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Joe Bodovitz:
Founding Director of the Bay Conservation Development Commission and the California
Coastal Commission

Interviews conducted by
Martin Meeker
in 2015

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It is recommended that this oral history be cited as follows:

Joseph Bodovitz “Joseph Bodovitz: Founding Director of the Bay Conservation Development Commission and the California Coastal Commission” conducted by Martin Meeker in 2015, Oral History Center of the Bancroft Library, The Bancroft Library, University of California, Berkeley, 2015.



Joe Bodovitz, 2015

Joseph Bodovitz was born Oklahoma City, Oklahoma in 1930. He attended Northwestern University, where he studied English Literature, served in the US Navy during the Korean War, and then completed a graduate degree in journalism at Columbia University. In 1956 he accepted a job as a reporter with the San Francisco *Examiner*, reporting on crime, politics, and eventually urban redevelopment. He then took a position with SPUR (San Francisco Planning and Urban Research) where he launched their newsletter. In 1964 he was enlisted to lead the team drafting the Bay Plan, which resulted in the creation of the San Francisco Bay Conservation and Development Commission (BCDC) by the state legislature in 1969. Bodovitz was hired as the first executive director of BCDC. In 1972 he was hired by the newly-established California Coastal Commission to be its first executive director. He left the Coastal Commission in 1979 and shortly thereafter was named executive director of the California Public Utilities Commission, a position he held until 1986. He served as head of the California Environmental Trust and then as the project director for BayVision 2020, which created a plan for a regional Bay Area government. In this interview, Bodovitz details the creation of the BCDC and how it established itself into a respected state agency; he also discusses the first eight years of the Coastal Commission and how he helped craft a strategy for managing such a huge public resource – the California coastline. He further discusses utilities deregulation in the 1980s and the changing context for environmental regulation through the 1990s.

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Introduction by Will Travis

Joe Bodovitz hired me twice, I hired him once, and for the past two decades we've had frequent lunches where we've discussed what should be done to improve the quality of life in California. Joe has been my mentor for my entire professional career. Through his editing of my work I've learned to think more clearly and write better. By observing his interactions with his colleagues I've learned how to manage. And by having Joe as my friend for over 40 years and watching how other people treat him I've learned why the Yiddish word *mensch* had to be created. A *mensch* is a person of integrity and honor, someone to admire and emulate, someone of noble character. In colloquial American English, a *mensch* is a stand-up kind of guy. Joe is a *mensch*.

Joe hired me when I was fresh out of graduate school to be the most junior staff member at a new state agency—the San Francisco Bay Conservation and Development Commission or BCDC as it is commonly called. Joe was the first executive director of BCDC. A few years later, Joe hired me again, this time to be a senior staff member at the newly-established California Coastal Commission where Joe was its first executive director. I'd like to believe that Joe hired me a second time because I had done good work in my first job. But Joe is so loyal to his friends, he probably would have hired me even if I had been mediocre in my first stint with him simply to give me a chance to do better the second time around. Several years later I hired Joe in his capacity as the president of the California Environmental Trust. I had been selected to chair a committee in charge of spending millions of dollars of fines and penalties stemming from an oil spill. The California Environmental Trust had been created for the specific purpose of administering these types of funds so it would have been reasonable to assign the responsibility for spending these funds to Joe and the Trust rather than the committee I headed. But Joe never mentioned this seeming injustice. Instead he spent the next ten years making our partnership a success.

Our monthly lunches began when I eventually succeeded Joe by becoming BCDC's fifth executive director. The lunches provided me with an opportunity to ask Joe how he would handle problems that came across my desk. Sometimes I asked why the law I was administering or the plan I was implementing had particular provisions in them—provisions Joe had been engaged in crafting. This was an experience not unlike a current Supreme Court Justice being able to ask Thomas Jefferson what he had in mind when he wrote a specific provision in the Declaration of Independence.

These lunches have continued for over 20 years. I'm now retired so we talk about the problems California is facing and how we think they should be addressed. I know that Joe enjoys talking about this subject because he teaches courses in California politics at the University of San Francisco's Fromm Institute. But even if Joe weren't particularly interested in the subject I know he would indulge me because I enjoy our conversations. Joe is always kind to his friends.

Don Neuwirth, a dear friend and colleague of Joe and mine, has said that after you work for Joe, you'll never be happy working for anybody else. Don is right because Joe gave Don, me and all the other people who worked for Joe at BCDC and the Coastal Commission the opportunity to grow as professionals while providing us with a safety net so that we didn't hurt ourselves or anyone else while we were growing.

I've never met anyone who knows Joe and doesn't like him. Even if he disagrees with someone on an issue, the disagreement will be over the issue, not with the person holding the opposing view. In fact, he'll often acknowledge how someone could come to a different conclusion given the circumstances and perspective of the other person.

Even though Joe is a well-known personality, he values his privacy. Joe has two families and I'm part of his larger, secondary family—his professional colleagues. His rock is his primary, personal family. He is devoted to the people in it and, in return, they provide him the support he needs to do all the wonderful things he does for his community.

As you read Joe's oral history it will become abundantly clear that he is modest, wise and self-effacing, which is just what you would expect from a *mensch*. California is a far better state because Joe Bodovitz has devoted his life to making it better.

Interview #1: February 26, 2015

[Editor's note: this interview transcript has been substantially edited by the interviewee and thus in many places does not closely match the original recording.]

01-00:00:00

Meeker: Today is the 26th of February, 2015. This is Martin Meeker, interviewing Joe Bodovitz for the History of Politics and Public Policy series. Let's get started. So, the way that we usually begin these interviews that are multi-session is by getting a sense of your own personal background, your upbringing, and your education.

01-00:00:46

Bodovitz: Okay.

01-00:00:47

Meeker: So, I think the first thing to do is ask you when and where you were born, and maybe tell me a little bit about the circumstances into which you were born, such as the kind of work that your mother and father did.

01-00:00:59

Bodovitz: Okay. I was born in Oklahoma City, Oklahoma, in 1930. My father was a lawyer. My mother was, I guess, what was called a housewife in those days. I have a younger brother. The circumstances of my being born in Oklahoma require me to say something about my grandfather. My father's father came to what is now Oklahoma as a very young man, a refugee from persecution in Europe, who wound up in what was then Indian Territory in southern Oklahoma, what is now southern Oklahoma, in the town of Ardmore. And he became very active in territorial politics, and had a long and colorful history, oddly enough, in Indian Territory. And was one of the people who came from Indian Territory to Washington in 1907, when Oklahoma was made a state by uniting Indian and Oklahoma territories. So that's an unusual part of my background.

01-00:02:46

Meeker: What was his name?

01-00:02:47

Bodovitz: Jake Bodovitz.

01-00:02:48

Meeker: Jake Bodovitz. And he was fleeing the pogroms in Eastern Europe?

01-00:02:52

Bodovitz: Yes.

01-00:02:53

Meeker:

Where in Eastern Europe was he from, do you know?

01-00:02:55

Bodovitz:

Well, it's a part of Eastern Europe that's sometimes Poland, and sometimes Germany, and I don't know which it was when he left. But it wasn't so much pogroms as I've always understood, as the almost-certainty of being conscripted into somebody's army at age fifteen, or sixteen, or whatever the age was. So among the remarkable parts of all that are people sending their sons at age fourteen—because my other grandfather did the same thing—and knowing you might never see them again, and would be lucky to hear from them again. And in both cases, there was a relative. They wound up where they wound up because they were looking for a relative who was thought to already be there.

01-00:03:49

Meeker:

Often when people emigrated from Eastern Europe, they would end up in the Lower East Side, or in Chicago, or something like that. You don't hear many going to Indian Territory.

01-00:04:01

Bodovitz:

No. And again, this is all hearsay. I was not there at the time. But the grandfather who wound up in Indian Territory had gone to find a relative who was in Rochester, New York, and that relative had gotten him a job in a cigar factory. But he had terrible respiratory problems, so he just couldn't stay there. So there was thought to be another relative in that part of Indian Territory, so that's how my grandfather got there. And so far as I know, he never connected. If that other relative was ever there, they never connected. And I don't know the early history. Sadly, he died when I was twelve, and at that time, nobody had tape recorders. If only somebody had recorded his past. It would have been really phenomenal. And this is way off the topic, but it has always intrigued me that somebody with my kind of background, I'm kind of a bridge, if you think about it, of five generations—my grandparents, my parents, me, kids, grandkids—that go back from Indian territory to the iPhone. That is a really intriguing chunk of history.

01-00:05:29

Meeker:

No kidding. So both of your parents were born in Oklahoma as well?

01-00:05:33

Bodovitz:

No, my mother was born in Kansas, because her father, my other grandfather, had wound up in a little town in Kansas, Pleasanton. Seventy-odd miles from Kansas City.

01-00:05:45

Meeker:

And what were your parents' names?

01-00:05:50

Bodovitz:

Frieda and Volley Bodovitz.

01-00:05:53
Meeker: And your father was born in—

01-00:05:55
Bodovitz: Indian Territory.

01-00:05:56
Meeker: —in Indian Territory. And you said what kind of work he did.

01-00:06:03
Bodovitz: He was a lawyer.

01-00:06:04
Meeker: He was a lawyer.

01-00:06:04
Bodovitz: He was a general business lawyer.

01-00:06:06
Meeker: Do you know, did he receive formal education for that, or was it more of an apprentice kind of thing?

01-00:06:10
Bodovitz: This is American history at that time. Here's this immigrant grandfather, who wound up with a wholesale feed business. Cattle was a big part of the economy, and he had a little wholesale feed business, and sent four kids to college, and two—my father and an uncle—to Harvard Law School. And my father had great stories about trying to buy a train ticket from Cambridge to Ardmore. Even by then it was Oklahoma, but the ticket agent in Boston had never heard of such a thing.

01-00:06:49
Meeker: Fascinating. So do you know what kind of law he practiced?

01-00:06:53
Bodovitz: Just general business law. Among his clients were the Dodge dealer in Oklahoma City.

01-00:07:03
Meeker: And what town were you raised in, then?

01-00:07:05
Bodovitz: In Oklahoma City.

01-00:07:09
Meeker: Can you tell me a little bit about Oklahoma City during the 1930s, 1940s?

01-00:07:16
Bodovitz: The thirties and forties—It was and is the state capital. It was the largest city in Oklahoma. The economy was basically oil and cattle. It was totally segregated. I never went to school with any black kids. The black people we knew were maids and chauffeurs, and people doing that kind of work. It

seemed strange, and odd, and reprehensible only after I got away from it. That's just how life was when I grew up. So far as I recall, there wasn't anybody who thought the world was supposed to be any different. There was no racial integration of any sort. I think a third of the population of the state at that time were Indians. I've got a map if you have any interest of where all the different tribes were. It was home to the Five Civilized Tribes. This is more history, I'm sure, than anyone would ever care about. When Andrew Jackson, in response to the cotton planters who wanted good, fertile land in Florida and Georgia, he uprooted the Indians and sent them on something called the Trail of Tears, and they wound up in what is now Oklahoma. And were given land that in some cases, ironically, proved to have oil under it. And was of great value to some tribes, the Osages particularly. And the Indians' revenge is gambling casinos on reservation land, which are apparently doing well.

01-00:09:12

Meeker:

Was your family secular or observant?

01-00:09:18

Bodovitz:

More secular than observant. We belonged to a Reform congregation in Oklahoma City, at my mother's insistence. My father wouldn't have cared. So we went through Sunday school. The Jewish population at that time—the Reform Jewish population; there was also a small Orthodox Jewish community—was very assimilationist in that part of the world. Society seemed to be run by the Baptist church. They controlled everything that mattered, so this wasn't religious pluralism or what's all, one big happy family. If you were kind of moving into that territory, it behooved you to—well, if you didn't think you were going to get along there, then you probably should be somewhere else, was, I think, the prevailing feeling of the time. Not that I'll just move there and straighten all these people out.

01-00:10:24

Meeker:

Did your parents ever communicate that idea to you, that you were different and that people might treat you differently?

01-00:10:30

Bodovitz:

No. At least in my years there, no, there was nothing. My friends didn't go to—I don't think anybody went to Sunday school, although somebody might have. I don't know, maybe we all went to Sunday school just for the heck of it, but it wasn't—I never felt that I was discriminated against in any overt ways. If anything was happening behind the scenes, I never knew about it. I just had no feeling of that at all.

01-00:11:12

Meeker:

What about dating in high school. Did you date within your congregation, or—?

- 01-00:11:17
Bodovitz: No, no. Well, I wouldn't have been on very many dates. [laughter] No. No, you know, I didn't have great serious romances in high school where all that could certainly have been an issue.
- 01-00:11:34
Meeker: Okay. So you said you were born in 1930, right?
- 01-00:11:37
Bodovitz: Yes.
- 01-00:11:38
Meeker: Do you remember much about the Great Depression, or the Dust Bowl that would have been affecting that part of the country?
- 01-00:11:42
Bodovitz: Yeah. Yeah, again, you're born into that world. That's how the world is. You don't think, gee, this is strange. What's the Dust Bowl? You know, you just looked up and saw the sky full of dirt and sand, occasionally. The worst of it was out in western Oklahoma. We got it, because at some points the dust went all over the country, or most of the country. I recall its happening, I don't recall that it changed—if we did anything different, I suppose it was staying indoors, but I don't have any vivid memories of the year we didn't have school because of the Dust Bowl, or something like that.
- 01-00:12:32
Meeker: What about the beginning of World War II? You would have been about eleven years old then.
- 01-00:12:35
Bodovitz: Well, I was a Boy Scout, because everybody was, and the Boy Scouts had paper drives, and helped when the ration books were passed out at the junior high school. So yeah, that—but again, it just seemed a normal—I may be overemphasizing that. It's just how life was. It wasn't, gee, this is really strange; now we're at World War II. It's just, if this is what the grownups are doing, we go along with it, I guess.
- 01-00:13:07
Meeker: Did any of your relatives go off to fight?
- 01-00:13:10
Bodovitz: Yes. I had an uncle in the medical part of the Army, and another uncle who was in the judge advocate part of the Army. I don't know that I had any relatives that I knew of in the infantry, or anything like that.
- 01-00:13:28
Meeker: So there was no, I guess, concern in the family about the personal impact of war on—

01-00:13:37
Bodovitz:

Well, not really beyond those two. You ask about the Depression: it really did affect people, and I was aware at the time that one of my best friends at age eight or nine, or something, was a kid who, with his parents and I think a sibling or two, had moved back into the neighborhood because they had lost their house in the Depression and were moving in with grandparents. And, you know, again, that's just how things were. That's what people did. I do remember his father got a job with the Civilian Conservation Corps, and so the family was able to get back on its own. Which I, of course, hated, because he was moving away.

01-00:14:37
Meeker:

Oh, interesting. Can you tell me about where you were educated? What were your schools like?

01-00:14:41
Bodovitz:

Yeah. I went to Northwestern University in Evanston, Illinois.

01-00:14:48
Meeker:

Can we start a little bit earlier? Let's talk about high school.

01-00:14:52
Bodovitz:

Okay. I went to a high school in Oklahoma City called Classen High School: C-l-a-s-s-e-n, named after an early-day developer. The building, I'm sure, is still there. What it's being used for, I couldn't begin to tell you. A good academic—well, I guess it would now be called—I don't know what it would be called now. But it had shop, and art, and home ec, and all that good stuff. It was just a comprehensive high school. So it had all kinds of people, but again, all white.

01-00:15:25
Meeker:

It was a public school.

01-00:15:26
Bodovitz:

Oh, yes. I'm not even sure there was a private school. There were soon after, but I don't know that there even was a private school at that time. Probably not until the end of the war.

01-00:15:39
Meeker:

Would you have considered yourself a good student?

01-00:15:42
Bodovitz:

Well, I realized that if I was going to go to school anywhere but the University of Oklahoma, I would need a scholarship from somebody, somewhere. And I just thought there was more to the world, probably, than Classen High School and Oklahoma City, and if I could, I'd like to go to school somewhere else. So I also deduced that I'd better have decent grades or I probably wasn't going to go anywhere else, so yeah, I had considerable motivation, and I think I was a good student. Well, I know I was. I got awards for being a good student. But it was self preservation.

01-00:16:29

Meeker:

Did your family ever travel at all when you were young?

01-00:16:33

Bodovitz:

Not beyond trips to relatives in Missouri. My mother's family had lots of people in St. Louis, so we had car trips to St. Louis and back. But there wasn't money, and there just wasn't any interest in big trips. At the time I was a kid. Later on, my parents traveled a lot, but again, the world had just moved. After the war, people traveled more, I guess.

01-00:17:03

Meeker:

Well, you expressed that you knew you were interested in leaving Oklahoma City for college. This is kind of a broad question, but what did you know of the rest of the world, and how did you know it? Was it Hollywood films or through your reading that piqued your interest in going beyond the community in which you were raised?

01-00:17:28

Bodovitz:

You know, that's interesting, because I never thought about it, probably until this minute. There was some kind of—I'm sure I have the name wrong, but something that had a name like Foreign Policy Association, or something, that had little bulletins for high school students, and tried to interest high school students in the broader world, and I thought that was neat stuff, so I paid some attention to it. I must have had world history classes and things like that, but I don't have any vivid memories of it.

01-00:18:15

Meeker:

Did your family subscribe to *National Geographic*?

01-00:18:18

Bodovitz:

Not that I recall, but we had an *Encyclopedia Britannica* in the house. I don't know that we did and I don't know that we didn't; I just don't have any memory of it.

01-00:18:29

Meeker:

Sure. So you say you ended up at Northwestern, just outside of Chicago.

01-00:18:35

Bodovitz:

Just in Evanston. Right, just outside Chicago.

01-00:18:38

Meeker:

What attracted you to that school?

01-00:18:41

Bodovitz:

A full-tuition scholarship.

01-00:18:43

Meeker:

Okay. And did you know what you were interested in studying?

01-00:18:47
Bodovitz:

Liberal arts. My father, as I said, was a lawyer, and to the extent I had any career idea, it was I guess I'd be a lawyer, but it wasn't some burning need to be a lawyer. I don't mean to demean Northwestern. I, along the way, learned it was a very school, and it turned out we had a family friend whose child had gone there and loved it. But I'd never seen it. This wasn't a time when you visited campuses that far from home, so I'd never seen it. When I got on the train, I had only the vaguest idea of where I was going to end up, which was Chicago.

01-00:19:28
Meeker:

So, when you arrived at the beginning of freshman year, that was the first time you had ever seen the place? And it sounds like that was the first time you had ever really left that specific geographic area as well.

01-00:19:38
Bodovitz:

Yeah. Yes, with the idea that I'm going to stay a while.

01-00:19:43
Meeker:

Yeah. Can you tell me about that experience of arriving in Evanston as an eighteen, nineteen year old?

01-00:19:50
Bodovitz:

Yeah. I thought it was neat to be away from home. Again, what I remember about that time is they—this was 1947, so it was not long after the war. And college campuses were bustling with returned veterans. And so they had Quonset huts on all the vacant parcels, and a tremendous housing shortage. So the term started, and all the incoming freshman males were living in bunks in a gym. It sounds awful, and I'm sure it was, but, you know, it's sort of cool. College is not so bad. And then we were given a choice of a crowded Quonset hut or the basement of a dorm, which was going to be turned into a dorm for a while. And I thought it would be warmer in the basement of the dorm, probably, than in a Quonset hut, so given the choice, I did that, and then I stayed in that dorm the rest of my time at Northwestern.

01-00:21:01
Meeker:

Did you make friends with any of the returning vets who would have been, certainly, a few years older than you?

01-00:21:07
Bodovitz:

Yeah. I wouldn't say close friends, because they'd been through stuff I hadn't been, and I don't think they were paying immense attention, but yeah. The ones I knew were not people who liked to get drunk and talk about their experiences, which I wouldn't have been able to relate to much if at all it.

01-00:21:34
Meeker:

Yeah. Well, tell me about your studies at Northwestern. What did you gravitate towards?

01-00:21:38
Bodovitz:

I majored in English, and just general liberal arts. Probably if I did anything secondly, it would have been political science. At that time, and I assume now, Northwestern had some terrific people teaching in those departments. So it was great. I had a great time.

01-00:21:59
Meeker:

And again, the end goal of this was probably to go to law school?

01-00:22:03
Bodovitz:

Well, I thought I was going to go to law school. As it happened, when I graduated, which was 1951, it was the heart of the Korean War, and draft boards were letting people in my situation finish college before getting snagged. So the war made my career decision easy, because I had two choices: be drafted or enlist. And at that time, just the way things happened in your lives, six months later it would have been different and six months earlier it would have been different. But at that time—well, I decided I'd do better on a ship than I would in a foxhole, having never been on a ship or in a foxhole, but I had that figured out right. So I decided if I enlisted, I would enlist in the Navy.

And at that time, the Navy had a program where if you would enlist for four years, they would send you to Officer Candidate School and you would come out an ensign, a commissioned officer. But you would have to serve for four years, whereas draftees might serve a shorter time. So I thought that sounded like a good deal. With total ignorance, but with having to decide. So I went to OCS at Newport, Rhode Island in January after I graduated in June. The Navy in its wisdom—it was a four-month OCS, during which we were never on a vessel of any kind. [laughter] And growing up in Oklahoma, I hadn't been on anything larger than a rowboat.

