State Lands Commission, negotiating with him over what the commission might or might not do. And without getting involved in all of the nitty gritty details, the result was, ultimately, that we've got no state leases in those areas. And again, I'm thankful the Coastal Commission was able to play a positive role in preventing, I think, what would have been a horrible use of our coast.

JB: And you were involved with Leo McCarthy, also, in something with regard to the first LNG proposals?

MN: Well... the statute of limitations has run on those of us who served in the 70s and 80s, I guess, but LNG was something being considered for siting somewhere along the California coast. And the Coastal Commission engaged in a study to try to figure out how the state, if it was to have those facilities, how they ought to be sited and located. And the judgement, way back then, was that if LNG facilities were to be established, they ought to be away from urban areas and certainly in fairly remote areas for a variety of reasons including concerns about safety. And as time went on, the pressure for the development of those facilities lessened and now, of course, the pressure is back on and the State of California, the federal government and the Coastal Commission and others are having to deal with a variety of proposals by various private enterprises to put receiving facilities in various places, including Long Beach, and some offshore facilities to the north, and so forth. Some things just seem to go on forever, it seems.

JB: The battles go on. How do you feel about the one that's proposed for Long Beach? You said that your office is very close to there.

MN: Well, I'm about a mile, a mile and a half away from there. Quite frankly, I'm very concerned about that proposal for a number of reasons, including safety reasons. One of the uncomfortable facts of the matter is that there a variety of studies that are ongoing and some presumably completed and some very secret sorts of analysis about the terrorist threats, for instance. We're assured by the company that's proposing this facility that safety is of no concern

whatsoever, and at the same time, we're told that it would be inappropriate to let the general public to know some of the facts about safety, because presumably terrorists could then take advantage of those facts. And somehow or other, there's a disconnect and I'm concerned very much about that.

JB: Do you think this is going to go through in Long Beach?

MN: Quite frankly, I don't know. Part of the scary element here is that locally we've had politicians and appointed officials that really not been coming to grips with the issues early enough, and so it's not quite clear how it's going to play out. I am, however, sometimes thankful that market forces come to our rescue and I'm hoping that if nothing else does, that maybe that turns out to be part of the equation that will become important in terms of some more responsible siting of LNG facilities, assuming that they're sited at all. One of the things the Coastal Commission currently is very much concerned about is the fact that there's not comprehensive review going on relative to siting. It's just sort of the wild, wild West as far as one can tell, at the point.

JB: It does seem to be that way. I've heard that there are 43 proposals nationwide for LNG terminals and doesn't seem to be any overall plan in terms of where they most needed, where would be most safe, just where can we get them, where can we make them happen.

MN: That's right.

JB: Let's talk about all your work that you've done since you were on the commission. Tell us about the League for Coastal Protection.

MN: The League for Coastal Protection was actually created by some former Coastal Commissioners while I was still on the commission. One of the things that some commissioners discover is that after they've devoted a lot of their time and psychic energy into protecting and caring about the coast, that after they leave the commission, they can't quite get it out of their system. Some of my colleagues have gone on to be lobbyists on one sort or another for folks that want to do development that might be questionable, but the League for Coastal Protection, as I say, was created by former Coastal Commissioners.

JB: Is it a c3 or a c4?

MN: It's currently a c4 and one of the reasons for that is there was a desire to be able to lobby and participate in the legislative process in Sacramento.

JB: And you've also been involved in the League of Conservation Voters and Vote the Coast.

MN: I am a member of the Los Angeles League of Conservation Voters and of course, we still concern ourselves about coastal matters, although things tend to be connected to other things, so we're dealing with electoral politics all around the county. As far as Vote the Coast, that's a political action committee that is concerned about who will wind up in Sacramento primarily, and pleased, for instance, as we have interviewed various candidates for elective office that

within about a month ago, a public opinion survey came out showing how important to the electorate coastal protection is.

JB: You mean in case the candidates had forgotten?

MN: And indicating that even in the governor's race, that people think that position on coastal protection is a factor that is important to them. So people continue to care about the California coast and I'm delighted they do.

JB: What do you urge people who are busy, but who are concerned... what should they should do to express their concern? What's the most efficient way for a person, the ordinary citizen, to participate?

MN: Well one of the things that people really ought to do and a lot of people aren't doing is voting and paying attention to the candidates and their positions on matters that they care about. And as far as the environment is concerned, whether it's the coast or other related matters, they really ought to participate in the electoral process rather than simply throwing up their hands and saying it doesn't matter.

It's also important, I think, to weigh in with the various bodies that so make public policy decisions, whether it's city councils...

JB: Send letters, call. Mel, thank you very much for joining us. Viewers, thank you for joining us.

MN: Thank you.

[end of interview]