So the Navy, in its wisdom, said the newly-commissioned ensigns could make two requests: you could pick the part of the world you were going to be assigned to—you knew you were going to go to sea. It wasn't shore duty—and you could ask for big ships or small ships. As I say, never having been on either, I thought I'd get less seasick on a big ship, which I think was a good decision. And we all put down Mediterranean fleet, because of course we all knew we were going to Korea. And we all went to Korea, but the Navy, after four months of OCS, made me assistant navigator on an aircraft carrier that was leaving the West Coast to go to the Korean War zone.

01-00:25:01
Meeker:

What was the ship?

01-00:25:03
Bodovitz:

USS Boxer. And we nonetheless managed not to lose the war, with me as a—
[laughter]

01-00:25:12

Meeker:

So, I assume at officer candidate school, you had been trained in navigation and—

01-00:25:18

Bodovitz:

We had one course in navigation, taught by a chief petty officer and I'd learned as much about navigation as I had about engineering or gunnery or anything else, which was not very much.

01-00:25:40

Meeker:

So, you shipped out of what port?

01-00:25:44

Bodovitz:

Finally, San Francisco. The Navy sent me to San Diego because the ship had been there, but by the time I got there, it had come to San Francisco, to Alameda. And then someone discovered that I hadn't had the necessary shots, so I was told to stay here in San Francisco for ten days, and I had shots ten days later. So I had sort of a ten-day paid vacation to live in a BOQ [Bachelor Office Quarters], which was an old hotel down on Mission Street and do nothing but report every day and get whatever shot I was assigned to get.

01-00:26:31

Meeker:

Was this your first visit to California?

01-00:26:33

Bodovitz:

Yes. So then when my shots were done, the Navy said I had orders to Japan, and the first part of the trip to Japan was on an old Mars seaplane, leftover from I don't know what. So oddly—I remember this vividly: flying over the Golden Gate Bridge leaving from Alameda taxiing in the bay, slowly going over the Golden Gate Bridge. The first time I'd really seen much of the bridge. And fourteen hours later and one engine dying, after which the pilot said, "Well, it's a seaplane. If they all go, we'll just glide down on the water, and they'll come get us." [laughter] "Don't worry." And we made it to Pearl Harbor. And I noticed as I was getting off the seaplane that the ship I was told was in Japan was in fact right at the next dock in Pearl Harbor. So I reported, and the rest is naval history.

01-00:27:55

Meeker:

Did you get to spend any time in Honolulu?

01-00:27:58

Bodovitz:

Oh, yes. It was the last American place before going to Japan and Korea, and the first on the way back, so yeah. I have big emotional ties to Hawaii.

01-00:28:14

Meeker:

What was your experience of it like? What do you remember doing before you departed?

01-00:28:21
Bodovitz:

Well, at that point, I don't remember what I did before I departed. I can tell you a lot about different, later trips, where we stopped in Honolulu. Because the first time, I didn't know anybody and didn't know anything, and with the subsequent times, I had friends on the ship, and basically what we did was drink beer in the outdoor bar at the Moana Hotel.

01-00:28:49
Meeker:

It was a pretty special place then, I bet.

01-00:28:51
Bodovitz:

Well, yes. I mean, the first place—you could drink beer ashore in Japan, but it was sort of the first taste of America—American food, American everything—before you went to the war zone, where you didn't know what was going to happen. So, at that time—we're touring ancient history, but at that time, there were a total of three hotels in all of Hawaii.

01-00:29:21
Meeker:

What, the Royal Hawaiian, the Moana, and—

01-00:29:24
Bodovitz:

Moana and the Surfrider. I don't know that it still exists in that form, but you can go back to the Royal Hawaiian, and of course the whole area is wildly different.

01-00:29:35
Meeker:

Sure. Sure. Do you have any particular recollections of that week you spent in San Francisco in 19—was it '51, '52?

01-00:29:44
Bodovitz:

Oh, I was just a typical tourist. I probably took a tour bus around, or something. I knew what a guidebook said about the city, but I didn't really know anything about it. There were other people living in the BOQ that would have been in the same fix, so I suppose I hung out with other people, but I don't have any vivid memories of it. I remember liking the city a lot.

01-00:30:13
Meeker:

What was your experience like when the ship arrived in Asia? Was the war still going on at that point?

01-00:30:22
Bodovitz:

Oh, yes. Well, I had the good fortune of finding people on the ship who would teach me what I needed to know and didn't. I was on two cruises of maybe nine months each, where we were in the Korean War zone and launching planes to bomb whatever there was to bomb in Korea by then. I think the longest time at sea was maybe thirty-five days, which is a long time. Then back to Japan, maybe for a week or ten days of leave for the crew, but repairs, and taking on supplies, and all that. The first cruise, I was assigned, because I was assistant navigator, to be a junior officer of the deck. Do you know the Navy terminology at all?

01-00:31:24

Meeker:

No, I don't.

01-00:31:25

Bodovitz:

Well, then as now, there is a captain who's in command of the ship, and an executive officer who's the second in command, who does the internal management, and then twenty-four hours a day, all day and all night, there's someone on the bridge called an officer of the deck [OOD], and on a large ship there's an officer of the deck and a junior officer of the deck, the junior officer being just what that sounds like: somebody who's learning the ropes. And that person is in command of the ship, subject only to the captain, in terms of where it's going. The OOD doesn't manage the internal operations or anything. But he is responsible for keeping the ship on course, and not hitting anything or anybody, and doing whatever the orders are that you're going to do for a four-hour watch.

So all the time I was at sea, we had four-hour watches, four officers rotating. So you would have noon to 4:00 one day, then at 4 a.m. the next day, so you really never got a solid amount of sleep. The first cruise, I learned how to be an officer of the deck. The second cruise, I had been promoted, and I was one of the four officers of the deck. So at a very young age—twenty-three, twenty-four—I had more responsibility for people's lives and government property than ever again in my life. You know, I look at twenty-three-year-olds around me, and I think, ye gods! [laughter] How did we survive me? But the time I was an officer of the deck, I didn't think I was any less proficient than any of the people who had taught me. The Navy, you grow up quickly in a situation like that, because if someone says, "Do this"—someone superior says, "Do this,"—the right answer is not, "No, I couldn't possibly do that, I don't know anything about it." The answer is, "Aye aye, sir." And you find out how to do that. That's not a great lesson, maybe, under all circumstances, but you sure grow up quickly.

And so I had the problem I think everybody does who has been in a warzone—we weren't ever in combat, but we were in danger some of the time. You go home on leave, and you don't have, really, anybody to talk, because you have a bunch of people your own age who have no idea what you're talking about, and they seem impossibly frivolous and useless. And so you're sort of ready to stop seeing your family and go back to the ship.

01-00:37:49

Meeker:

When you went home on leave, then, you went to Oklahoma City?

01-00:37:51

Bodovitz:

Yes.

01-00:37:52

Meeker:

Yes. And this was for the whole four-year period of time?

01-00:37:55
Bodovitz:

No, this was for probably two and a half years. Then I had a year of shore duty at the Great Lakes Naval Station outside Chicago, in Waukegan. Then I decided I had to figure out what I was going to do. In those days, there was the GI Bill. So I, by then, had thought I would be a journalist. I can't remember what led up to this, but I thought somehow that life on the ship would be better if we had a ship's newspaper. This was the days of mimeograph.

So my coup as editor of a ship's newspaper—you know, we just got wire stuff by whatever form of communication we got it, then a yeoman would type it in a form that we could Xerox it and have copies around for everybody. At that time, there was a comic strip called Pogo that everybody read. So my coup was writing the guy who drew Pogo, whose name I'm blanking on—Walt Kelly—and saying, "I'm Ensign Bodovitz, I'm on the ship off Korea and it would be great for morale if we could print Pogo strips." And he wrote back, "Sure, why not?" And so my coup was getting a cartoon in the ship's paper. But the daily paper was also an ungodly amount of work.

01-00:36:42
Meeker:

Did he send you the art and everything?

01-00:36:45
Bodovitz:

He must have. I don't really remember. Or gave us permission to reproduce, or whatever it was. So you don't get any sleep, and you have an awful lot to do, but you still, in the spare time such as it is, you sort of need something. So I did that.

01-00:37:09
Meeker:

So then you're back in Waukegan—

01-00:37:12
Bodovitz:

Yes. Back in Waukegan, I decided I should go to journalism school on the GI Bill. There was a one-year program at Columbia [University], which I liked. I remember thinking I was sort of—I think everybody who did what I did who wasn't going to stay in the Navy were convinced by their parents and everybody else that you've lost four years, you're four years behind everybody who didn't go into the service, although most people did. So you've got to catch up. So a one-year graduate program on the GI Bill was very appealing. I'd never lived in New York.

So I got into the Columbia Journalism School, and went. And it was a one-year program. There were, at that time, maybe a class of sixty men and five women, whereas now it would be fifty / fifty, or more women than men. And there were a lot of newspapers and a lot of newspaper jobs, so if you got out of Columbia Journalism School, and I don't know that anybody ever flunked out—I don't mean the standards weren't high, but I don't recall anybody leaving, at least in my year. I had several newspaper job offers, and one of

them was for the *Examiner* in San Francisco, and another was in Detroit and one of them was in New Jersey. I think those are the only ones I remember as being serious.

01-00:39:00

Meeker:

Did you apply for these, or did they just kind of reach out to recent grads of programs?

01-00:39:04

Bodovitz:

Well, the people with openings would tell the school that they were looking for new reporters, or copyeditors, or whatever it was. And these must have been posted somewhere. And then you could elect to send a resume to the ones that interested you. So I thought, heck, I'd rather be in San Francisco. And so I got a job at the *Examiner*.

01-00:39:30

Meeker:

What was the nature of the work that you were supposed to do?

01-00:39:34

Bodovitz:

What it called general assignment reporting: you just do everything. At the *Examiner* they had—and I'm sure a lot of papers now—you'd do a stint as a night police reporter, meaning you hang out at the police headquarters and follow anything that's going on: fires, shootings, whatever. And that's great education. I learned a huge amount.

01-00:40:05

Meeker:

Do you recall what year this was that you moved to San Francisco?

01-00:40:12

Bodovitz:

It would have been '56, I'm pretty sure. So I spent about a year as a night police reporter, and the old Hall of Justice was across the street from Portsmouth Square, where there's a big hotel now. You learn a lot that's good. In your later life, I don't know what you do with it, but hanging out with cops and jailors is something most people don't do in the course of normal living or employment, and it's very educational. I could think like a cop like the best of them.

01-00:40:55

Meeker:

What does that mean?

01-00:40:56

Bodovitz:

You begin to understand the world the way a cop sees it. You know, if you're assigned to the jail for a while, you've got people you regard as kind of the scum of the earth, and somehow it's your life to be guarding the scum of the earth. And if you're a cop and you answer a domestic violence call, you knock on the door and you don't know whether there's somebody standing behind the door with a loaded gun or a butcher knife. So it's easy to think for your own personal wellbeing, you'd better look at everybody as a potential homicidal maniac. And I get it. I mean, I went out on shootings where cops got hurt or killed because there was such a person behind the door. And it doesn't take

many of them to make you feel that way. It was something I never had expected to do or understand, but it was very interesting.

01-00:42:00

Meeker: Were there any notorious crimes that you reported on during that period of time?

01-00:42:05

Bodovitz: Not that I can remember. Really, all I remember is fires and shootings, and other crime like that. I recall the night police reporter had a car. You didn't ride with the cops or the firemen, but you could get where they were going. So I saw a lot of big fires. I recall once where on a Sunday morning, a cop was driving a suspect to jail, and somehow the suspect got hold of the cop's gun and shot him, and took off. So that was a big deal. But lessons are vivid in my mind; the particulars are not. God, you're making me relive a lot.

01-00:43:09

Meeker: [laughter] That's good. That's my job. Where were you living in San Francisco at this time? Do you recall?

01-00:43:15

Bodovitz: An apartment on Nob Hill. Pine and Powell. I came there with all my worldly possessions, like that. And I thought since the *Examiner* office was at Third and Market, that being able to walk back and forth with the crazy hours I had probably was going to be a good thing, A, to get a little exercise, and B, to not be waiting for a bus all night.

01-00:43:43

Meeker: So after spending that year as a night police reporter, what did you move into?

01-00:43:48

Bodovitz: Well, I covered a lot. I was at the *Examiner* six years, and during that time, I covered the San Francisco school board, redevelopment. I filled in at city hall when the regular city hall reporter was on vacation. I covered the city planning commission. I covered the beginnings of redevelopment in San Francisco. So that's how I got to understand a little bit about planning and redevelopment, and all the development issues. I covered the beginnings of BART [Bay Area Rapid Transit] when it was being formed.

01-00:44:27

Meeker: Well, those are some big transformative issues for the history of San Francisco. '56 to '62 is a pretty remarkable period of time in the city's history. I guess it would have been George Christopher would have been mayor at that point in time? Powerful guy, later went on to run for higher office, even though he was not successful—

01-00:44:50

Bodovitz: Oh, yeah. I hadn't known a lot of mayors, but I liked him. In fact, [laughter] in my oldest daughter's possession somewhere is a welcome to the city

proclamation signed by George Christopher, welcoming my oldest daughter to San Francisco, having just been born here.

01-00:45:15

Meeker: Oh, no kidding?

01-00:45:15

Bodovitz: Because a secretary became a friend. I mean, as reporters do, you get to know people. But Christopher was good. I mean, a limited guy, but very likeable.

01-00:45:32

Meeker: Did you meet your wife in San Francisco?

01-00:45:35

Bodovitz: I did.

01-00:45:36

Meeker: And what was her name?

01-00:45:37

Bodovitz: Shirley Leon.

01-00:45:48

Meeker: Shirley. And she was the one that you had three kids with, right?

01-00:45:43

Bodovitz: Correct. And she died in 1997 of metastatic cancer. One of the awful periods of my life.

01-00:45:55

Meeker: No doubt. No doubt. I'm sure that must have been very hard. So I want to hear more about the reporting that you were doing on these particular issues that later on I think are going to be central to you developing your own understanding of things.

01-00:46:16

Bodovitz: Well, again, this was middle-to-late fifties and early sixties. I left in '62. So, late fifties, early sixties. Among the issues in San Francisco were that there had been tremendous crowding of the city during the war, with all the military buildup. So among a number of community leaders, civic leaders, whatever you'd call them, there was worry that the city was going to have a lot of tenement houses, that what housing there was would be overcrowded, and at the end of the war, the city would be stuck with a lot of tenements. So I became aware of what is now SPUR [San Francisco Planning and Urban Research Association], started out as the San Francisco Housing Association, people concerned about the tenement and housing issue.

And once you get concerned about housing, it's a quick jump to planning, because that's how you deal with the housing problem: what goes where, and at what density, and with what transportation, and all that. So one thing leads

to another. And so this was the beginning of city planning here, but also everywhere else in the country. Along the way came a feeling in addition to planning, you need the powers of redevelopment. So San Francisco established a redevelopment agency, and I covered what it did, and it brought in a dynamo to run it named Justin Herman. And he did a lot of things which you can like or not like, but he was an interesting guy. And so I watched all that unfold and wrote about it for, I don't know, a couple of years anyhow.

01-00:48:29

Meeker:

What did you think of Justin Herman?

01-00:48:31

Bodovitz:

Oh, I liked him personally a whole lot. At least in my dealings with him, I thought he was totally straight. I don't recall his ever telling me something that wasn't so or throwing me off a track. I didn't, at the time, understand all the forces at work in redevelopment as well as I came to later. And it was really kind of the beginnings: I covered, I recall, the architectural competition for what was called the Golden Gateway, where the old produce market was. I also covered all the stuff in the Western Addition. And again, I wrote about people being moved out of the Western Addition who weren't happy about it. What was done in the Western Addition is either good or not depending on your view of it. But it certainly was never completed in the way I think it was intended, whereas the Golden Gateway, when the produce market moved, it was certainly good for the tax base.

I'm not one who thinks if the produce market's on super valuable land, it's got to be able to stay there forever. So I didn't object, and don't, to the basic idea of redevelopment. If a city's going to survive, it's got to be able to change. And how, in what fair manner, you're able to achieve that is the question. But it was interesting stuff.

01-00:50:21

Meeker:

Did you develop a pretty clear understanding at the time of the arguments on behalf of redevelopment, and opposition to it? In the sense of the way in which it was going to transform a city. So, for example, the built landscape, the different kinds of new buildings that would go in. Or with regard to movement of populations, and so forth?

01-00:50:53

Bodovitz:

Well, I know those issues were raised, but at that time, they weren't at the level they would become subsequently. I think people just had to go through it and see what it was really going to be. Otherwise, everybody was talking about things that hadn't happened, and you could visualize them or not. It was hard to defend some of the ramshackle housing in the Western Addition as saying, "No, that's precious, we can't—" Buildings would be abandoned. People would sleep in them, get drunk, set them on fire. So it wasn't something that seemed like you really had to protect that at all costs, where people now might think we should have, or the city should have. And the

Golden Gateway, again, because of the tax revenue, and the jobs, and all the things those big office buildings were going to be, you can see why—and it wasn't going to displace anybody's home. But I imagine they did well when they sold the land.

01-00:52:10

Meeker:

You know, the Western Addition is interesting. At the time, there wasn't either the ethos or the capital for refurbishment, or what some people might call gentrification now.

01-00:52:20

Bodovitz:

Yes. And if there had been, who knows what the outcome might be. So I'm recalling what was just the way it was at the time. It wasn't a middle ground. It was you're in favor of decrepit slums and letting people live there, or you're in favor of these things that will do wonders for the city, and meantime we have all these rules that say we have to find adequate housing for the people we're displacing. From time to time, I recall digging in to the relocation part at the redevelopment agency. And you could get anecdotal stories of all kinds—in hindsight, I would know where to dig deeper. At the time, I think you could look at it and say, well, they're not doing 100 percent great, but the city as a whole will benefit. I mean, I don't recall at the time thinking this is inherently bad. The chairman of the redevelopment agency at the time was Joe [Joseph Lawrence] Alioto, so [laughter]—a good salesman for what they were doing. I think it just had to unfold before the downsides would become more apparent. But I can't say I wish the Western Addition had been left alone. And as you're saying, if the capital had been available and entrepreneurs had come in and said, "No, let us fix them up," there'd have certainly been a supporting voice for that.

01-00:54:08

Meeker:

Were people reading, like, Jane Jacobs at the time, do you recall? Anything along those lines that—

01-00:54:17

Bodovitz:

Well, I think her book [*The Death and Life of Great American Cities*, 1961] really did change the dialogue, but again, it was New York. I recall everybody I knew read it. I don't recall anybody saying, "It was a life-changing experience; I see the error of my ways." And I think the buildings in Greenwich Village were not the same as the wooden firetraps in the Western Addition. So I haven't thought about whether we should resuscitate the book, [laughter] go back and start again.

01-00:54:55

Meeker:

People weren't necessarily reading it and applying it to the situation in San Francisco?

01-00:55:00

Bodovitz:

You know, I don't recall. I just don't recall. Somebody could have stood up at a redevelopment agency meeting and said, "You guys read that book, and

we'll talk some more." I mean, I don't recall anybody saying, "This woman's got it all figured out, you guys are doing it all wrong." I think I would remember that.

01-00:55:18

Meeker:

Do you recall the meetings being acrimonious at all, or—

01-00:55:21

Bodovitz:

Oh, no. No. It was new enough, and it until it started doing some things, it just seemed like one of many things that's going on, but you don't really have to pay a lot of attention to it, because it's not in your neighborhood, and it's not affecting anything you're doing. And I think the fact that the Golden Gateway was having this neat architectural competition, that was great stuff. Justin gets the credit for that.

01-00:55:55

Meeker:

Yes. Well, they built the Alcoa Building [1964], which is a pretty important building in San Francisco's history.

01-00:56:02

Bodovitz:

Yes. Well, getting world-class architects to do something with a part of the city most people didn't really go to—I mean, the produce market wasn't a farmers' market. It was wholesale. So I think most people, or the prevailing mood—I don't know about most people—was this is a good thing. I mean, these guys are getting us classy architects who are really going to gussy up a part of the city that could stand more tax revenue, more good stuff. You can see why all the chamber of commerce guys loved it. And as I say, I think it wasn't until relocation of the Western Addition became an issue that anybody got excited.

01-00:56:57

Meeker:

Was there an understanding at the time of how and that San Francisco's economy was changing? For instance, containerization really just starts to come into wide use then, and clearly there's not room in San Francisco to accommodate this, but there is in Oakland. So was there an understanding that those kinds of jobs were lost?

01-00:57:23

Bodovitz:

You know, I don't recall. How old was I? Well, I was thirty. I was twenty-nine, thirty. I'm quite sure I should have understood it better than I did. I was aware. I can't speak for most people or other people. I clearly was aware that the containerization was going on, and I was also aware there were people in the Port of San Francisco were pushing something called roll-on/roll-off, which you could look up. It's just what it sounded like, but a kind of poor man's containerization with a different technology. The unavailable land, the lack of deep water without a lot of dredging, and the competition for the land, and Oakland's aggressive going after containerization. I really can't remember, but I have the impression the shippers just wanted someplace to unload, and Oakland was where the railhead was, so they weren't going to

fight being forced to go to Oakland and save a little money on rail costs. I don't recall. I just wasn't covering the port enough to know what the controversy was.

01-00:59:07

Meeker:

Well, I guess another part of thinking about it at the time: San Francisco had always been a center of banking, and there were always plenty of white collar jobs, but there were also more working-class, blue collar jobs at the time. One of the things that redevelopment was pushing—at least this is what historians seem to think—is kind of more of a middle-class workforce, more white collar jobs. I mean, that's kind of what the Golden Gateway development was about. Were people aware of this shift at the time—an attempt to, whether it was remaking the city, or trying to allow the city to be responsive to changes that were already happening?

01-01:00:06

Bodovitz:

You know, I really can't give you an answer that I would think was informed. My inclination: a few people were and most people weren't. In a way, if you were to ask, I'm answering here without any deep thought, because—

01-01:00:31

Meeker:

Speculation. You can speculate, that's fine.

01-01:00:33

Bodovitz:

Well, I would think the sort of citizen revolt about we really don't like the direction we're going was the freeway revolt, [against] the western freeway. Coupled with the Embarcadero Freeway, taking the top off Telegraph Hill and going on to Tiburon and zipping down the Tiburon Peninsula. And I think that seemed so outrageous to so many people, including all the people in the path of it, that that's when people, to me, sort of began looking around saying, "Who's in charge here and what's going on?" But I just think there was a period when people were inwardly focused, and then something comes along and everybody starts going to meetings and signing petitions again, and then it kind of dies down. So to me, the freeway stuff's what got everybody excited. And then the bay stuff came along right on top of that, coincidentally.

01-01:02:08

Meeker:

Well, it's interesting, because—we'll get to that in a second, but it does all pile on each other. A historian will look at a particular timeline, like the Save the Bay story. And that's one thing. But then you kind of put it on top of the revolts against freeways and Caltrans, and you kind of see how these things line up. And the War on Poverty as well is kind of interesting. I mean, the language that you used in your report seemed to draw upon some language that was used in War on Poverty legislation. So it all kind of is of an era, and I guess that's kind of a sense I'm trying to get, is what were sort of community standards, and what were people concerned about. What were people's hopes and dreams during this late fifties, early sixties era, when San Francisco's landscape really does begin to change?

01-01:03:09
Bodovitz:

You know, I would say that there were—among the groups of people in the city are people who were longtime residents, the people who worried about tenements after World War II. That's the longtime people who had grown up with the city, and knew about it, and all that. And coupled with people like me who had come here as a result of the war, World War II and Korea, and who had been here in the military and wanted to stay. And the group that included me were people who more or less my age getting married, starting families, looking for houses. I think the city looked all right to them, and they weren't really focused, I don't think I'd have run around saying the sky's falling in. I would have said, "This is a great city. I like it better than Oklahoma City. If you guys put a different building over there, it isn't going to bother me." So as I say, until the freeway revolt came along and you could—it had great simplicity. You could just look at those maps and think, this is crazy. What are those people thinking? It was a wide enough swath of territory that everybody could think, ye gods! If they do that to those people, what are they going to do to me?

01-01:04:47
Meeker:

Was that happening when you were at the *Examiner* or when you moved to SPUR? I can't remember the exact years of the freeway revolt [roughly 1959 to 1964].

01-01:04:56
Bodovitz:

I would say early sixties, but I can't recall. I don't recall writing a lot about it, but other people were. The freeways didn't happen. What caused the plans to get people excited, that would be worth looking up, but I don't remember. I mean, somebody, a Kay [Catherine] Kerr type, somebody must have come along—

01-01:05:27
Meeker:

I think it was Sue Bierman, actually, who did some work early on on that.

01-01:05:28
Bodovitz:

Could have been Sue Bierman. That was her part of the city.

01-01:05:36
Meeker:

So what inspired you to move from the *Examiner* to SPUR?

01-01:05:43
Bodovitz:

Well, I had been at the *Examiner* six years. At that time, it and the *Chronicle* were about tied for circulation. My impression at the time, and I think the other people who worked there thought the same thing: the Hearsts were never going to pump a lot of money into it and make it a world-class newspaper. That wasn't their business model. And so if I stayed there, if I was on a career path, I could have been city hall reporter when that guy retired. I might have gone to Sacramento. I might have been a political reporter. And I could see what life ahead—assuming I progressed, and they didn't get mad at me, or—I

could see what the future was going to be. And it wasn't all bad. There were real pluses to all of that, but I thought, no, this really isn't what I want to do.

So at that time, I think I had a child. When was Kathy born? '61, sixty—well, I was in my child-rearing years, beginning. And so I thought if I stay in journalism, we're going to have to somewhere else, and if we stay here, I'm going to have to do something besides daily journalism. So it was sort of in the middle of, ye gods, we're really going to have to decide, that John Hirten came along and offered me a job as assistant director of SPUR. I had come to know him as a result of writing about the field that he was interested in: planning and redevelopment. He'd come from redevelopment in Stockton. So I thought maybe this is nuts, and I don't know how long lived that job would be, but A, it's stuff I know and am interested in, and B, it lets us stay in San Francisco. So why not? So I sort of impulsively said sure. And how it all might have unfolded if I'd said, "No. Thanks a lot but no thanks," I have no idea.

01-01:08:26

Meeker:

Did you have a pretty clear idea of what SPUR's mission was, and how they sought to accomplish it at the time?

01-01:08:32

Bodovitz:

Well at that time, again, it was changing itself from the housing association into being advocates of better planning, and then of redevelopment later on. So yes, I thought all that was positive: I liked the people who were in charge. I liked the fact that its leaders were the more civic-minded business leaders in San Francisco at the time, coupled with people like Dorothy Erskine, my longtime heroine, who was just the most unsung part of that era. Just a wonderful woman. So I thought if she could be part of this and I get to work with her, what could be so bad about it? And then having covered planning and become friends with people in the planning department—to the extent as a reporter you're friends. People I had gotten to know, is probably the better thing. Including Jim McCarthy, the planning director. And SPUR was on his back because they wanted redevelopment to do more, and the planning department wanted to do everything itself, understandably. So I thought the SPUR approach was different from what I had been used to, but I wasn't going to be calling the shots for SPUR, so I didn't see why I couldn't go back and talk to Jim, and still be friends.

01-01:10:06

Meeker:

What was the SPUR approach?

01-01:10:09

Bodovitz:

Well, just that they were really going to push for much more energy and oomph behind planning in San Francisco. You've run across Jim McCarthy, or am I—?

01-01:10:20

Meeker: I've heard of the name, but not yet.

01-01:10:22

Bodovitz: Well, he was a really nice guy. For all I know, just a dynamite administrator, and that he was the perfect guy for the planning department at that time. But he was not a dynamo in the way that John Hirten was.

01-01:10:40

Meeker: Or Justin Herman.

01-01:10:41

Bodovitz: Or Justin. So SPUR was really for Justin Herman, and the people who didn't want anything different were kind of for Jim. And I liked them both, so as I say, I didn't feel I was making any choices. I mean, if I had not been at SPUR, SPUR wasn't going to do anything differently. I don't recall that anybody ever asked my opinion about which of those guys I liked better. I would have said I like them both.

01-01:11:15

Meeker: What was your job description as assistant director?

01-01:11:18

Bodovitz: Well, John had decided, and I had encouraged, that if SPUR was going to be what it aspired to be it needed a newsletter of some kind. So my job description was basically to get a—I don't know that we ever talked about how frequently—but a periodical that would both talk about what SPUR was doing, which was getting started. But having committees, and having meetings, and taking positions on things. And then trying to explain some of the civic issues to people who probably didn't understand them. So not altogether different from what I'd been doing.

01-01:12:04

Meeker: What was the publication called when it came out? Was it just the SPUR newsletter, or—?

01-01:12:09

Bodovitz: Well, I think so. Before I left the *Examiner*, the city planning department was in the midst of a huge rezoning, and I remember writing a couple of long articles that I'd probably be embarrassed to read now. [laughter] Trying to explain zoning to the layman. Not everybody even understood zoning. So to be told, "We're rezoning your neighborhood," and, "I didn't know it was zoned before. What are you changing?" Got a couple of articles about that.

But as it unfolded, I was just sort of getting used to the newsletter idea, and understanding the issues from the point of view of SPUR and other people, when the Bay issues came along.

There was, and is, and maybe always will be, though, the problems in San Francisco of a planning department, a separate redevelopment agency, and

then the port a separate state agency that runs the waterfront. And so it takes a while to sort of get your head around realizing—you know, this is crazy. No wonder it doesn't work perfectly; it can't. It's a little crazy. There are a lot of things in my life that were a little crazy. Korean War—well, this was before. The Korean War was crazy. You know, from start to finish. The Vietnam War was the same. The Iraq War was crazy. So craziness is not a barrier to being carried out.

01-01:14:15

Meeker:

[laughter] That's true. That's very true. You had just mentioned in passing Dorothy Erskine. What can you tell me about her? Aside from being an unsung contributor? And she also did some Save The Bay work too, or she worked on BCDC [Bay Conservation and Development Commission] with you, is that right?

01-01:14:37

Bodovitz:

She was the first, I think, vice chairman of BCDC. And I never knew whether the other Save The Bay ladies were miffed at that. But, you know, [Governor] Pat [Edmund Gerald] Brown wasn't going to antagonize the business guys by making Kay Kerr part of the commission. So I think he or somebody around him thought Dorothy—everybody loved Dorothy, and so she'd be an effective environmentalist who wouldn't upset anybody. Her husband's name was Morse. He was a—I'm about to say prominent. I don't know what prominent means, exactly, but a well-known, highly-respected lawyer in San Francisco.

They had a great house on Telegraph Hill with a spectacular bay view, and she would invite Mel and me to come over for dinner a couple of times at the beginning of BCDC. She and Morse would explain things to us that we didn't know. The public trust doctrine, which I had never heard of until I got involved with the Bay. And the history of everything, because they had lived in San Francisco a long time. She was—can I say something off the record? No?

01-01:16:10

Meeker:

Say it, and then later on, you can remove it if you're not comfortable with it.

01-01:16:14

Bodovitz:

Well, she was the—okay. I'll say it. It's true, so I don't know why I'm hesitant. Kay Kerr, could be a driving dynamo whom it was hard to resist—I mean, she'd wear you down and just keep after you, and you were either going to do it her way or you were going to keep hearing from her. Dorothy was the kind of person who would say, "That was just the greatest talk I heard you give yesterday. And the next time you do it, you might think about including this or that." And so in her sweet way, she's told you that you did it wrong, and the next time here's how to get it right. Whereas if you'd had the same conversation with Kay, she'd have begun by saying, "You're wrong, and I don't want you to waste everybody's time on this. Here's what the right answer is, and let's get busy doing it."

And I love them both—loved them both. But you can see why everybody [laughter] wanted to be Dorothy’s friend. Because she had the nicest manner of telling you what you were doing wrong. It took me a time or two to get on, to figure out what she was really telling me. And then I realized, oh. She also had lived through the history of housing, and she was one of the ringleaders of the old housing association. And just perfectly good hearted, perfectly good natured. So she was invaluable in her way. None of this could possibly have happened without Kay, so it takes nothing away from Kay that it needed somebody with her manner and MO, but my understanding of all this stuff benefited hugely from Dorothy.

01-01:18:33

Meeker:

You know, kind of getting ahead of things a little bit, but I’m really curious about this. I’m not entirely sure how to ask it, but it’s really interesting looking at particularly this period of time, the fifties and the first half of the sixties, about the really important role that women played as advocates not as leaders of companies, or lawyers, or anything like that. You have Kay Kerr and two other women leading Save The Bay. You have this woman, Dorothy Erskine. It sounds like she was working at SPUR, but she also had a volunteer kind of—

01-01:19:16

Bodovitz:

And she was very interested in parks and open space, so her real love was parks and open space, and she founded something called, maybe, Citizens for Parks and Open Space? I can’t remember it, but something like that.

01-01:19:33

Meeker:

Okay. Well, you have, then, Sue Bierman doing more neighborhood activism. I did a series of interviews around the Asian Art Museum, and that was basically started by Alice Kent, and a bunch of women in San Francisco and Marin County doing real sort of pressure. Sort of “lady-like activism” for lack of a better word. I wonder, what was it like being a young man at the time? I wonder what other men thought of the prominent role of all these women getting involved in civic life.

01-01:20:15

Bodovitz:

That’s a great question. I don’t know. I always wondered how Clark Kerr felt. Was he happy to have Kay, with her incredible mind and energy, on issues that didn’t second guess him, or in her spare time, was she the brains behind the Master Plan for Higher Education and all that? And since I have unbounded regard for him as well, I don’t mean that critically or anything. But when you’re around somebody like her, you just think, where else is this energy going? And again, I don’t recall ever being at her house when Clark was there, other than just on his way out to a meeting or coming home from something, so I don’t think he got himself involved at all in the bay stuff, at least never that I was involved. So whether, again, he was happy to have her have things to do because he had a busy life, or—I don’t know.

And a lot of the other business types were not wild about all the women. Was there sort of a turning point or something, a tipping point, to use that awful phrase? I mean, was there a day when women thought, my God, if men can do it, we can do it? Of course, it's still going on, so. I don't know. Great question.

01-01:22:07

Meeker:

Well, you know, maybe we'll think about it more as we move on.

01-01:22:11

Bodovitz:

Yes. Well, what's going on in my mind is there were a whole lot of women involved in the Coastal Commission in various places, which we'll get to. So again, I don't know. And this is the early sixties. Well, sixties and seventies.

01-01:22:30

Meeker:

Well, what did you think of the women being involved? I imagine there probably weren't a lot of women reporters at the *Examiner*. Did you have to figure out a different way to work with these women, or did you interact with them in the same way that you would have any other professionals?

01-01:22:55

Bodovitz:

Well, I told you, in my journalism class, there were five or six women and sixty-odd men. And at that time, each newspaper in San Francisco had one woman reporter. And her job was to go see the recently-widowed or victim of other disasters, on the assumption that they would talk more to a woman reporter than they would to a man. Or to write recipes, or society news. The more women began to work at the *Examiner*, and I don't remember that I thought anything about it at all. They weren't shrinking violets. I mean, they were able to take all the guff, and put up with it. I think the shrinking violet wouldn't have been hired, and wouldn't have lasted. But as long as they could do what they were supposed to do, and some of them were terrific writers and reporters, I don't think I thought anything about it.

It's interesting you ask that question, because out of the blue, a couple of weeks ago—and I have no idea what the occasion was—a woman who worked with me at the PUC [Public Utilities Commission], whom I had completely lost track of, sent me an email saying she was reminiscing about our time at the PUC and how great it was that I had promoted women to so many positions. [laughter] Sounds totally clueless, but I wasn't thinking about that. I was thinking, I want the best person in that job. And I'm sure there was plenty of grumbling when I did it, but no one said anything to me. I would have jumped down their throats. As I say, I'm making myself sound better than I am. I wrote her back, and said, "Thanks a lot, but I didn't think I was doing anything."

I had to choose between a man and a woman for a key job at one point, but the woman was, by the standards I was applying, the better choice. So it didn't occur to me, well, I can't appoint her because she's a woman. I guess other people who were watching that stuff thought I was somehow leading the

women's revolution, so I'm making myself sound clueless, but I was. I don't recall thinking about that at all. That sounds awful, doesn't it? But I wasn't.

01-01:26:08

Meeker:

It doesn't sound awful, it's just kind of harkening back to what you said about growing up in the Great Depression. I mean, it just was.

01-01:26:17

Bodovitz:

Yeah. And by then—this would have been in the late seventies, early eighties—there were enough women doing enough things that I don't think it—the PUC was probably one of the last places where anything progressive was going on. I'm sure there were lots and lots of male grumbling at various times, and I just wasn't interested in it if anybody had told me about it.

01-01:27:18

Meeker:

Is there anything else you want to tell me about your work at SPUR before you get the assignment to do the BCDC stuff?

01-01:27:41

Bodovitz:

Not really. I can't say that we did so many great things that I can name them all. I mean, I did start the bulletin. I don't know that any of the writing I did for that was memorable. I can't imagine people have framed copies of the first SPUR newsletter anywhere. But it's continued to this day, so I guess I helped start a good tradition. I remember having seen from more or less the inside some of the other perspectives that you see at a distance when you're writing about them. It was very educational. I can't remember in what way, but SPUR, as I say, had leaders who were the pillars of the enlightened business part of the city. I mean, the civic-minded guys. And it was interesting to be around them, which I'd never been as a journalist. I'd never been in a more relaxed—where I wasn't grilling them for a story.

01-01:28:58

Meeker:

Do you recall who some of those individuals were?

01-01:29:01

Bodovitz:

Well, there was the Blyth-Zellberbach Committee. Blythe was a financier named Charlie [Charles R.] Blyth, and Zellerbach was JD [James David] Zellerbach, of the Zellerbach family, who was, I think, US ambassador to Italy. And everybody, at that time, "When J.D. gets back, he'll take charge, and we'll straighten out all these civic problems." And a guy named Jerd Sullivan, who was another banker. And these were politically conservative guys, but public spirited about the city. The thought was if they backed SPUR, the business community was onboard. A little scary to the citizen groups, because it was, as John Hirten and I envisioned it, it was kind of a marriage of civic groups with enlightened business. Which, to this day, it sort of still is. It's been taken over much too much by architects and planners, and the publications are much too—are not down to earth for civilians, I think, enough. But that's a minor quibble.

- 01-01:30:13
Meeker: It's become kind of a quasi-academic organization?
- 01-01:30:17
Bodovitz: Yes, so it's too much written and aimed at architects and planners. And that's a great constituency, and if you're writing about planning, that's a great audience to be talking about. But to the extent it's a citizen organization—but I may be wrong, and the guy who's running it's very successful, and they seem to be raising a lot of dough, so I'm not sure I would counsel them to do anything different.
- 01-01:30:48
Meeker: Before the bay issue falls into your bailiwick, did you have any engagement with environmental issues, or bay fill, or how the shoreline was transforming?
- 01-01:31:09
Bodovitz: No, I'd have to say not much. I may have written an article or two about it. But no, it was not a—I was aware of it. Hal [Harold] Gilliam had written some stuff about it, and I liked him and thought he was and is great.
- 01-01:31:26
Meeker: He's still around?
- 01-01:31:27
Bodovitz: I think he is. I think he may be. He and David Perlman, I think. I don't know what shape they're in, but I think they're still there.
- 01-01:31:37
Meeker: Was he a *Chronicle* reporter?
- 01-01:31:39
Bodovitz: Yes. You could look him up and see what he did. He went to a Save The Bay meeting and wrote an article in which he said there wasn't a need for another environmental organization, why couldn't the Sierra Club or somebody just do this? So I was aware that Save The Bay had been formed, and that it was intriguing, and all that. But I really had not thought it had anything to do with me any more than any other issue I was on, involved in.
- 01-01:32:13
Meeker: So how did this assignment, in essence, come to you?
- 01-01:32:19
Bodovitz: Well, a total fluke. At that time, Bob [Robert] Mendelsohn—you know him, or know of him?
- 01-01:32:29
Meeker: He was a legislative assistant?
- 01-01:32:30
Bodovitz: Yes. Gene [John Eugene] McAteer was the state senator from San Francisco. Leo [Tarcissus] McCarthy, who later became speaker of the assembly, had

worked for Gene as his legislative assistant. Leo left, I think to run for supervisor, but I can't remember the exact sequence. Bob, who was then working for Justin Herman at the redevelopment agency, and I had gotten to know each other, because he had been, I assume, helpful on a couple of stories when I was writing about redevelopment and covering redevelopment intensely. So I had gotten to know him.

So he called me one day—I think we'd probably had lunch a time or two after I'd gone to SPUR, so he called me one day and said, "Senator McAteer has gotten the bay study commission bill through the legislature, and he has told me to find somebody to be the staff for it." And I said, "Well, I think you're going to have trouble, because it's a four-month temporary job, and I don't know a lot of people who you'd want to have whose wives would let them quit a real job for a four-month temporary job that may or may not continue." So he said, yeah, that was going to be a problem. And somehow or other, he said, "Well, why don't you do it?" And I said, "Well, I've got a job with John Hirten here. If I were to do it, it would be really tough for him. He'd be without help for four months, and I'm not sure that's fair to him." And so I think Bob said, "Well, I'll talk to him about it," or something. "If McAteer wants it, he'll like it." So, I mean, that's how it happened. I didn't apply for it; I'd never heard of it.

So as you can tell from the other interview, I had a great time. And it was hard for John, and in a way, John's kind of an unsung hero of it all, because if he hadn't been willing to do that, I would not have ever gone there. Shirley would have [laughter] thrown me out if I'd have come home—

01-01:35:18

Meeker:

Did you ever find out what happened behind the scenes?

01-01:35:21

Bodovitz:

No. I think McAteer probably did call John, though. And since it was likely McAteer was going to be elected mayor, I don't think it was a hard decision for John. I would have done the same thing. I mean, I'd have stood on my head if the next mayor wants a favor that I could grant. I'd be only too happy to be his friend.

01-01:35:46

Meeker:

So this was—was this '65, is that right? Or '64?

01-01:35:50

Bodovitz:

'64. So it would have been September of '64, I'm almost sure.

01-01:35:59

Meeker:

And so, I think the mayor's race would have been in '65? [It was in November 1967].

- 01-01:36:19
Bodovitz: No, would it have been in the fall of '65? I'm not sure about that. The reason I think that is I think the commission had gotten started before McAteer died unexpectedly, and I'm thinking that must have been '66, that he died. And with the election in '67, but I may be off a year or two.
- 01-01:36:46
Meeker: That's right. Because at the time, [John Francis] Shelley was mayor. And then it was, the election was '67, because Alioto started in '68.
- 01-01:36:57
Bodovitz: Yeah. So I think that's when it would have been. McAteer was—I don't think he'd ever declared, but he was thought to be the logical successor to Shelley.
- 01-01:37:10
Meeker: And people didn't think Shelley was going to take a second run, or—?
- 01-01:37:14
Bodovitz: I can't remember. I can't remember, and maybe the idea was even if he does, McAteer would be next in line. I mean, he wasn't an old guy.
- 01-01:37:24
Meeker: Yeah. Well, Shelley was apparently a really serious alcoholic, too.
- 01-01:37:30
Bodovitz: Yeah. My guess would be there was enough civic pressure on Shelley not to run. I don't think he would have liked not running, because I don't think he'd have known what to do with himself. We'll never know, but McAteer's involvement in the bay stuff—he was a partner in a waterfront restaurant at Fishermen's Warf, and he was a partner with Bill McDonell in building the Spinnaker in Sausalito. So he knew about building on fill, and he just—until Kay Kerr told him, he hadn't thought there was anything wrong with it. So I think he was intrigued from a kind of personal business perspective, plus the curiosity that he had after she began telling him what was wrong with it. So I think he was intrigued by the whole idea, but I think on top of that, the frosting on the cake was this had the potential that he could see—with the freeway revolt, and all that—that this had the potential for making a business guy plausible as mayor.
- 01-01:38:52
Meeker: When you got this position, I guess it would have been in the spring of '64?
- 01-01:38:58
Bodovitz: Probably. Yes.
- 01-01:39:00
Meeker: Do you recall what you did to get up to speed on the issue? Who did you speak with, and what did you read?

01-01:39:12
Bodovitz:

Do you remember Jack Kent? He was the first planning director in San Francisco, and he taught city and regional planning at [UC] Berkeley, and he was on the Berkeley City Council.

01-01:39:25
Meeker:

Jack Kent?

01-01:39:26
Bodovitz:

Jack Kent: K-e-n-t. And he was a genuinely good guy. I didn't know him, but obviously I knew who he was, so my recollection is I just called him and said, "Here I am. I could use your help." And he was just a jewel. There was never anybody on the Berkeley faculty who wasn't immensely helpful if I needed help. So I just said, "Can I buy you lunch and get what thinking you may have done about this?" Because he knew Kay, and knew East Bay politics. So he was enormously helpful. But I can't say who had which ideas.

It was apparent to me that if we were going to do anything, it had to be highly visible. That the whole point of the study commission was not only study, it was really broadening the group of people who might be interested in this. So I thought the quickest and cheapest thing to do is just have a series of public hearings, and we'll get people to come at no cost and tell us about the key things. And we'll get some publicity, and we'll get a free education, and then we'll see where we come out. And that was very appealing to McAteer, because that was going to be his name in the papers. To this day, I don't know how we did it, but we did one a week for twelve weeks. And I would call people and say, "We're having this hearing. Would you like to talk to this important commission?" Of course, everybody did. And then I thought, well, we've heard from all the business people.

So I can't remember how, but I found a good guy at San Jose State [Tom Harvey] who knew ecology. Nobody'd ever heard of ecology, so we got him to explain why the marshlands and all that was valuable, which none of these people had ever heard of before. So it was just great. And then McAteer thought we ought to know how many fill projects were being proposed, so we could demonstrate the threat. And we ought to know who owned bay lands. I can't remember. We hired a consultant to do a couple of very specific things like that. And then, of course, was Mel Scott's book, which said in its last chapter, you've got to have—

01-01:42:08
Meeker:

Well, this is the one right here.

01-01:42:12
Bodovitz:

Mel's the guy who named the commission.

01-01:42:15
Meeker:

Yes. So it's called *The Future of San Francisco Bay*, by Mel Scott, published in September of '63. Yeah.

01-01:42:24
Bodovitz:

I gave a quick talk to the current BCDC as a fiftieth anniversary meeting, and I said, “The key people in this include Mel Scott and Mel [Melvin B.] Lane,” because without Mel Scott’s book, somebody else would have had to do all that research. Somebody had to find out all that he found out. For a BCDC, with only four years, we would have had to spend the first year finding out what Mel had already found out. I don’t know where we would have wound up. So but for his work, I don’t know that it could have happened. I mean, if we’d started with a totally clean slate—so Mel said, “Somebody may have a better idea, but after I’ve looked at all this stuff, I think you need something that will represent everybody around the bay, and have control authority, and do the planning.” I mean, just what BCDC’s supposed to do.

“And I’m sure somebody will find a catchier name, but if nobody does, I’d call it the Bay Conservation and Development Commission.” So I thought, well, that’s a great benchmark. If we can find something better, we’ll do it, and if not, good old Mel. So I talked to Mel a couple of times, and between Mel and Jack Kent, and I’d gotten to know Stanley Scott in the Institute of Governmental Studies, and Gene Lee. And so these guys were just incredibly helpful. We had a lot of lunches at the faculty club. Every time I’d get stumped, I’d come over and talk to one of them. And it was great. And I was by no means too proud to ask for help. So that’s sort of how we got going.

01-01:44:22
Meeker:

It sounds like it’s really a Berkeley kind of generated project. I mean, you’ve got Kay Kerr—

01-01:44:28
Bodovitz:

Yes.

01-01:44:29
Meeker:

—with Save The Bay, and then you’ve got Mel Scott and Kent, and all these other faculty people.

01-01:44:33
Bodovitz:

Yes. And I think they all liked being part of something that really seemed to be going forward. But as I said in the other interview, and reread last night, and thus remember that I said it, this was an era where the legislature didn’t meet fulltime. So the study commission idea was just kind of a throwaway. If you wanted to show a constituent you, by God, were really working on his problem, but you couldn’t get a bill through, you’d say, well, let’s have a study commission. And the legislators liked getting expenses paid to go somewhere nice, and so nobody had great expectations for any of them.

And of course I didn’t really understand all that at time, so I thought we’re going to come in with a real report. And McAteer’s wisdom was, “Yeah, and it’s got to be really attractive.” And I was saying, “Well, we don’t want to look like we spent the taxpayers’ money wastefully.” “I didn’t say that; I said

it's got to look really attractive." And so we got permission from photographers to use some great photographs, and off we went. And he was 100 percent—I mean, he and I both wanted the same thing. But it was, to me, 100 percent right, because it got a lot of attention when we did it.

01-01:46:06

Meeker:

Did you meet with Kay Kerr? During the study commission period of time.

01-01:46:13

Bodovitz:

I'm sure I did. I'm not a person who feels that people in public life are corrupted every time they sit down with somebody who has a point of view, and I think the idea to make everything a court-like proceeding has gone way too far. If I don't know what's going on, and why people think what they think, I can't do anything. I mean, that's ridiculous. So I could listen to Kay Kerr without agreeing with her about everything. She used to get terribly mad at me.

01-01:46:46

Meeker:

How so, or on what basis?

01-01:46:48

Bodovitz:

She would think we ought to do something—I can't even remember the issue, but something. I can't remember what it was, but I'd done something, or I think I was about to do something. This was after the commission was formed. And I can't remember what it was, but she was going to have to have me fired if I did that, and I said, "No, I don't think it's going to work that way." And I said, "I understand your strong feelings, but just hold off." So I didn't get fired, and I don't know whether I ever did it or not. And I can't even remember what it was. But you know, I could understand that, that she had strong feelings about this. This was her baby. She thought it ought to be run a certain way. I could listen to that, and understand it, and not do it. Just so, I could sit down with a guy who wanted to put a lot of fill in the bay and tell him why I didn't think that was a good idea, but I could hear him out. After all his persuasion, I didn't think, oh yeah, he's right, let's let him fill. Anyhow. So I talked to her, I talked to any developer who wanted to talk, I talked to any legislator on behalf of somebody who wanted to talk. I thought, I probably will learn, and I can say no if I want to say no.

01-01:48:18

Meeker:

You know, the kind of opening salvo in this whole thing was that 1959 Army Corps of Engineers report.

01-01:48:27

Bodovitz:

Yes.

01-01:48:28

Meeker:

Were you aware of that when it came out? Do you remember? Because I think there was some media coverage of it.

- 01-01:48:35
Bodovitz: You know, I've been aware of it all my [laughter] life, so far as I can remember.
- 01-01:48:38
Meeker: So you don't know when you first heard of it?
- 01-01:48:41
Bodovitz: No, so I don't know. The key part of it was when Skip [Fred] Garretson at the *Oakland Tribune* got hold of it and put it on the front page. And then everybody paid attention. Until then, it was just an in an Army Corps of Engineers report that I doubt that I would have read.
- 01-01:49:02
Meeker: But that was early on, when it was in the *Oakland Tribune*.
- 01-01:49:07
Bodovitz: Yeah. Well, I'd be interested in recalling exactly when that was. Will Travis may recall. I should, but I don't. Because that was really a turning point. A picture's worth however many thousand words, and that one really was.
- 01-01:49:28
Meeker: Well, the one thing that's kind of interesting about it is it was very prospective. It's like, it's not like these are the plans to be done. It was like, the Army Corps of Engineers were saying this is feasible. In an engineering sense. And then that map gets drawn, and then it's published, and the public thinks this is what's going to happen.
- 01-01:49:58
Bodovitz: Oh, yeah.
- 01-01:49:59
Meeker: I mean, there's an interesting leap there, I guess, between the reality of the problem of bay fill and the apocalyptic vision of what bay fill could be. Did you understand it in that way, or how did you understand the difference between what was really the threat and then sort of the public controversy about the extent of that.
- 01-01:50:30
Bodovitz: Oh, I think my reaction was, I wish I'd thought of that. You know, once Kay made me aware of Berkeley wanting to fill out to the end of the Berkeley Pier, I thought, holy shit. Just like she thought: what's everybody else getting ready to do?
- 01-01:50:48
Meeker: And that was a real plan?
- 01-01:50:50
Bodovitz: Oh, yes. I think it was. I mean, I think they were serious, and God knows the Bay was shallow and easy enough to fill. And fillers would have been lined up and ready to go.

01-01:51:00

Meeker: Yeah. Everyone saw dollar signs.

01-01:51:05

Bodovitz: Yeah. Well, and didn't see anything wrong with it. You know, that's the natural order of things. What's the problem? And when we need more industrial land, or a new airport, we just fill that part of the bay. And no one was sitting around saying, "Well, what are you going to do when you run out of bay?"

01-01:51:34

Meeker: Well, that's one of the, I think, important, interesting things about the Mel Scott study from '63: how much he talks about pollution. From my understanding of environmental history, certainly, that's not the beginning, but it's pretty early on for people to be talking about things along those lines.

01-01:51:55

Bodovitz: Yes. Well, the bay had just begun to be cleaned up by the Porter-Cologne [Water Quality Control] Act, and the regional and state water boards that were finally cracking down, because apparently it was just a big mess at the end of World War II. And so when you say mud flat, people think sewage smell at that time. And so there was a huge education needed. So totally inadvertently—that's what makes this stuff so much fun—the Corps torpedoed what they were trying to sell. I mean, they were saying, hire us, and look at all the new land you can have.

01-01:52:40

Meeker: Was that the Corps's interest in it? Was it that it was actually an income stream for them, or why do you suppose the Corps had a vested interest in—?

01-01:52:49

Bodovitz: Well, I think the business guys got them the money for dredging and all they were doing, and so those were their friends. And again, there wasn't a Kay Kerr beating up on them. No one that they listened to at that time was saying there's anything wrong with it. The other issue that was going on at the same time was clearcutting forest. And until a few people started looking at what a clear-cut forest really looks like, people were clearcutting forest, and no one was saying there's anything wrong with it. [pause] I don't envy you trying to apply some coherence to all of this.

01-01:53:40

Meeker: Well, I guess one of the things that I'm struggling with here is you get involved in '64, but there's a whole lot that happens, really, between '59 and '64. I mean, there is the founding of Save The Bay, there are meetings, there is them developing a pretty big membership base. And then by '63, they were successful already in getting Berkeley to scrap the waterfront plan. So even before, you know, you get into the issue, there has been some identification of the problem and movement toward public pressure against bay fill.

01-01:54:22
Bodovitz:

Yeah. But the interesting thing, if you want to explore that, because that's a great question that I have asked myself over the years: had the commission come along, A, sooner, or B, later, would it have been successful? In other words, the whole thing unfolded in a way where everybody who had a role to play was told to get onstage at the right time. And the phenomenon of that. Because without Mel Scott, as I said, we'd have lost a year, and that would have been very tough to make up. And we wouldn't have had all that stuff to educate the study commission, or the BCDC members.

So if [Assemblyman] Nick [Nicholas C.] Petris's bills had gone anywhere, it might have floundered, because nobody would have known what to do. And if Mel Scott hadn't written the book telling everybody what to do just before we needed to know what to do, I don't know what would have happened. And if it had come in later, who knows? And the [California] Coastal Commission, kind of the same way. BCDC helped spawn the Coastal Commission, and if it had not been for the successful model of BCDC, the people in Southern California wouldn't have paid any attention to any of it, at least in my—I'm not saying that well. But it gave people who didn't know anything about it a real example you could look at. So the timing of it, which is just kind of pure dumb luck in hindsight, is phenomenal. As in my own life. I just happened to be in places where something was ripe to happen, and I could help push it over the next hurdle. Then I got to the PUC.

01-01:56:38
Meeker:

[laughter] Right. Can you tell me a little bit about ABAG [Association of Bay Area Governments]? Just what that organization was, and the degree to which you engaged with them in the study period of time?

01-01:56:54
Bodovitz:

Yes. I'll tell you my view. It is not a view that everybody will tell you or agree with. So I'm giving you an opinion. ABAG is what's known as a council of governments, okay? The council of governments idea originated with HUD in DC, in whose administration would that have been? About the time ABAG was formed, which I guess was a little before BCDC.

01-01:57:32
Meeker:

It could have been under [John Fitzgerald] Kennedy's administration.

01-01:57:34
Bodovitz:

Yeah, probably would have been under Kennedy's administration. The guy who was the proponent of it was a guy, I think, from Alaska named Vic Fischer, and he thought it was great progress to get local governments to meet with each other and talk over common problems, and they would all benefit from seeing how Charlie over here in his city council dealt with that tree trimming problem, and these guys over here financed a ball field, or something. As a kind of league of local governments to exchange best

practices idea, you couldn't find any fault with it. You'd think, well, why haven't they been doing that all along?

But what the guys in HUD didn't understand was these are political animals. This isn't planning 101, and they would see that they were in a position to block any effective regional government, because they would say, "See? We're having conversations. We're solving the problems we perceive. You don't need anything more. We're doing it all." So at that time, they took the position that—that time being the early sixties—you could have anything you wanted, as long as they were in charge of it. So, "Just tell us what your concerns are. We'll take care of it."

I mean, to McAteer, the legislator, having a bunch of people with no power to do anything deal with themselves just was ludicrous. So he was not their best friend. And he, with a background in local government himself, just thought, these people are wacko. So they threatened him a few times, you know: "We'll kill your bill in the legislature if you don't make us the controlling body." I know for a fact they communicated that to him. Now, who the they is, I don't know. Whether it was one or two people or the ABAG [Association of Bay Area Governments] leadership, or whatever. But, "We've got clout in Sacramento; we all have representatives from all our communities. You do it our way or you won't get a bill." And again, to him, that was both stupid and arrogant. But that would be their position to this day. If you said, "We're going to do something," "Fine. Just tell us what you need and we'll do it." So they're in the way of any kind of regional anything that they don't control. I don't know any of the people involved anymore, and maybe I'm being unjust to them. Maybe there are brighter people in charge.

And they helped—that ABAG attitude—helped get BCDC off to a great start, because ABAG appointed four of the most extreme anti any kind of BCDC with power that they didn't control. Had those four people stayed on the commission, that was thought to be a bloc that was going to really try to prevent anything from happening. And a number of the other local governments said, "Wait a minute. Who picked these guys, and is that what we want to be known as? We didn't sign on to oppose everything." So they had a little revolt within ABAG, which I don't think happens very often. And they threw out the four, and appointed Michael Warnum, and Bernice May, and a couple of other good people. That was a big political turning point. I had forgotten about until this minute.

01-02:01:45
Meeker:

And that happens in the period between '65 and '69, yeah?

01-02:01:48
Bodovitz:

It happened right after BCDC was organized in '65. So the first guys may have come to a meeting or two. No damage was being done or anything. But I guess the people who were offended just hadn't even been aware what was

going on. I, obviously, don't know what went on within ABAG, but when the dust settled those four were replaced by four people who were much more supportive. I remember two and can't remember the other two. And I can't even remember who the first people were.

01-02:02:37

Meeker:

Was there ever an idea to actually empower ABAG to take on issues like shoreline regulation?

01-02:02:49

Bodovitz:

I think it would have been a hard sell in the legislature. I can imagine a time where those guys had some political clout, and could have gotten it through on that basis. But that just sounds to anybody, I think, who understands politics like backscratching: "You approve my fill; I approve your fill." Who's responsible for anything?

01-02:03:18

Meeker:

It would have been the fox guarding the henhouse kind of thing.

01-02:03:20

Bodovitz:

Yes. Well, and it was Mel Scott who kept saying, "It's a bay. You've got to treat it like a bay. Not like chunks that have been carved up." Once you start thinking about it that way, that seems obvious, but it was kind of revolutionary. This isn't Berkeley's part of the bay somehow, and whatever happens there doesn't affect anybody else. And the Corps of Engineers really had some responsibility for that, but they didn't want to get in the way of their development buddies, and weren't worried about—I mean, I don't think the fishermen were their constituency, or the anti-polluters, or anything.

So I'm a great fan of local government; I'm not saying you shouldn't have local government. But political history: confederations can do so much, and there's so much they can't do. So to turn something important over to a confederation has just always seemed to me to be wacko. And that's what ABAG is. So I don't know how you would turn this over to them and expect any kind of good result.

And interestingly, the results that I think BCDC has achieved have become because people realized there was a serious agency that was going to protect the bay, so don't waste your time and money trying to get a permit to do something that isn't going to happen. Whereas I think with a bunch of ABAG guys running it, there'd have been a land rush to get your permit in a hurry. Because who knew how long it would last? One of the great things that BCDC did, which none of us talked about or anticipated, the public attitudes changed. I mean, the area around Candlestick Cove to Brisbane was a garbage dump. A whole bunch of San Francisco's old garbage is under there. But the garbage companies, once McAteer-Petris Act passed, didn't waste time applying for a permit to keep dumping garbage in the bay. You could read the act and

understand that was a wasted effort, so they figured out what else to do with garbage, which they could have done a lot sooner.

01-02:05:56

Meeker: Find other places to dump it. [laughter]

01-02:05:58

Bodovitz: Well, yeah. Their record on recycling, and doing all that stuff is really pretty good after they got religion. And I knew a guy in the garbage company. Those aren't bad guys. It's just the same thing: nobody ever told us there was anything wrong with what we were doing. It was the cheapest way, we kept your bills down, no one complained.

01-02:06:23

Meeker: Well, and it's got to go somewhere. Somebody's got to take our garbage, because we produce it. Otherwise, it's going to sit in our streets.

01-02:06:30

Bodovitz: Well, and so you get religion about recycling, and reducing, and all that. I'm not saying we've reached perfection or anything, but my point only was that having a law that seemed to be serious meant people didn't waste—spent their effort productively trying to figure out what the alternative was, rather than, as I think would have happened with a confederate form of government, figured out the backscratching you needed to do to get your approval.

Interview #2: March 6, 2015

02-00:00:00

Meeker:

Today is Friday March 6, 2015. This is Martin Meeker, interviewing Joe Bodovitz. So, we covered a lot of ground last Thursday when we met. We started talking about the research for the 1964 report. You talked a little bit about the hearings that were held, for instance, in service of that report. In reading through this sixty-four-page report from 1964, one of the things that I found interesting in it was all of the summaries of the testimonies. Can you tell me about the decision to include all of these testimonies, particularly because a lot of the testimonies included in the report were critical of the idea of establishing this region-wide agency.

02-00:01:19

Bodovitz:

I don't recall that we had any real questions or debate about doing that. It seemed to me if you were giving a report to the legislature and saying we heard from everybody with all kinds of points of view, and this is what our committee recommends, that it would be a good idea to demonstrate that we had, in fact, heard from all points of view, and that some were bound to say, "Everything's okay, don't do anything different." So I thought that strengthened our case. I didn't think it weakened it at all. Because the legislators who were apt to be critical were fully aware of what the objections were. So it isn't that we were shocking them by giving them ammunition to use. They knew that at least as well as we did. So it just seemed to me to demonstrate this. You told us to go out and investigate. We went out and investigated. This is what we heard. And this is what we recommend.

02-00:02:27

Meeker:

So it was a demonstration of new ways of due diligence?

02-00:02:30

Bodovitz:

Well, it was demonstrating that we hadn't stacked the deck. If you were a legislator, I thought it—as I say—made it look stronger that we had considered all the objections, and still thought this was the thing to do. As I think I mentioned before, the alternative that many of the environmental groups were proposing was a moratorium: just stop filling for three years. I think both common sense and the hearings reinforced the idea that that would probably not dissuade the big guys, and it would possibly be very harmful to a guy who just, almost, was ready to go with a boat dock at a marina or something, which wasn't the—we weren't trying to cut out boating in the bay, or anything. So it seemed to me that the permit system was far and away better than a moratorium, but not everybody agreed with that.

02-00:03:34

Meeker:

Well, another interesting thing about the report is that it's affirmative. Meaning, it certainly points out the historic problem with bay fill, and the reduction of number of acres of bay available, but it's also affirmative in that

it presents a workable solution that hopefully would be workable for many different groups of people.

02-00:04:24

Meeker:

So the question I was asking basically was that: the report I read is very affirmative. It identifies some problems, but it's mostly affirmative in offering solutions. What it doesn't do is engage in direct debate with either the environmentalists who are looking for a strict moratorium, or the developers who want less control on what they intend to do with the bay.

02-00:04:57

Bodovitz:

You know, my memory is far from perfect of what decisions went into this. We did all this in four months, including figuring out what exactly a Bay Conservation and Development Commission à la Mel [Mellier G.] Scott [Jr.] was really going to be. We had a really short time to get a report written and printed. And as I say, I just don't recall we agonized a lot about it. I think the affirmative part was it had not been so long ago that people dumped sewage in the bay, and dumped garbage in the bay. And so the notion of the bay as a bay to be valued—which everyone would accept now, I suppose, with a few exceptions—was what we were trying to promote and suggest, because one of the remarkable things about the Save The Bay movement and BCDC [San Francisco Bay Conservation and Development Commission] was how quickly public attitudes changed. I think I've mentioned before that garbage companies that just routinely staked out areas of the bay to dump garbage knew that day was gone. So nobody proposed a garbage fill. And once people got this, it really changed a whole lot of things. We didn't talk about Don Sherwood [Daniel Sherwood Cohelan] before, did we?

02-00:06:38

Meeker:

No. The radio journalist, right?

02-00:06:41

Bodovitz:

Yes. I want to come back to that. And I think to the extent we had any brilliant strategy, and I don't recall that we did, I think that what we saw is the key to the report was that apparently some study commissions just came in with a report with little or no photography, perfectly dull recitation of what everything was about. I thought, I recall, Senator [J. Eugene] McAteer really wanted this to be something that when a legislator came in at the beginning of the session and saw on his desk that attractive cover with the report, he or she might go pick it up first and take a look at it. So I think it was as much the notion that this is real and this is what we're talking about as the particular contents of the report. I don't think we agonized over every word in it. And I don't think we tried to conduct a whole debate that was going to happen in the legislature on the pages of the initial report. I think we would have worn everybody out. And true enough, we were trying both to be objective and to make a strong case for the commission. And then that the commission would wrestle with all the things we hadn't had time to wrestle with. So I think, as I say, to the extent we had any great strategy, I thought, we're dealing with this

chunk of time. We're not trying to solve and advance every issue about which we don't know a lot. Is that making any sense?

02-00:08:40

Meeker:

Oh, yeah. It very much does. And that's helpful.

02-00:08:46

Bodovitz:

Well, the part we can't really be sure of is whether this, what I'm thinking now, we would have done or whether it's what we really did do fifty years ago.

02-00:08:58

Meeker:

Let me ask one other question about this, and that is the whole notion of a regional agency to plan and to permit land use. City agencies gave building permits, but even building codes only went back to the twenties and thirties. Certainly, cities in specific areas were interested in differentiating between residential and heavy industrial, and that kind of thing. But the idea, I think, of doing something on a region-wide basis, and then later on with the [California] Coastal Commission on a state-wide basis, I think, is fairly new at this point in time, in the mid-1960s. Were you aware of its novelty?

02-00:09:54

Bodovitz:

Well, I was probably in the world of the handful of people for whom it wasn't really a novelty. And I say that for at least two reasons: one, BART [Bay Area Rapid Transit] was being formed at this time, and BART was originally proposed as a five-county system. So to the extent, that equated thinking about regionalism, BART was there. And then the Metropolitan Transportation Commission was being formed about that time. And then ABAG [Association of Bay Area Governments] got under way to slow down regionalism, unless the ABAG people controlled it. So as I say, among the group of people who thought about this—I guess to most people, I thought then, and I think now, most people who aren't involved in the politics or government aren't entirely sure where they live, and in a geography where boundaries run together—It isn't quite like southern California, Los Angeles, where you're not sure what city or town or anything you're in.

But people don't limit their lives to the place they live. I shop in a different city. I might go on a hike in the next county. And I don't think, as I go from one to the other, I'm not conscious that, oh, I'm in Corte Madera, or I'm in Kentfield now, or I'm in south San Francisco. Maybe there are occasions where you are, but if you want to go to the symphony, you go where the symphony is. You don't think, I'm going to really make an exciting trip to San Francisco tonight, because I want to go across the city boundary to get to the symphony. You just do it. So I think then and now, in the minds of a lot of people, you weren't super conscious. So, regionalism, unless it could be portrayed as giving up political control to unelected, faceless bureaucrats. Why they don't have faces, I don't know. But that's [laughter] the cliché. It can be used to scare people. But I think most people know their part of a

region, and a state, and a country, and don't get as excited as politicians do about the boundaries.

02-00:12:26

Meeker:

You had mentioned Don Sherwood, a radio announcer. What was his role in all this?

02-00:12:32

Bodovitz:

Well, it was a huge role that again, only us old folks remember. Again, it was a different time: no television, no cell phones, no nothing. Everything was radio, and the beginnings of television. So if you were driving to work in the morning in the Bay Area, the only distraction was the radio in your car. And a disc jockey named Don Sherwood had the 6:00 to 9:00 program on a radio station, which I think was KSFO at that time. He lived on a houseboat in Sausalito, so he had kind of a personal interest in the bay. So periodically, he would call up Senator McAteer, and say, "What's going on with the bill?" McAteer would respond, and they'd have a very cordial conversation, and discuss some bay issue or something. So Sherwood would say, "Well, if people in the audience listening to this want to help, is there something they can do?" And McAteer would say, "Sure. Write a letter to your senator or assemblyman letting them know how you feel."

And so really, for the first time, on an environmental issue, legislators began to get a lot of mail. And somebody in San Jose, I think it was, started a slogan. There was a Pepsodent toothpaste commercial: "You'll wonder where the yellow went when you begin to use Pepsodent," or something like that. So people began sending little bags of sand to legislators—this was later on, it wasn't on Sherwood—about, "You'll wonder where the water went if you fill the bay with sediment." So that kind of stuff for an environmental issue—as I said before, the only other environmental thing going on was clear cut logging at that time. And an assemblyman named Ed Z'Berg and a senator named John Nejedly had a bill to control of clear cutting. And I'm sure it inspired a lot of fervent stuff. But nobody had the audience Don Sherwood had, and nobody could sort of turn on the letter writing the way he could. Now this would seem amateurish and quaint, but again, it was just something new. I have no way of measuring Don Sherwood's interest, but the fact that this was an issue being discussed on the primetime radio program, not exactly daily, but very frequently, gave it some pizzazz and some clout that it might not otherwise have had. I would never say it wouldn't have passed but for him, but it was this kind of a thing that nobody planned. It just sprang up out of nowhere. And, I think, was enormously helpful.

02-00:15:51

Meeker:

Did you ever speak with Don Sherwood about his interest in this issue?

02-00:15:55
Bodovitz:

I never did. I mean, I just never had occasion to. I don't ever recall that Senator McAteer needed any briefing. I mean, he knew what he wanted to say. Sherwood called, and he knew what the answers to the questions were.

02-00:16:16
Meeker:

It's just speculative, but I wonder if Sherwood was at all concerned about the impact of this legislation on houseboat colonies.

02-00:16:26
Bodovitz:

Oh, I'm sure he was. And I don't know at that time, or now, there's still a houseboat marina where he lived. And I don't know whether anybody even pointed out they sold you or rented you a houseboat. Some of them went up and down with the tide, but most of them were permanently moored. You had to get a tug, and you'd be scared to move them. They'd collapse. I mean, a lot of them really weren't built—

02-00:16:59
Meeker:

They weren't boats. [laughs]

02-00:17:00
Bodovitz:

Yeah. They weren't going to go out in the ocean for a while.

02-00:17:02
Meeker:

Yeah. Yeah, they weren't seaworthy.

02-00:17:05
Bodovitz:

And I have no idea what his background was with the houseboat. But at the very least, if you're living on a houseboat in Sausalito, you're aware that there's water, probably on two or three sides, and so you're conscious of the bay being there. And all the people I've known who live on houseboats are kind of free spirits, and like the idea that they're not permanently moored anywhere, but could, if they really wanted to, get up and go somewhere. But I don't know.

02-00:17:42
Meeker:

So, the report was issued in late '64, and then it becomes a piece of legislation that's introduced into the state legislature in 1965. What was the relationship between the written report and then the actual piece of legislation?

02-00:18:00
Bodovitz:

Well, I can't remember the sequence. And as I say, we did all this in four months. It's astounding to me in light of how long everything has taken subsequently. But we knew we had to do the hearings. We had to do the studies we were doing. I had to draft a report. We had to get it to a printer. We had to pick photos, and all the stuff that goes into a report. And the Legislative Analyst who, in those days, drafted legislation—a legislator would say, "I want a bill that does the following," but you didn't have to write your own bill, and in fact, they wanted to put it in their standard format, and raise any legal issues, and all that, which was very sound, and I assume is pretty much

the same way now. So we knew we had to be able to meet the legislative analyst's deadline, which was right after the legislature came back into session, which would have been early to mid-January. If we were going to get a bill passed the next session, we really had to have a draft of what we wanted to the Leg Analyst so he could prepare it in bill form, so hearings could be scheduled, and all that.

So we knew we had to figure out what we were going to do, and we had Mel Scott's prescription. I think he said who ought to be represented, and it ought to do a lot of things. So I think we took that as guidance, but the big decision was, as I recall—and it would be now—how big a commission. And that, in turn, is who needs to be represented on the commission. And the answer to that question is, well, what are you trying to achieve with the commission? And the answer was if you just wanted technical proficiency, you just hire somebody who knew how to do this and have a one-person commission. If you wanted the plan to have roots in the whole Bay Area and friends, then you wanted every city. You couldn't have every city, there were ninety of them. But you could have every county, and you could have cities, and you needed all the state and federal agencies that had powers, planning and otherwise, around the bay. And pretty soon, you got to twenty-seven people.

At that time, it was the second-largest governing body in California, the largest being fifty-one for the Metropolitan Water District, which had similar reasons for being so large and which I think is now thirty-five, or thirty-one, or something. And I knew we would take a lot of heat, and the commission has ever since, for being so large. "It's large, it's unwieldy, it'll ever work, no one has a commission that large. If it were a good idea, somebody else would already have done it." You know, all of that. To which my answer always was, "Okay. Which seat is it you want to eliminate? And you go tell the people of that constituency that you've decided to eliminate them, and if they agree with you, it's okay with me." And periodically the state finance department, or somebody, will say—well, some new person will look at this and say, "Oh, no. We don't have any boards and commissions that big in state government. Cut it down to nine members." And I would say the same thing: "Okay. You tell me who to cut out, and you go talk to them about it."

02-00:22:26

Meeker:

And that was the proposal for, I guess, was it twenty-seven or twenty-nine commissioners?

02-00:22:32

Bodovitz:

It's twenty-seven.

02-00:22:32

Meeker:

Twenty-seven commissioners. And in the report, it details specifically who's to appoint these various people, and where they're going to come from.

02-00:22:40
Bodovitz:

Yes.

02-00:22:41
Meeker:

ABAG got a whole large number of them, the governor and the leaders of the state assembly and state senate got some.

02-00:22:52
Bodovitz:

Well, here's what we were trying to balance: there were also the same issues being raised with Lake Tahoe, and so there was talk about a bipartisan compact, which ultimately happened. And I can't remember the sequence, but the same issues were being raised in Tahoe: should it be locals, who tend to be influenced by property owners and developers? Or should it be the broader public? And so you really couldn't do this kind of planning without the local people being involved. That would be stupid. On the other hand, they're not the only interest in a place like Tahoe or the bay. So it was finding a balance of public and private. And there was no talk of having directly elected people. That would be another way to do it. But at that time and now, there are very few regional—I'm not sure there's any regional agency for which people are directly elected.

02-00:23:58
Meeker:

BART.

02-00:23:59
Bodovitz:

BART. Yeah. And I think people with experience in single-purpose district elections, political scientists anyhow, are very unfond of it. Because it takes a lot of money to run, and who's going to put up the money? And can you find anybody who isn't directly involved with BART who could name however many members there are on the BART board? Well, you can't name your assemblyman and senator, I'll stipulate, but they're unfamiliar names. So the theory of electing them turns out to be whoever can raise the most money and get his name known via ads is apt to be formidable.

So the conclusion we came to was you'd have a lot of local government people on it, but they wouldn't have a majority. So they couldn't, if they were so inclined—some would have been so inclined, and others not—but even if they all got together, if everybody else opposed them—in any event, there would be a balance. I told you about the ABAG revolt business. And after that, there were no blocs. I give Mel Lane a great, huge credit for that. That he just didn't run the thing—

02-00:25:32
Meeker:

Mel [Melvin B.] Lane.

02-00:25:33
Bodovitz:

Mel Lane. Yes, sorry. Not Mel Scott. Mel Lane. He's one of those people, rare people, who make the rest of us better than we are. So you just saw how he was comporting himself, and for you to be doing something sleazy, pitted

against that, you just didn't do it. You might be thinking bad thoughts, but it would have been embarrassing to sort of be trying to undercut Mel, who was being totally straight. So I think he kind of shut down people who might have wanted to do things other ways. So there was never, so far as I could tell, bloc voting, or—maybe somebody gave a sympathy vote, if you're going to bat for some developer, and your constituency wants to do outrageous, I'll give you a vote so you won't be the only one. But we're not all going to band together, the way some of the early ABAG people would have wanted.

That meant all the public agencies as well as the public members. And then it was very important, we thought—the same issue in Tahoe—that the public members include the chairman and vice chairman. But the governor still appoints five people to BCDC, and so the five public members didn't have any more votes than anybody else, but they have the leadership. And that's really risky, because it meant a governor could appoint somebody who was, you know, less than determined to make the thing work. That would have been awful. But on the other hand, then the governor would have been accountable for appointing a turkey who messed up. And at that point, it was going to be Pat [Edmund Gerald] Brown [Sr.], so there was no reason to think he would do anything terrible. So it just made sense to have the governor make those appointments. And I think those little pieces of how it was put together, plus, overwhelmingly, Mel Lane, made it work. Would I think twenty-seven members are an ideal number for governmental bodies? No. But that's the fragmentation that was in the hand we were dealt.

02-00:28:24

Meeker:

Can you tell me a little bit about the process that happens when the legislative analyst receives your report, and then the report is morphed into the McAteer-Petris Act (amended, 1969)?

02-00:28:51

Bodovitz:

So, we must have gotten the report off to the printer. I can't remember the time sequence. But I remember right before Thanksgiving of 1964, the senator said, "Well, now we have to get the legislation under way. We've got to meet the Leg Analyst's deadline." "Are you going away for Thanksgiving?" "No, I'm going to be here." "Well, can you come over the day after Thanksgiving? We'll meet at my house with Bob [Robert] Mendelsohn, and we'll figure out what we want in that law." So I said, "Sure." And so in the space of a couple of hours, it was clear enough by then what we were going to want in the Leg Analyst's draft, so we figured out then. Based on what the commission had adopted.

I think everyone would have yielded to McAteer had there been any issue, because he was the legislator who had to get the bill passed. And I think if he had said, "Well, I can get A passed, but I can't get B," that would have ended the discussion. So, you know, of course Kay [Catherine] Kerr would have done a whole lot of things differently, but he was going to have to explain to

her what could happen and what couldn't. I can't imagine any legislators ever dealt with strongly-motivated people and agreed with them 100 percent on everything, because they don't see why what is to them a small thing would be a big deal to somebody wanting to vote the other way.

02-00:31:02

Meeker:

Were there any ideas in your report that didn't make it into the legislation for one reason or another?

02-00:31:10

Bodovitz:

I don't remember the report that vividly, and I just don't think it was—you've read it much—[laughs]—forty-five years more recently than I have. I don't think so. I think that as I remember the conversation in the senator's house, I think we were more focused on the salability of twenty-seven members, and the sort of impossibility—I remember thinking, and I would think ever since, that it was heat we had to take. We also made the commission have an advisory council. So everybody who couldn't be given a seat on the commission had a sort of privileged avenue to make their views known. I think that was BCDC. It might have been the Coastal Commission—

02-00:32:20

Meeker:

No, that was BCDC.

02-00:32:23

Bodovitz:

So, this made it possible—and this was McAteer. This was why you needed a politician who knew how to get a bill through the legislature. It let McAteer say to everybody, "Whatever your concern is, there's somebody on the commission or on the advisory council who will make the case for what you want. If your case is a good one, you'll get a permit. If it isn't, you shouldn't get a permit." That was the answer to every objection: "You'll have a fair shot. If you have a good case, you'll get what you want. If you don't, you'll have to wait until the plan's done," or something like that. So it made what might otherwise have seemed really draconian—that's why he was so against the moratorium idea. The moratorium is, it doesn't make any difference what your case is. You're out of luck for four years.

02-00:33:25

Meeker:

Is that what Save The Bay was recommending?

02-00:33:27

Bodovitz:

I'm sure it's what they would have recommended. The word moratorium was usually connected to the death penalty. But that was the idea. The moratorium meant everybody on death row; it didn't mean you, you, you, and you. And so their idea was so much of the bay's been filled, and there's so much pressure to fill in now, just total time out until we get three or four years to catch our breath and have a plan. There's nothing wrong with that. I mean, intellectually, I would have agreed with them completely. But in terms of building opponents in the legislature, that's a sure way to do it. Whereas when anybody would come in to see McAteer and say, "You know, I've got this

problem in my district. So-and-so wants to do something. Did you think about that?” “No, we didn’t know about that. We didn’t think about it. But that point of view will be—if these people make the argument, it’ll get to the commission, and the planning, and that’s just what ought to happen. And if they can make a case for getting a permit before the plan’s done and they can take it to the commission, they’ll have somebody there who understands what they’re talking about.”

02-00:34:43

Meeker:

Well, on the other end of the spectrum, was there ever pushback that the interim agency should even be a permitting agency?

02-00:34:54

Bodovitz:

You mean among the property owners and developers? Of course nobody liked that. What made all of this possible, and this wouldn’t have happened with other courts at other times, but there was a mentality in California at that time which I think I mentioned before: the state at that time, population fewer than 20 million. I mean, Pat Brown declared a state holiday the day California was thought to have had one more person than New York State. We were then the biggest state. It was a state with half the population we have now, which affected Prop 20 as well. But it was a much younger population, with all the World War II vets and Korean War vets who were here. And so it was people who were anxious to build the state. They had young families. They wanted a university system; they wanted the highways. They wanted water for growth. Those were Pat Brown’s major achievements.

So the courts at that time reflected this kind of spirit. We got this great state. Let’s build it the right way. So the notion of a temporary freeze on development while the plan was being done got an appellate court to say, “Yes. You can do this.” That is, you can deny permits to build, and it will not be a taking—that’s what the issue is. Government can always stop somebody from building, you just had to buy the land. And the court said—I don’t know that courts would remotely entertain this now—that you could deny permits for a reasonable period. I don’t think they ever specified, but clearly, the four years we had been given were okay. If you’d said ten years, I think you would have struck out. I think four years and a day would have been pushing. But the court said, “You can make people pay taxes, sit on their land for four years provided—,” and this is a huge provided, “—provided it’s bonafide planning. If this is a fraud or a charade, come back to court and we’ll slap them down. But if it’s a genuine, good faith, serious, likely-to-succeed planning effort—” And here’s a newly-established commission with a budget, and a time deadline, and its own law. Seemed to meet the standards that the court said was okay.

As I say, I don’t know that you’d get a court these days that would do that, but that was a different time in California. And the reason—I’m giving you longwinded answers, for which I apologize. But the reasoning was if I own or

control a chunk of the bay, and you tell me in the plan that's going to be open water, but there's no permit system, then all you've done is tell me to go fill it now while I can. And so there's no point in doing the planning if everybody's just going to play hopscotch and go out and fill now what they wouldn't have filled for twenty years to avoid being declared open water. So there's no point in doing the planning if you don't have that kind of permit control.

02-00:38:57

Meeker:

One thing that becomes more apparent later on is the lack of a clear enforcement mechanism in the act as drafted. I mean, maybe the way to ask this is how did you imagine that BCDC would actually enforce its decisions? So, enforce, one, that people actually came to you and asked for permission; and then, two, enforced the decisions that were made so that people didn't do something off the actual permit that was approved.

02-00:39:44

Bodovitz:

No different from what's now. There are two things you can do: you could give the commission itself power to find—to investigate, find, litigate. Or you could say, as with most other state agencies, the attorney general represents the commission in all of its litigation and enforcement matters. And I don't recall that we ever really thought about that. I think we just assumed it would be the attorney general, because to give a new as-yet-nonexistent commission fine and enforcement powers would have been a really tough sell. So the confidence factor was, well, the attorney general already enforces a whole bunch of state laws that are administered by a whole bunch of state agencies, so this won't be anything new. Bay filling has the benefit of being out in front of God and everybody. So if you're filling the bay, it's going to be hard to keep it a secret. And then the attorney general will tell us what to do about how to go about stopping it. And that's where Clem Shute came in; he was the Deputy AG assigned to BCDC.

But I don't recall that we spent any real time on enforcement, or going after bad guys. The real development concerns were the great big projects—some people wanted to chop off the top of San Bruno Mountain and fill oyster beds in the Bay, and just really great big projects. Realistically, somebody building unpermitted piers on pilings to put a boat in the back of their house wasn't desirable, and was a bad precedent, but you weren't going to stop the world to go after them and not get a plan done on time.

02-00:42:15

Meeker:

Not like filling in Bair Island or something, down in Redwood City.

02-00:42:17

Bodovitz:

Yes. Well, again it's proportion. I mean, if you want to go fill in Bair Island, we ought to have a long talk, because that was not going to be so good. If you told me you hadn't known you had to get a permit and you drove a piling to moor a boat, I think I would have said, "Well, now you know. Don't do it again." You only have so much time and energy. The top goal was to get the

plan done, as I think I said last time, we just took that as given. We don't want to go back to the legislature. We can't ask for more time. We can't ask for more money, and we've got to manage ourselves to make that happen. So this was truer at the Coastal Commission than BCDC, but there are a thousand diversions you can indulge yourself in, and people are pressing you to do. But if we use our limited resources to go after small stuff, something's got to suffer. And we've got to get the plan done.

02-00:43:47

Meeker:

In Mel Scott's report, in talking about enforcement, he said, "It [BCDC] should have broad powers to levy taxes throughout the Bay Area, to issue revenue and general obligation bonds, to exercise power of eminent domain, and to regulate the use of shore areas and bay waters under police power."

02-00:44:11

Bodovitz:

I love that. [laughter] Well, every one of those things is picking a fight. So, is that a great idea? Some of it is. Do you have to have it on day one? No. You're not even a permanent agency at that point. Permanent being relative. I mean, you're a four-year temporary agency. You can't sell bonds. You can't be doing things like that. And I don't think Mel ever meant that. I don't think he thought of a temporary agency to be succeeded by a non-temporary, whatever permanent means, agency. So I think, to the extent I can speculate, I think if I had said, "Well, is it okay if we break it in two pieces?" He'd have said, "Sure." Because he would have understood you have to. But that was pure gold in the report, because he was saying, if you're serious, these are things you've got to do. And we took the position—and this got into the whole debate about do you want a lot of single-purpose agencies, or do you want one regional agency that would be selling bonds on behalf of everybody? But do you want every agency out competing to sell its bonds against every other regional agency? It doesn't make great sense.

02-00:45:39

Meeker:

Did any of those mechanisms ever come to pass for BCDC?

02-00:45:44

Bodovitz:

No. Not that I know of. It may have some kind of enforcement powers, but again, the Coastal Commission has been pretty much fighting that fight. The Coastal Commission had been after bills that would let it levy fines without waiting for a judge to do it, and it got voted down a time or two in the legislature, and it keeps coming back, and I don't know whether it has passed or not. But not to sell bonds. Bonded debt is just a huge issue, as you know. And to just stand up brightly and say, "Me too, I want to sell bonds," is to have the governor and everybody else come down on you. Because it isn't clear. See, this—when we get to the Coastal Commission, that's why there's a [California] Coastal Conservancy.

I don't think the regulatory agency ought to have—I'm with Mel Scott. Somebody needs to have the power to make the good things happen. The idea

is the role of the regulatory agency is to say yes or no or maybe, if you change the project, okay, if you want to do it this way, no. That's the job of the regulatory agency. If we say, "This needs to be a park, or this needs to be a marina, or this needs to be a steamship terminal, and now we're going to go out and sell the bonds and make that happen," it seems to me you have a huge conflict of interest kind of mess. I mean, [laughs] I'm saying, "Gee, that was a great project I just presented to myself. I think I'll go out and sell bonds and we'll do it that way. Wasn't that a great idea? Yes, it was." I mean, it doesn't make sense that you're judge and executioner, in a way. So when we got to that at the Coastal Commission, the idea was the Coastal Conservancy that can buy up agricultural easements. This will be the agency that can go out and either itself or with grants build the coastal trail. Our regulatory actions should not be compromised or not even be suspected of being compromised, because we have a financial interest in a different project. You'll always be accused of that, of working hand-in-glove with the conservancy, and you should. You shouldn't be at odds. But they have a different board of directors, a different law. And their accountability is different. But it's stopping the bad versus building the good. Stopping, or amending, or changing, to oversimplify. So I would agree with Mel Scott that all that stuff needs to be done—needed and needs to be done. But I'm not sure one commission ought to be doing it all, and then you have the regional stuff, too.

02-00:49:15

Meeker:

So, the law is passed. It becomes law in June of '65, coming up on fifty years in a couple of months. It's appropriate that we're doing these interviews now. And then the commission itself comes into existence, I believe, in September. Can you tell me about, well, first of all, your selection as director, and then how you went about establishing a working office?

02-00:49:51

Bodovitz:

Well, as of the day the commission came into existence, what went into the appointments by Governor Pat Brown, I do not know. I mean, no one consulted me and said, "Do you like so-and-so or not so-and-so?" And I had not known Mel Lane at all. I knew *Sunset Magazine* and Books. I didn't know Mel. Mel didn't know McAteer. McAteer didn't know Mel. So whether Pat Brown ever talked to McAteer about that, or anything of the sort, I have no idea. I think when McAteer—the story I've always heard, McAteer met with Mel and said, "I want you to hire Joe Bodovitz as executive director. He knows all this stuff, and he's the best guy to do it." And Mel, very understandably, not knowing me, thought I was probably a political hack that McAteer owed a favor to, and that if he couldn't have his own guy, he wasn't sure he should have accepted the job. Since I was totally sympathetic with Mel, I would have thought exactly the same thing.

So after the first commission meeting, Mel and I went and had a long dinner, and I explained who I was, and that I was not running a political operation for McAteer, and that I knew I'd be working for him—for him, Mel—and that

there'd be awkward times, because McAteer might not agree with what Mel wanted to do, and vice versa. And that just went with the territory. And all I knew to do was that I tried to say to Mel that "Time is the commission's enemy, because you've got a fixed period of time here, and the more time you spend thrashing around at the beginning, the less time you have at the end. In my view, the odds of its collapsing at the beginning are greater than at the end. If you can get underway, you can do something in four years. If you don't ever get under way, you can't. And the law sets up a permit process. You've got to have a staff. You can't tell people, 'Come back in a year and we'll be ready to talk to you.' That will kill the whole thing. So I'm not telling you you couldn't find someone better; I'm saying you need to weigh that against how much time you have to get started." So we had a discussion of that kind of stuff.

I had mixed feelings about what I was doing, because I didn't know Mel. I had no idea where this was going to go. And I didn't want to be sort of the Ping-Pong ball if McAteer and Mel were not going to get along. I didn't want to be the carrier of messages back and forth. But, I thought, if Mel's willing to try it, I'm willing to try it. And I think I made clear to him that if I didn't like it, I'd leave, and if he didn't like it, I'd leave. I mean, I wasn't going to stay there and have McAteer—I think McAteer said to Mel pretty much what I said: "You've got to get started. He may not be perfect, but he knows what's got to be done, and you've got to get going." So it was tough for Mel. We didn't get in sync right away. I don't think two different people necessarily do. And I came to—as I told a whole lot of people, I came to realize that if Mel and I disagreed, I was probably wrong, and I better go back and find out why I was thinking something different from what he was thinking, after he got into the thing a little. Still, we had some discussions in which I thought, shit, I really am wrong. I didn't think about that. So I came to have enormous respect and affection for him; he was a totally different person from me, and we became very good friends as well as an employee of commissions of which he was the head.

02-00:55:01

Meeker:

Do you remember any specific points of divergence? An example of a time that you maybe had different ideas, and then you decided that maybe his idea was better?

02-00:55:15

Bodovitz:

I can't remember the specific issues, but I could say we'd been asked for an opinion on something, or there was a letter we had that required an answer, and the answer had to come from the chairman of the commission. So I would draft what I thought the answer ought to say, and often—at that point, he was a book editor and publisher, and was not a good writer or a good speaker, but he was a sensational editor. And this is the part I came to have great respect for: he could spot stuff a mile off, and I never know where that talent came from, but I really wished I'd had it. He could look at something I'd drafted,

and say, “This won’t work because—” And that’s where I’d go back and reread it, and say, “Well, I could change this.” “No, just won’t work. It’s the wrong tone.” He once decided not to publish a book at Sunset after the book was all done, because he couldn’t find a cover that he thought would sell. And so I thought, you know, anybody like that who knows what works and what doesn’t—And so the first couple of times, I would think, no, this is a really good draft. That’s what we ought to do. And then I’d go back and think about it, and say, no, I hadn’t seen it from that point of view. He’s right. So we got to the point where I knew what he was going to think. As I say, we worked very closely together. Were he alive, he’d say the same thing: it wasn’t where we just fell in love on day one and it was never any the slightest disagreement.

02-00:57:30

Meeker:

So, one of the things that you first had to do, of course, was hire staff. How did you approach that?

02-00:57:39

Bodovitz:

With great urgency. We had to get an office, we had to get letterhead, we had to have a telephone number, people had to be able to find us. So state agencies don’t just run out and rent offices. The General Services department rents offices, but because McAteer was a power in Sacramento, and you didn’t want to get on his wrong side. So when he told General Services to find office space for us quickly, they found office space for us quickly. The key people were going to be the head of permits and the chief planner. And then they would hire their underlings with my approval. In other words, I didn’t want to be a hiring bottleneck. I didn’t want to have to investigate everybody, while still trying to open the office and run everything. So I don’t really remember. I think Al [Alvin H.] Baum said he would be interested if I was interested. I had known him, and he was and is a very bright lawyer. So I thought if he wants to do it, he’ll be tough-minded and good to have around, and a friend.

02-00:59:00

Meeker:

As head of permits, yes?

02-00:59:02

Bodovitz:

As head of permits. But he was also interested in planning: just one of those people who would be an asset to be around, because he could do more than one thing. He is and was very opinionated, but I thought I liked that. I want people who will disagree. And we had a terrible time finding a planner. The head of planning for the Army Corps of Engineers office here was very interested in the job, and thought his work had gotten him to know the bay a lot, looking at Corps permits, and he was an older guy, but he had a level of knowledge that I didn’t have. But the enviros just hated him, because he was part of the Corps. They may have had run-ins with him on particular issues. I thought it was a long way from an ideal choice, but I—with my obsession, we’ve got to get started, we just can’t spend months and months doing this. And I came close to hiring him, which would have been, I think now, a great mistake. But I think my motives were right, and I might have done wrong.

And somehow, and I don't remember how, it came to our attention that Jack Schoop might be available. He was then planning director of Anchorage, and I can't remember how that came about. But his wife had said she couldn't take another winter in Anchorage, and was going to leave whether he did or not, so he was giving up a great job, but he might be available for this. So Mel and I met him in Seattle, and thought he's exactly what we need: he's low key, and he knows how to do stuff. So we said we didn't have the power to hire right away, with civil service, and all, but we made it possible to get him hired, so they moved down here. So we got a later start than I wanted, but I agreed that getting a good person could make up some time; getting a bad person right away probably wouldn't.

02-01:01:37
Meeker:

And the idea of the planner was to be in charge of writing the Bay Plan, right?

02-01:01:43
Bodovitz:

Well, yes—not so much writing it all. I'm obsessed with time and scheduling, and I really wanted somebody who had seen a plan from beginning to end, and met a time deadline. Because planners can just—like anybody else, work expands to fill the time available. And so meeting deadlines isn't what everybody does well. Having been a newspaper reporter, I understood deadlines, and kind of expected other people to as well. So I wanted somebody—I'd never done a plan like this. I mean, I couldn't explain what I wanted. I couldn't explain, because I had never thought about it or done it, how to get there. So I wanted to be able, and I remember talking at length to Jack before he took the job: "So, not only are you going to fill in the pieces, but you're going to tell me, 'On this date, this is—' You're going to work backwards, and you're going to tell me, 'Therefore, on this date, this is what we need to do.'"

So if the deadline to get this to a printer is X, then two years before X, what do I need to be doing? Because this won't work if I don't have a comfort that we're ahead of schedule, we're behind schedule, we're stumped here. So if we couldn't stay on schedule, we double up and come back and around. I wanted somebody who was experienced in, and committed to, doing exactly that. And that was a huge strength. He had also been a journalist, so he could write well. But I thought among the people in the office, we could get the writing done, and we weren't going to rise or fall on literary quality. But we were on not getting that report done in time. And then the underlings that he would hire—we needed to develop what we talked about last time: the consultants, the staff, the reports, the summaries, the voting on policies. So all that stuff came out of discussions with Jack and, I assume, Al. And others in the office: "This is what we've got to do, and we've got to get on that right away, and go over it all with the commission so they understand."

02-01:04:38
Meeker:

And there are a lot of questions about this plan that's published in 1969 as the *San Francisco Bay Plan*. I'm not quite sure where this particular issue comes

in. I just read all of the different iterations, so I'm not [laughs] sure where I'm getting this from. But one of the big questions, and I think this is actually in the Bay Plan itself, was should BCDC be a single-purpose agency, or answer to a larger kind of limited regional government? I think that was part of the Bay Plan, right?

02-01:05:15
Bodovitz:

Yes, I think the questions there, I'd have to go back and look at—

02-01:05:19
Meeker:

It's interesting to me that there was no specific recommendation made within the Bay Plan that it should be one or the other.

02-01:05:29
Bodovitz:

That's interesting to me too. It may be because that would have just started a huge fight in the commission. It's basically a philosophical question. If you'd asked Kay Kerr, she would not have wanted to get lost in a regional government, however limited, that didn't really care about the bay as much as she did. Other people would say this proliferation of regional agencies is going to land us somewhere we don't want to be. And maybe we just decided to leave it there, if the legislature was going to create an agency. I think what we all—we being the staff, the people closest to that—thought was you need a Bay Commission that is at least a temporary agency. You don't want a break in control and planning and momentum. And if that is proposed to be included in a limited regional government, whatever exactly that's going to be, then successor commission could deal with that when the time came. But because the limited regional government never got so clearly identified that you could say this is better than that, I imagine we just thought we had to leave it there. We weren't empowered to design a regional government that would focus on the bay—that would have meant picking a fight with the new transportation agency; we'd have had to pick a fight with ABAG, and the air board, and the water board.

02-01:07:25
Meeker:

It was beyond the scope of what you were supposed to do.

02-01:07:28
Bodovitz:

Well, way beyond. If we had been able to say, "The only way to carry out the Bay Plan is to do all of that," I'd have probably recommended taking a deep breath and saying we've got to do all that. But in the interim, we didn't have to do all that. And therefore, why get into that huge fight when you don't have to, as long as the principle of at least the temporary agency until—So if you had asked me in 1965 what I thought was going to happen, I would have thought, fifty years from now, there will be a limited-purpose regional government that everybody will be used to, and that the bay will be part of it, and everybody will live happily ever after.

02-01:08:21
Meeker:

[laughs] Clearly, that didn't happen.

02-01:08:22
Bodovitz:

I would have been totally wrong.

02-01:08:24
Meeker:

Well, you know, that's something we'll get to, because you later work on the Bay Vision 2020 project, and that was the ultimate goal of that, that ultimately was voted down by one vote or something like that, right?

02-01:08:38
Bodovitz:

In the senate, on an issue having nothing to do with the merits.

02-01:08:42
Meeker:

Yeah. Well, we'll talk about that later. So, I do want to talk about the Bay Plan, but before I do that, I want to talk a little bit about this—the permitting during this four-year interim period of time. I'm not sure what you want to talk about. There's a few things that I'd like to ask you about. I mean, one notable issue was that as written, the law required a majority of all members?

02-01:09:14
Bodovitz:

Yes.

02-01:09:14
Meeker:

And not simply, you know, a majority of the present at quorum, for the commissioners to vote on issuing a permit or denying a permit. Was that a specific strategy to make it a little more difficult, perhaps, for permits to be issued?

02-01:09:38
Bodovitz:

You know, I don't recall that being a major issue. It probably was. But I think McAteer would have thought, if there are twenty-seven members and five show up, and three of them vote to give a permit, that's not what I think we're doing here. And I don't know who could really have argued with that. It's a problem sometimes, because having all the city and county people who have to come some distance, and don't find the issues totally rewarding, then—so that's why we put in alternates, and I think that was after the original. Because that really was fair for busy county supervisor have to familiarize himself with all that. So appoint an alternate. Then it is doubly reasonable that people—everybody's represented. And it helps—I think it preserves credibility. I think it's sort of right. As I say, the extreme example might be extreme. In any event, I assume that was an issue of concern, but I don't have any recollections beyond that.

02-01:11:04
Meeker:

Okay. So during this four-year period of time, apparently fifty-six of the seventy applications made were granted. So, roughly two thirds. But apparently this only totaled about 370 acres of additional fill, so not that much during that period of time.

02-01:11:28
Bodovitz:

I'd have to go back and look at what they were. Remember, the two criteria they had to meet were—you could meet one or the other. One was, it was consistent with the plan being prepared, so there was no reason to make you wait until the end of the plan. Or, secondly, it was so minor it wouldn't affect the plan being prepared. Well, I'll guess, but I would bet they were almost entirely boat docks and straightening out a piece of shoreline so it wouldn't wash away in the next storm. The only major fills I can imagine we would have approved were at ports or airports that were clearly in the plan going to remain ports and airports.

Once we established in the plan no new ports, expansion as necessary of existing ports, but no new industrializing of a part of the shoreline—the existing ports like that, the landowners with dreams of new ports don't so much. But then if an existing port comes and says, “For us to stay in operation, we've got to do this,” then you apply the standards of the new plan, which are there's no alternative upland location and it's the minimum amount of fill to achieve its purpose. So I can't remember any, but I can just imagine going through that process, and allowing something to happen even though you wish you weren't allowing it to happen.

02-01:13:40
Meeker:

So during this period of time, do you recall much pushback or criticism from people like Save The Bay?

02-01:13:47
Bodovitz:

Oh, I don't. The main advocate for the Save The Bay people during the planning, and I guess the permits as well, was a lawyer in Walnut Creek named Dwight Steele, and he had been active in Sierra Club and Save The Bay, and all kinds of environmental things, and was highly respected, and a really good guy. And so I think he was very effective, in advocating minimum fill, or no fill, or whatever. I can't remember that this really happened. Al could remember it.

But I could imagine it that if somebody really met the standards of it's going to be this way in the plan, and this is the minimum we could ever do, my being persuaded that if we couldn't approve that, we were really undercutting what we were recommending in our own plan. And say, “Well, we don't really mean it. You're never going to get a permit.” And we would be enforcing a moratorium that we didn't have any legal right to enforce. And therefore, I can imagine my standing up and taking a lot of heat, and saying, “No, they met the criteria, and it will not destroy the bay, and I feel terrible about it too, but they deserve the permit.” Failing to do that, I think, would have undermined our credibility. And I remember all kinds of speeches in which I said, “The most important word in San Francisco Bay Conservation and Development Commission is *and*. It isn't *or*.”

02-01:15:48

Meeker: What did that mean?

02-01:15:49

Bodovitz: Well, it meant, you are going to conserve the bay *and* you're going to develop according to some yet-to-be determined standards, areas that the plan shows to be suitable for development.

02-01:16:02

Meeker: It's such an interesting—and maybe I'm being a little cynical, but for today—unlikely position. I don't know the exact situation of BCDC today, but I can imagine something like this passed today, and it would be based on this and, but in practice, it depends who would be in office, and what way the political winds would blow, that it would either be a moratorium in reality, that it would be impossible to get anything passed, or it would just be a green light to developers. So, in other words, you have this and, but people can interpret it broadly or very narrowly. You kind of interpreted it, I think, down the middle. But other people may have taken different approaches.

02-01:17:09

Bodovitz: I think that's absolutely correct. And I'm sure I discussed it with Mel Scott. But anybody who tries to do planning for the bay has to start with the hand you're dealt. If we were back in 1850, I have a lot of great ideas. We wouldn't have hydraulic mining in the Sierra, all kinds of neat things. But it's 1964, or whatever. The ports are here. The airports are here. If you're going to shut them down because you can't let them expand, where are they going to go, and are they going to be in a worse location? After all, a port's got to have access to deep water, so you can't just put them anywhere. And an airport would like access to shallow, easily-filled water.

So you have a huge regional investment in existing facilities. And unless you're going to have a plan to just phase them out, they're there. So I think that must have been what Mel was looking at, the way anybody who looks at it. It's the conundrum of the bay that it serves multiple purposes. Therefore, you have to somehow make everybody coexist. But I agree with you. You could have had all kinds of litigation about what the plan means. There's been sillier litigation.

02-01:18:52

Meeker: [laughs] It's true. Can you tell me a little bit about the meetings? I've heard it described that the meetings were not only about reviewing and issuing permits, but they were also planning meetings. Can you describe how it is that you came up with the format for the meetings, and what they were typically like?

02-01:19:22

Bodovitz: We had trouble finding a meeting room for twenty-seven people. We had no budget to go outside state facilities, so the powers that be that ran the old state building—this was before the high rise was built. There was one meeting

room, and so they managed to squeeze a whole bunch of chairs and tables. There was a dais at the head of the room, and Mel sat there, and he wanted me to sit next to him so I could whisper into his good ear if I had things I wanted him to know. And then there was a podium where speakers spoke to everybody. I was very anxious to make the point that planning was more important than permits, that what we were going to come up with was a plan for the future of the bay. And that was our priority.

I didn't realize at first how important the permits were in reinforcing the planning. I thought the permits came second, and I knew they would be the most hotly contested, and all that. But I wanted the planning to be done, so if we were going late into the night, nobody could say, "Well, we'll come back next time and finish the planning, because that's not very important. Giving Charlie his permit is what we're here to do today." So I made that stick, and the knowledge the commissioners and staff gained through the permit hearings made the plan a whole lot better, because it took it out of the academic, I think that this part of the bay is okay for that. I mean, this taught us all how other people see the same piece of geography, and I think we all benefitted hugely.

And thanks to Mel, we stayed on track. Among his many, many unexpected talents are being able to conduct brilliant public hearings. He'd listen to everybody. He never looked like he was bored, although he must have been sometimes. He could make everybody feel good at the end of the hearing, that somebody was paying attention to them, asking them a question, being very interested in their arguments. And even if you didn't win the vote, you went home thinking, my God, somebody at least understands me. And I think all of us that knew him were just stunned. He could have run for anything. I think unknown to him, he had a talent for doing good public meetings. And at the Coastal Commission, it was just phenomenal how he could run a terribly contentious hearing with large crowds of people. Just never losing control, never flustered, never anything. Just completely in charge, and attentive, and interested, and all that. So the meetings ran pretty expeditiously. Everybody was anxious to get the planning decisions made so you could do the permits and go home.

My worry at that time was we're going to go through this so fast they don't realize what they're doing, but that's why we kept boiling all this stuff down: you're voting on four or five sentences that ports are important, and we're going to find room for them in the plan. That marshlands are important, and we're going to keep them to maximum extent we can. That's obvious. But when you have to vote on it and say, "Yeah, that's what I want in my plan," that makes you read it, at least.

02-01:23:34
Meeker:

Well, the way that you did this was you broke it down into, what, twenty-one different chunks.

02-01:23:39
Bodovitz:

I think more than that, it was quite a few. I think twenty-seven.

02-01:23:43
Meeker:

I mean, they were tides, sedimentation, water pollution, fish and wildlife, marshes and mudflats, flood control, smog and weather, appearance and design, economic and population growth, commerce and ports, airports, surface transportation, recreation, public facilities and utilities, and it goes on. [laughs] How did you, one, decide that you were going to break it down into these digestible chunks, one; and then, two, how did you decide what those specific chunks were going to be?

02-01:24:19
Bodovitz:

Well, the breaking it down into chunks and doing it this way was pretty much my idea as refined by Jack Shoop, and Al Baum, and others on the staff. Particularly by Mel, because he didn't have any preconceptions about what bay planning was going to be. But he planned books and publications, so this was not anything new to him. I don't have any specific recollection, but I'm sure conversations with him helped me sharpen it. But once he was on board with it, he was really terrific. He kept making the point that we've got to do it in small chunks that people can get. I probably would have had—well, at the Coastal Commission, I think we had twelve, because you just couldn't begin to do this many. And if I had to do it over again, we might not have needed that many. But on the other hand, we did have three years to do it once we got going, and I thought it was better to be doing something every meeting than have a dozen meetings where we vote on all but huge, heavy stuff, and interim meetings where we're not doing anything.

So that's why I was obsessed with scheduling. Have we got enough time to do twenty-seven, and still have enough time at the end. People would get queasy, and say, "Well, they're going to be all these terrible conflicts at the end. You're not letting us have votes on the terrible conflicts." So Mel and I would say, "No, you're all reasonable people. There may be big conflicts at the end, but we're going to set aside plenty of time. You can see right here on the schedule. If there are concerns left over at the end, there will be plenty of time to deal with them." And, you know, none of us had ever done this before. I didn't know whether there would be or wouldn't be.

Mel's experience was if reasonable, fair-minded people who disagree with something all just set aside voting on that something right away and just all look at the facts, nine times out of ten, they'll figure out something rational to do. So the key was, don't vote on all the contentious stuff now, where the commission will split, because they haven't looked at the evidence. I mean, you're just asking people to vote their prejudice: yeah, I'm for development, no, I'm for the environment. Well, you don't want a vote like that. That's not what planning is. We stipulate there are disagreements and different interests; now let's go on and figure out what we can do. And so Mel's idea was you can't vote against the importance of ports in the bay. I mean, that's ludicrous.

So the most hardened environmentalist can't vote that we could throw the ports out, much as they might like to do so. Nor could the most determined developer say marshlands don't matter, because they clearly do. Nor that water quality isn't an important issue. But we kept saying, "There really won't be that much at the end, but we'll leave plenty of time in case there is."

I've done this three times, and always with the same result: oh, yeah, we're going to set aside plenty of time at the end. I don't recall in any of the three there were make-or-break issues that we decided on the last night. It's just apparent to everybody. You can argue about the wording, and you can argue about issues that weren't covered. So somebody can be sore, and say, "Well, I think all the people on this commission ought to be directly elected, and they didn't consider my issue," and that's fair enough. We didn't. I mean, it just didn't strike enough of us as a reasonable thing to discuss at the time. That's a hypothetical example, that wouldn't have happened. But if you've got new issues that weren't on this—and I suspect that some of the twenty-seven—I don't, it's fifty years, I don't remember. I suspect that some of the twenty-seven were because somebody felt we were—when they saw the original list, thought we were shorting something that was really important to them. So I suspect we got a few more subjects in there. Because, well, I would have to go back on the list and see, but.

02-01:29:46

Meeker:

Well, some of them there wasn't a whole lot to be said, because it wasn't strictly under the purview of what the BCDC was supposed to be regulating.

02-01:29:55

Bodovitz:

Right, and some of them, like appearance and design: pretty is better than ugly. [laughs] But, out of that came the idea of a design review board, and out of the earthquake stuff came the idea of an earthquake advisory committee. And I think those things both still exist, and I think they're great ideas. Advisory: they don't have any power. But really good people volunteered for these things, and we made a whole lot of projects a whole lot better as a result.

02-01:30:33

Meeker:

You know, the way in which the information is presented—at least as published in the report. I don't know if this was the same at the hearings. But it's separated into what the findings are, and then what the policy suggestions are. I'm wondering if you recall did one of those sides of the equation engender more debate than the other?

02-01:30:57

Bodovitz:

You know, I don't. And it might have been different in different cases. I wish I could tell you exactly why we did all those things, but I don't remember how we got there. But we must have gone through one or two within the staff, and realized that the facts and the planning implications aren't always the same thing. So you could find that the ports were incredibly valuable to the Bay Area economy, and then, I don't know, and then find nonetheless, we've got

all the ports we need, we're not going to mess with any that are there, but we're not going to allow any expansion, or any more, is the planning implication. So you could have had a finding. I'm sure part of it was wanting people to see that if you find something, there's a planning implication to that, and if you don't mean that's what you're finding—I mean, if you don't want the implication, then don't start down the road. We better settle that in the finding. But with Mel's idea, people coming out the same place, you can't, as I keep saying, find that ports are essential to the Bay Area economy as it currently exists, and then say, "But we're going to shut them down." If you agree ports are important, than you can hardly not. So at no point in this is there a vote about ports are more important than marshland, marshland can be sacrificed to make room for port expansion if it's the absolute minimum necessary.

02-01:32:59

Meeker:

Interesting. Can you talk a little bit about kind of developing an idea for kind of carrying out the plan? It was said that at minimum, the agency should have authority over bay fill and dredging, and shoreline development. Clearly, bay fill and dredging would have been part of it. I wonder, how did shoreline development come into it? I can imagine some people who were not entirely on board with the plan saying that, "Well, the bay starts at the shoreline, so you shouldn't have anything to do with shoreline development, as long as it's not shrinking the size of the bay. Why do you have authority over the shoreline?"

02-01:34:02

Bodovitz:

It was generally presented as the bay monsters creeping ashore, and their ultimate power grab: "They not only want our water, they're coming to climb on the land and destroy us." Well, the logic of the planning process gets you there. Because if you use all the available open shoreline land around a port for housing, then port comes back and says, "Sorry, we have to fill the bay. There isn't any more land on the shore." So at some point, if you're serious, you can't let that happen. So then you've got to, somebody's got to say, "No, the use of that shoreline property to back up a port is more important than housing there." And should the commission have the authority to do that? Should the local government? But it, left unresolved, is the conundrum of if Richmond gives all of its shoreline over to housing, then the Port of Richmond hasn't got anywhere to go except to fill, or Oakland as well. So there's a problem there.

That didn't go over well in the legislature at all, as you can imagine. All the locals ganged up on that. In fact, some people thought we put it in there just so they wouldn't—they'd target that, and let the rest of the law, of the bill, alone. And I said, "I wish I'd been that smart to think of it." But, no. We were really serious about it. And it was a huge issue with the Coastal Commission. It is on any kind of plan where you don't have the whole territory you think you do, because you're treating the bay as a bay. But then when you get into it, the

shoreline does really matter. So that's why. And we tried, with the plan maps, to show we really weren't trying to take over the world. We were just showing the shoreline areas that mattered most, and why.

So what came out of the legislature was in the 1969 McAteer-Petris Act was jurisdiction over a 100-foot shoreline band to insure public access. This is why, among the reasons we thought this will ultimately have to be some kind of limited regional government, so the same people have to face the shoreline land issue as the bay issue. That hasn't come about, and I don't know of the extent to which it's been a problem. The ports and airports have been expanding more by dredging than by going out into the bay. So it doesn't seem to have been a huge issue, but at the time we were doing the planning, it just stood out like a sore thumb.

02-01:37:30

Meeker:

Well, one of the issues related to that was the report actually said that shoreline development should be regulated from 100 to 1,000 feet, and the ultimate legislation was the lesser. One hundred feet.

02-01:37:47

Bodovitz:

My guess is if there had been an egregious example of the kind I was just saying, then you could have gone back and reopened the issue. But it was sort of like hollering wolf before there was a wolf. So I can't remember, but I'm sure there were hearings where somebody said, "Well, can you give us examples of where that's happened?" And I'm sure there were some, but there wasn't any threat at the time. I mean, if there'd been massive coverage of somebody's—the port is subsidizing housing here, so they'll have to get a permit to fill. That would have been a reason to really go after that issue, but since nobody was particularly being hurt by it, and indeed as it's unfolded, there's been more public access to the bay, rather than less. So again, nobody's really been hurt.

02-01:38:53

Meeker:

So, in other words, for you at BCDC, it didn't seem essential that you went after that 1,000-foot shoreline authority, as opposed to the 100-foot?

02-01:39:09

Bodovitz:

It must have been at the time. I can't tell you why. There must have been somewhere, and if I had notes, I'd go back and read them. There must have been something that made that seem like the right answer, but I can't recall what it was. If you talk to Trav [Will Travis], he might remember.

02-01:39:26

Meeker:

Yeah. Well, speaking of Trav, one of the things that he mentions as really important in the report and later in the legislation, that maybe doesn't get enough attention, is the self-amending process. That, basically, by a two-thirds vote of the commission, the commission itself could, in essence, rewrite the Bay Plan, which is kind of the interpretation of the law itself. I'm not sure am

I getting this entirely right. But can you tell me about the self-amending plan, and how it came to be?

02-01:40:07

Bodovitz: We didn't do it in the time I was there, because there wasn't time. I mean, we weren't involved in rewriting anything. So I simply don't know. My—

02-01:40:20

Meeker: But it was built in that it could be done.

02-01:40:23

Bodovitz: As I say, I just don't remember it being an issue. I think if the legislature had realized they were giving us that power, they wouldn't have. So I don't know what the exact wording is, but nobody made an issue of it that I recall. In other words, I don't recall that was the most bruising fight of the whole thing. And I think, were I there now, I would use it very sparingly. I mean, "We're rewriting the plan to shut down all the ports, and we have the power, ha ha ha." You wouldn't have the power very long, I can tell you.

02-01:41:10

Meeker: Well, I think that less likely than moving in the direction of less permitting would have been more slowly chipping away at it, and eventually watering down the act through self-amending process, depending on who is appointed to the commission.

02-01:41:29

Bodovitz: Yes, that's very true. So it's a two-edged sword, to coin a phrase. In the hands of good guys, it could be terrific; in the hands of bad guys, otherwise.

02-01:41:40

Meeker: But it sounds like you don't have a whole lot of memory of drafting this, and putting it in there.

02-01:41:45

Bodovitz: No, I have no memory at all of it. Trav may know more. But I could imagine it growing out of the discussion of what adopting the plan meant. So what the legislature wound up doing, as I recall, is saying, "Well, the commission will continue, and you carry out this plan until we tell you to stop or until we tell you to do something else." So the legislature didn't adopt the Bay Plan. It said, "We recognize it. You guys [the commission] go carry it out, and if we need—if we make any changes in it, we'll let you know."

02-01:44:01

Meeker: Another key point, of course, is the funding of the commission and the staff. In the Bay Plan, there was an estimation that it was going to be \$400,000 to \$500,000 a year. Do you recall conversations about that budget, and how it might be funded? Was the idea that the state was going to basically underwrite this particular commission?

02-01:44:30
Bodovitz:

Well, the discussion was: the Bay is a state asset, which is what we're saying it is, then the state should fund it. Every once in a while, some new guy at the State Department of Finance will go over the commission's budget and say, "Oh, no, the state shouldn't be funding this. Only the locals care about it." And we say, "Go back and read the plan. We've shown it's important to the economy of the whole state, and the environment of the whole state. And that's why everybody should fund it." And the finance department reports are always, "So people in the nine counties should finance it however they want." Well then, why is the governor appointing five commissioners? If it's totally the concern of the nine counties, why is there a state agency telling us what to do?

So BCDC's been able to dissuade the legislature from doing anything on those finance reports. But that argument will undoubtedly continue. We we're trying to get everybody to understand: the Bay is an asset of the whole state. Why doesn't the same argument apply at Tahoe [and the Tahoe Regional Planning Agency]? If Tahoe is also a state asset, then it's a state responsibility. The BCDC budget is the tiniest blip in the state budget, so it isn't as though there's any big financial issue. So I thought there was a sort of psychological, or whatever, philosophical point there, more than financial.

02-01:46:37
Meeker:

And this separates the bay as a resource from something like BART, which is locally funded.

02-01:46:45
Bodovitz:

Yes, from the public agencies that have revenue-generating capability.

02-01:48:47
Meeker:

Let's see, because I think we can get through—well, maybe not the whole bit of BCDC, but let's try to chip away at it. Some of these things, I don't know what you'll remember, if anything. So these are kind of speculative, but it's these specific points, and so recreation, and fish and marsh, and industry. Do you remember conversations, particularly around, like, the recreation report? I mean, they're kind of deciding what sort of recreation is to be encouraged and perhaps what kind of recreation might be discouraged. Do you recall much about those specific kind of things?

02-01:49:45
Bodovitz:

No. Well, what I recall is the people that responded to that topic, at least then, were the boaters. They were the marina owners, the boaters—of which there were many then, and many now. And some of them were totally clueless about what the bay's all about. You know, you buy a boat, there's water. You go out and sail, you come back and park the boat, and that's that. And just had no interest in, or concern about, the bay. But many others did. And then there was concern about shoreline recreation. At the time, Mel Scott had pointed out there were only two miles of public access to the entire bay. And because of

the sewage, there wasn't a clamor for more. The other big deal was shoreline parks—something like the San Francisco Waterfront is a major success story made possible because the port lost shipping. But I think recreation must have been trying to assure the boat owners that we knew they were there, because they were very vociferous about all kinds of things. I can't remember what we said about marinas in the plan. I guess do as much on dry land as you can, but existing marinas may be able to expand. I don't remember what was said.

02-01:51:24

Meeker:

There's a lot of stuff in there around ecology and I imagine the science was fairly young at that point in time. It says that fish populations should be protected. How should I put this? If there was a notion that perhaps some fish populations are more important to be protected than others. I mean, were those kinds of systematic questions on the table, and how was research obtained to get answers?

02-01:52:04

Bodovitz:

I think there wasn't for two reasons: one, there really wasn't time to get into that. And two, the state fish and game department would have thought that's their bailiwick. So all of the sudden, we have made an enemy. And for us to presume that we knew all about fisheries was not going to be good. So we say we'll ask the fish and game department to tell us. That brings in all the people that don't like the fish and game department and think they've got it all wrong. So all of the sudden, we're in the middle of somebody else's fights, and we don't have any authority over it, and they're incensed that we're acting as though we do. If somebody wanted to say, "Fishing isn't important at all," or if somebody was going to say, "Fishing for sardines is important, but nothing else is," well, that would have been a sideshow of no value to the overall thing.

02-01:53:29

Meeker:

Well, you know, what you bring up about the Department of Fish and Game is also a really interesting, important issue, and that is you've got this fledgling regional agency that hasn't even been made a permanent agency yet, and then you've got cities, you've got other state agencies, and you've got federal government agencies. Was there an understanding when you were putting this report together how the BCDC was going to fit within these other power structures, some of which had precedence? Like, the federal government would have precedence over the state in a lot of things?

02-01:54:14

Bodovitz:

There wasn't. We never got to what exactly the next step was going to be, and we were very conscious of that in drafting the BCDC law. This is how you get to twenty-seven members. Well, the State Lands Commission was among the more turf-protective, because they administer state tidelands. So they should have a representative on the commission. The McAteer argument: yeah, you've got an important interest. You're going to have a seat at the table. Same with the water board. There's a water board representative on BCDC.

Same with fish and game and the State Resources Agency. There's a resources agency person on the commission.

02-01:55:28

Meeker:

Well fish and game, is not necessarily a conservation organization, right? How should I put this? A lot of those agencies, it seems, would be mostly on board with what you are trying to do, what the mission of the BCDC was. But some of them might be suspicious or opposed to it. And in particular, I'm thinking of the federal government with the military. I mean, at that point in time, there were, I don't know, at least a dozen military installations ringing the bay. And what if the Vietnam War continued to expand, and they needed more docking area, or something like this? Was there an idea that federal precedence would take precedent, and that that could possibly weaken the position of BCDC?

02-01:56:45

Bodovitz:

I don't know that it was a big issue. The [Army] Corps of Engineers District Engineer was a member of the commission, and we could not change the federal government's authority. We thought we were going to have a good influence on them, where they had discretion. This is before federal consistency, what that's about. This is way before federal consistency, and I imagine the military didn't care, because they didn't think it applied to them anyhow. And I don't know that it really did. But if a federal agency was going to do something in the bay, I assume they too would have had to get the Corps on board, and the Corps was sitting on BCDC. So I assume we would have been aware of it. But I don't recall any federal agency objection.

And with regard to the other state agencies, I think we consciously thought, we don't need any more enemies than we're already going to have. So let's not pick any extra fights. The planning implication of saying something nice about fish is not, "Therefore, the state fish and game department should be abolished." Or, "All responsibilities of state fish and game in the bay will now be transferred to BCDC," or something like that. That would have been silly. And not to mention, we shouldn't be the fish and game department for the bay. The whole issue of governance was and is—fifty years later, we're still not sure what we ought to be doing. [laughter] So I think my feeling would have been, we've got to say what we've got to say. But we don't have to poke everybody in the eye while we do it.

02-01:59:22

Meeker:

There's a lot in the report about the fate of particularly salt marshes, and those kinds of places. And what happens if Cargill decides they want to get out of that business, and what do they end up doing with all the bay shore land that they own. And part of the idea was that the state should try to purchase that land. But again, that would have been a massive undertaking, and I think the estimate was somewhere between \$28 and 285 million in the late 1960s funds. Can you tell me about sort of the ideas that went into this potential problem, and how it might be solved?

02-02:00:18
Bodovitz:

Well, potential problem, but also opportunity. The environmental people in the south bay didn't have a whole lot of deep bay water to worry about. But wildlife refuges and the future of the salt ponds was a big deal. And they hated that the salt ponds had been diked off from the bay, and wanted them to go away. And nobody foresaw at that time the collapse of the salt market for industrial uses and that Cargill would greatly curtail salt production. Somehow the industrial processes that used to use salt can now use something else, I guess cheaper or better. So their basic uses of salt now, I think, are for highways in the north and household salt, which is about 3 percent of salt production. Someday, go through the salt tour in Newark. It's interesting.

So the idea was, well, if you have an opportunity to make the bay larger, that's certainly the only way any of us can see right now, so at least call everybody's attention to the possibility. And there are big problems of the salinity of the salt ponds. But if you ever have the opportunity, you ought to explore getting these parts of the Bay. I mean, it was inconceivable at that time this was really going to happen. So it was trying to nail down that if, for unforeseen reasons, we ever get this chance, we should take it. We couldn't just have it developed right away. I think that was what we were trying to say.

And then because the economics of the salt market changed, Cargill, then the owner—it was Leslie at the time of the plan—Cargill was then amenable to some deals whereby they would donate, and sell, and work out financially acceptable deals. One of them, I think, was done by [Senator] Dianne Feinstein, and it involved federal money, and Cargill taking tax deductions. They opened up opportunities in the south bay, for better or worse. With sea level rise, it looks different, but that won't happen right away. So, yeah, some of it's come about, in a way, what a lot of people wanted the salt ponds to become, it's now the Don Edwards Wildlife Refuge.

02-02:03:57
Meeker:

At the time that the report was written, was there an idea to establish something like a Coastal Conservancy for the bay to try to raise funds to prospectively buy these marshlands or salt ponds, and expand the bay?

02-02:04:12
Bodovitz:

You know, there may have been. But there was and is a group called Complete the Refuge trying to convert the salt ponds to wildlife refuges.

02-02:06:39
Meeker:

You know, I wonder if you can talk anything about the influences, to the extent that you can identify them, in writing this report. One of the things that I noticed a few times in it was the phrase "maximum feasible," at various points in it. And that's kind of infamous from being in the War on Poverty, like maximum feasible participation of the poor. And that was, what, the summer of '64, I think. And then, of course, it rolls out after that. Were those

kinds of things in your mind when you were working on drafting these documents?

02-02:07:22

Bodovitz:

I wish I could tell you. It is leaving the precise meaning in a particular situation to fight another day. You have a limited period of time, and people are urging you to solve every problem of western civilization as part of this planning. You could just get so distracted, you forget what you're doing, and what really matters. And pretty soon, you're off on really inconsequential things.

So I think maximum feasible is just a way to say, "When this really becomes an issue, our thought is here's the principle by which you should try to resolve it." But we didn't have the information or time to say, "6.2 acres ought to be wildlife refuge, and 3.1 ought to be returned to the bay," and something like that. Somebody needs to do that, or may need to do that, but we don't have time or resources.

02-02:09:00

Meeker:

Were you aware of, I guess, the philosophical differences within the environmental movement at the time? You know, the difference between preservationists and conservationists?

02-02:09:23

Bodovitz:

Yeah, yeah. To the extent they were going on at this time, I'm sure I would have been. Within our world, there was Kay Kerr and Save The Bay, which attended every meeting and had somebody there and spoke on all kinds of issues, and helped make things vastly better, because we heard from them directly. Of course other people were saying opposite or other things.

02-02:10:45

Meeker:

Well, you know, the reason I ask this is because if something like this happened today, you would undoubtedly have a Save The Bay, right? Sort of a mainstream organization who's trying to push hard for their agenda. But you would also probably have a more extreme environmental group, who would say that Save The Bay were a bunch of corporate dupes, and that what we should really be doing is getting rid of the Port of Oakland, because it's capitalist activity bringing junk in from China, so we should actually just get rid of that. We should get rid of SFO, because we already have Oakland Airport, and SFO is not placed right. So they would be saying, "Listen, Save The Bay isn't going far enough," and sometimes those are honestly-held beliefs, sometimes they're very strategic, to try to push issues in different directions. Was anything like that happening in the sixties?

02-02:11:45

Bodovitz:

It may have been, but either I don't remember or it was going on way over my head, and I wasn't paying attention. No, you know, that's still with us. You've

got people who want to tear down the dams at Hetch Hetchy in the middle of a drought. You don't hear much from them now.

02-02:12:02

Meeker: Not this year. [laughs]

02-02:12:03

Bodovitz: Not this year, but they'll be back. As I say, somebody like Greenpeace could have come in and said something, but I think the people that weren't sort of regulars and got to know the commission probably weren't as effective as the—as much the message, it was also the messenger. Dwight Steele was a credible, believable guy, and I don't know how much he disagreed with Kay about strategy, and messages. But I assume there were times they didn't see everything eye to eye.

02-02:12:54

Meeker: Let's stop here, because I think what's next is just wrapping up BCDC by talking about how, basically, the enabling legislation gets passed in 1969, in a different environment. You know, when McAteer is no longer there; [Nicholas C.] Petris is moved from the assembly to the senate; Pat Brown is gone, replaced by Republican Ronald [Wilson] Reagan, so that's kind of stuff that I want to unpack and spend a little time on, so we should probably stop here for today.

Interview #3 March 26, 2015

03-00:00:00

Meeker:

Today is the 26 of March, 2015. This is Martin Meeker, interviewing Joe Bodovitz, and this is session number three. Last time we made it through most of the planning and permit period of the Bay Conservation and Development Commission, in anticipation of talking about the passage of the legislation in 1969. I've actually been thinking [laughs] a lot about the Coastal Commission of late, so I'm trying to get my head back into BCDC [Bay Conservation and Development Commission], and I'm now going to force you to do that too. So I know that the process that you went about was that there were these twenty-three reports that were presented, and then the commission voted on them one at a time, and then they would kind of vote on approving the whole package at the end. And so the idea being—well, why don't you explain the idea, rather than me tell you?

03-00:01:21

Bodovitz:

Well, the traditional way of doing this was you'd just plunge right into the hardest, most divisive, most difficult issues, because you think you're going to need to spend the most time on them, and the rest of it will just be fluff at the end. Okay. But had we done that, the commission—and most commissions like it, which are set up precisely to be diverse and have a lot of different viewpoints—would have just split. So there wouldn't have been any surprise. It would have just collapsed, because you couldn't go back to the legislature and say, "Here's what we recommend, only half of us recommend doing just the opposite." The whole point was to indicate a path that everybody could agree to.

Mel [Melvin B.] Lane and I saw eye to eye on this—that you started with the stuff people could agree on, and get people used to that you can agree about this stuff. And so that was the whole idea: not just to look at reports, but at the end of each report, to have the commission say, yeah, this is what we get out of this subject, and this is what we want to include in the plan. And then the idea was if there were issues unresolved by the time we'd gone through all these, then we would have time at the end, and would buckle down and decide them. But our fond hope, which was born-out, was by the time people get used to looking for agreement, there's not going to be all that much left. And there wasn't—isn't. Did I know that was going to happen at the end? No. Did Mel? No. But it seemed to us the only way that there was any chance this could succeed.

And as I think I said before, any fair-minded person looking at the ecological values of the bay had to agree they exist. Any fair-minded environmentalist looking at shipping had to understand the bay was a major world port and was probably going to stay that way. So at that level, there wasn't that much to disagree about. So then you go down another notch: well, does that mean the

ports can expand as much as they want to? No. It means if you're trying to protect the environmental values, if they need to expand into the bay, they've first got to show you why there's no upland dry land already they can use, and then they've got to do the least possible damage to the bay while doing necessary expansion. And when you say it all that way, it just sounds incredibly reasonable.

As always, the problem's in the details: "I think ten acres of fill is the minimum." "No, I think eight's about right." And those are going to be hashed out in specific arguments, but at the level of preparing a plan that says everybody agrees the bay has all these values, if you're going to fill, you've got to do the least possible and show there's no dryland place to do what you want to do. And to me [laughs] this just is so reasonable, you understand people are going to disagree about what those words mean, but at the level of a plan the legislature could consider, this is, to me, a huge step forward. So that's the course we took.

03-00:05:06

Meeker:

Do you recall where you got this idea of doing the different reports, and then kind of approving them on a step-by-step basis?

03-00:05:14

Bodovitz:

No, I really don't. I just think in talking to Mel, and I'm sure [E.] Jack Schoop was involved in it, we just couldn't think of anything else to do. I mean, as I think I said before, people would just—because they didn't know what to do—take all the money, give it to a consultant firm, which likewise didn't know what to do. And so they'd go waste all your money and time, and then come back and say, "Here's the document." And that never goes anywhere. So we just thought that also would turn off the commission, and the only reason to have a large commission was so everybody's voice could be heard, and people would know each other. And so as long as you had them there, you really wanted them to be involved in the planning. So this voting on each—the conclusions from each report, if somebody really had something to object to, that was the time to object. And you didn't get to come back a year later and say, "Oh, well, I'm sorry I missed that meeting. Now that I've read that stuff, I don't like it." Well, that's kind of too bad.

03-00:06:30

Meeker:

Do you recall if any of those twenty-three were more difficult or controversial than others? Are there any that particularly stood out?

03-00:06:40

Bodovitz:

You know, the ones stand out to me—this is a long time ago, and in my mind I have trouble keeping separate BCDC and Coastal Commission, because—

03-00:06:52

Meeker:

I do, too. [laughter]

03-00:06:53
Bodovitz:

Well, thank you. You're making me feel better. I thought it was my slipping mind. The one that stands out in my mind as the most difficult for people to accept, was ironically the one that Mike [Ira Michael] Heyman wrote for us on land use regulation, because he took the point of view that if you look at what the courts had done, and common sense, you really have legal authority to do a lot of land use regulation that the public probably doesn't understand. I ought to go back and reread that. Mike was then a law professor at Boalt Hall [University of California Berkeley School of Law], and it was just terrific. This was what he thought. It was, as you would imagine with Mike, very eloquently put, and people got it. And of course the enviros loved it, and the people who owned the land that was going to be regulated—or water that was going to be regulated—didn't find that so much fun. But I don't think we ever intended, and I'm sure Mike never intended, to do anything besides open the door to the discussion. I don't ever recall discussing with him how far it was going to be sensible to push it. To put that another way, I don't recall that because we didn't push the argument to the logical limit he ever thought we'd let him down. And I think he wrote it just to explain to people who didn't understand what the law really was that this is what the law really was.

03-00:08:47
Meeker:

Interesting.

03-00:08:48
Bodovitz:

So I'd go back and read it, but I recall that one was being kind of jarring. I think the earthquake hazard report was similarly something people didn't really appreciate. You know, people then, as now, want to pretend earthquakes are never going to happen. And so that's a hard thing to face up to, and the extra dangers on filled land.

03-00:09:16
Meeker:

Well, you know, it's interesting. Some of these things, particularly earthquake and another issue, the visual presentation and design question, I can imagine some people who were already a little suspicious of the legislation looking at these and saying, what does this have to do with whether the bay is going to be filled or not—

03-00:09:42
Bodovitz:

Well, if you decided that no fill was safe to build on, then arguably the bay wouldn't be filled. And if you decided that earthquake safety could be ensured by current engineering techniques, that was no problem, then arguably that could lead to more filling. The solution to that, of which I'm still quite satisfied there wasn't a better one, both with the design and appearance idea and with the earthquake, was advisory boards that had no authority. So if a group of the best earthquake experts in the Bay Area say, this project stinks because it's exceedingly vulnerable and should never be built, but we have no authority to stop it, that kind of made it tough for the people who did have the authority to permit it or not to say, well, we know better than these guys. And

the same with the appearance. You know, this looks like beauty to me; it looks like hell to me. So we weren't going to try to referee that. But that has turned out to just be a lot of free architectural advise for applicants, to make their projects better.

03-00:11:16

Meeker:

I mean, it's interesting. The advisory committees, correct, had no legal authority, but it sounds like they had moral authority—

03-00:11:24

Bodovitz:

Correct. Correct.

03-00:11:25

Meeker:

—that then influenced those that had legal authority.

03-00:11:28

Bodovitz:

Well, and on the earthquake committee were, by design, people with different expertise. I mean, a structural engineer who says, we have hazards there but I can design something that will overcome it and a geologist who disagrees, so again, let those guys hash it out, and at least in the first days—I have no idea what it's like now—we went to the professional societies and said, “This will work only if you send us really top people.” And they did. The geologists, and structural engineers, and other experts really liked the idea and went for it. At first—as I say, I have no idea whether it still exists—but it, again, was the kind of thing a legislature could adopt in a plan because they weren't giving any authority to anybody, and it's sort of hard to say the decision makers shouldn't have the benefit of this kind of information when they decide.

03-00:12:39

Meeker:

Let me just back up a little bit. So the Bay Plan was adopted by a nineteen-to-one vote by the commission.

03-00:12:51

Bodovitz:

Correct.

03-00:12:52

Meeker:

So it sounds like there were a few absences or abstentions—

03-00:12:56

Bodovitz:

There was one abstention. My recollection is there were no no votes.

03-00:13:00

Meeker:

There were no no votes? Okay.

03-00:13:11

Meeker:

Do you remember where we just left off? Oh yeah, the vote.

03-00:13:16

Bodovitz:

Vote. Somebody'd have to go back and look at the vote. As I think I said before, my key goal was, we've got to go to the legislature with as much unanimity as we can get. And clearly, a report that's that long, and dissents

that are that long, you might as well not bother. So I was really anxious that if people had real complaints, we find ways to solve them. Like not giving any authority to these advisory boards, but exactly as you said, the moral force. That they would have disagreements among themselves, but they would hash them out. So I felt good by the time we got to the vote, as I recall. And the one abstention, as I recall, was Frank Hortig of the State Lands Commission thought its responsibilities were being trifled with. And as you may know, the Lands Commission was set up to lease state-owned tidelands and make money for schools. So from their point of view, this was just god-awful, because we were saying all this valuable tideland might not be fillable. And that went so much against their grain. But the lands commission then, as now, had three prominent elected state officials as its members. I don't know how much they paid attention to this, but I assume some of their staff was very unhappy.

03-00:15:21

Meeker:

Can you tell me about the process by which the report was actually written as legislation? I imagine it was submitted to—

03-00:15:30

Bodovitz:

Yes. By this time, our world had changed, because [J. Eugene] McAteer had died, so the world of '64, '65 just dissolved in an afternoon when he died of a heart attack playing handball. To say we were unprepared for anything like that—we were just stunned. So all we could think to do was just keep going, and try to find the best replacement we could find. Do you want me to go on about that?

03-00:16:13

Meeker:

Yeah, sure, go ahead.

03-00:16:14

Bodovitz:

Okay. Well, so, my recollection of it is McAteer had died. George Miller [Sr.], father of the current [2015] congressman, was the state senator from Contra Costa County at the time and was, like McAteer, a power in the senate. He decided he would take over and sponsor the bill. Because his constituents included the oil companies and refineries, there were people nervous about that, and other people who thought he was a powerful guy and wouldn't have agreed to take it on if he didn't mean it. So I had a lot of meetings with his staff guy, and then Miller died of a heart attack. So there we were, feeling like, twice orphaned: where are we now? And then there were, as I recall, at least three new bills. Milton Marks [Jr.], a state senator from San Francisco, then decided he should put in a bill in McAteer's memory, and he was not a powerhouse, it goes without saying, although I just said it. And so there was great consternation that he was—well, that he was not the ideal author, whatever his great virtues. And I think Dick [Richard J.] Dolwig, who was the San Mateo County senator at the time, also put in a bill, sort of as a holding—you know, that if all else failed, he'd be the savior, which was kind of ludicrous to the enviros in San Mateo County.

03-00:18:28

Meeker:

How much did they differ from what the [San Francisco] Bay Plan had set out—

03-00:18:34

Bodovitz:

I can't remember. I wish I could. Dolwig's was clearly a "don't-do-anything" bill. Milton's heart was not in it. He didn't really understand the issues. I think he thought as the sort of successor to McAteer, and San Francisco should be in the lead, and so he should do it. Of course legislators are busy and working on multiple bills simultaneously so their knowledge of each individual bill is necessarily limited, but my recollection of that time is his calling me frequently and frantically: "Oh, my God. Somebody said there's this sentence in the bill that does so and so, and that can't be true, can it?" "Yes, Milton, it can be, and here's why." And so I remember sort of endless conversations, and my constantly saying, "If you want to do this, we've got to make some time so you understand it." I think anybody who has bills in the legislature would tell you they've had authors like this, who say, "I'll take it over to stop everybody else," and then have no idea what it is they have agreed to take over.

03-00:19:57

Meeker:

Well, and also, for something like this that was meaningful and impactful, it would have required a champion who really stood behind what it was trying to do, and it sounds like he was somewhat ignorant of what was really going on.

03-00:20:13

Bodovitz:

Well, I don't think he followed the bay issues. This is no criticism of him. It was our world, but it wasn't everybody's top issue at the time, so it's no crime that he didn't know everything about. And to his credit, he thought somebody should step up, and that he—I can't remember who his staff people were, but, you know, he had people that would figure it out for him. And as the session unfolded, he'd find out what was in his own bill, and we'd go on. I think what would have been sort of horrifying is if you couldn't find any sponsor at all. So the fact that we had too many was, in a way, a really good sign. We were anxious not to be picking. I mean, we had thought Senator McAteer would do it, so we'd given no thought to, well, what if...? If Senator McAteer had thought there was something in the plan that wouldn't work, he'd have taken that out and we'd have gone on. But we would have trusted his sense of what he could or couldn't accomplish in the legislature. So you do the best you can. I mean, the legislators want to own an issue, you try to help them understand it all. And then you go on.

And then somehow, we had been so used to you start these bills in the senate, thanks to Gene McAteer, that I don't remember where Jack [John T.] Knox decided to jump in. Maybe after George Miller died, thinking Contra Costa County was majorly affected by anything affecting the bay. I don't know what his memories would be. Tom [Thomas] Willoughby, his staff guy, was a very bright guy, and so when Jack Knox got into it, he was chairman of—what was

it?—the local government committee in the assembly. Jack Knox was a force in the assembly. But anyhow, so the major author then became Jack Knox, and Tom Willoughby is the staffer who did the major work. They were good to work with, but they didn't agree with us about everything, as I recall, but it was good to have Jack Knox as author of the bill.

03-00:23:40

Meeker:

Well this is interesting, right? It's like you have—you're the BCDC, and then you've kind of got three suitors, some of whom just want you for your money—

03-00:23:53

Bodovitz:

Yes, yes.

03-00:23:54

Meeker:

—and some of whom really believe in you. Maybe a really bad analogy, but you've got Dolwig, you've got Marks, and you've got Knox. How is it that you as the staff lead of BCDC at that point in time let legislators know that it's really the Knox bill that's the true bill?

03-00:24:20

Bodovitz:

You don't. At that point, we were totally flying blind. As I say, all the expectation had been McAteer. And then when George Miller died, we were back to go for the second time. Whatever that old thing is, when the elephants are marching around, just stay out of the way. I thought there was nothing stupider than for us—with our limited understanding of the politics, and the personalities, and all—to pick, when we really didn't know what we would be doing, and whether—you don't want to make enemies in Sacramento. You'd like to have friends, but you don't want to go out of your way to annoy people. And I thought if it was Knox versus Marks, leaving again—you know, Dolwig, exploring what you could negotiate with Dolwig might have been interesting. I don't know. I'm glad we never had to do it. But you thought Knox had more clout than Milton, so you'd much rather have Knox as your author. And what the politics of then going to the assembly first would be, I didn't know. In any event, we just said, "You guys have got to sort it out. It really isn't up to us. We just want to get the bill passed." So what conversations they had, if any, I really don't know.

03-00:26:09

Meeker:

So at a certain point, I imagine there was a bill introduced that then was presented to you. Correct?

03-00:26:20

Bodovitz:

I'm sure, although, we'd worked with Knox and Tom Willoughby. I seem to recall thinking that we've done our part of this. We don't control the process. They'll listen to Kay Kerr, and the voters she represents, more than they will listen to the BCDC staff. Or they will call Mel and tell him that they're going to do something or other. But my ability as a staff guy for a commission that not all of them wanted in the first place was not going to be great. You know,

there are times when you lead by staying out of the way. It wasn't up to me to say, "Here's the right legislative strategy. You guys go do that." They'd have laughed.

03-00:27:32

Meeker:

Do you recall what you felt, or what you thought of the bill when you read it?

03-00:27:41

Bodovitz:

Well, it was instantly apparent where the big issue was going to be, which was not the bay, but the shoreline jurisdiction. For better or worse, in my recollection—there are other people who may have other and better recollections—but my recollection is there were two issues that the legislature was concerned about. One, we proposed that the plan be adopted by the legislature, and thus, I guess, given the force of law. And none of us exactly knew what we meant by that. I think we meant it was to have the force of law and be carried out. But none of us quite knew—and the legislators of good will, the same way. What did we mean by that? And I think all we could say was, "You guys are the keepers of the law; we meant this should have the force of law. The commission should continue, and this is what you should tell them the law is that they are administering."

But because the legislators had not gone through the planning process, asking them to adopt the plan on faith because we had, was a tough slog. In hindsight, I don't think it was the greatest possible strategy, but I also don't know what else we could have done. Because that's how the system works. It goes on laws; it doesn't go on just expressions of concern. And we meant that a commission should be legally empowered to carry out the things in the law. If it said the minimum fill necessary, the legislature wasn't going to debate two acres versus one acre, but an appointed commission was the way, in California government and law, things worked. And that these guys would have the power to say, "You get one acre of fill and no more," and that would be enforceable. And that's what we wanted done.

But as I say, the legislature not having gone through the planning, balked at that. And I don't know that anybody'd ever asked them to adopt this kind of land and water use plan. So there was a very ingenious solution: "We legislators won't adopt the plan, but we'll tell you to carry it out until we tell you to stop or to do something different." As far as I know, that's still in the law. I mean, making clear they weren't going to adopt it, because they didn't know exactly what they would be adopting. But they'd give it a spin. And if the commission could come back and say we're doing a good job, then the legislature wouldn't bother it. I think that's still the law now, but I'm not sure about that.

And then the second issue was the amount of shoreline regulation. The greatest single way to prevent fill is to use the immediate shoreline well. That's how we got away from housing as a major use: fill up the shoreline

with housing, which many people, and developers among them, would be very happy to do. But then you can't put the facilities there for the shipping terminal, or the industrial base, or whatever you want. So if you don't have some control of shoreline land, you are risking unnecessary fill. You can understand it intellectually, but that brought in a whole range of property owners and interests that were mightily opposed. They could understand the logic of the argument, but didn't want this super local—this body to have final jurisdiction over shoreline. It would be interesting to know how big a problem that's been. I don't know that it has been a huge problem in practice, mostly because there haven't been a lot of fills allowed.

So somehow, I can't remember how, the debate then came down to, well, it's important for public access to the water, as well as for this land use thing. So the law specified jurisdiction over a 100-foot strip for public access considerations. That if BCDC didn't have some control of the shoreline, the public would never get access to the bay, and indeed, one of the things that has been extremely successful is the amount of new public access to the bay. I mean, the San Francisco waterfront in 1964 and now are just incredibly different. In part due to Oakland, not San Francisco, having all the deep water shipping, but a whole bunch of the cranes the size of Oakland's on the San Francisco waterfront would not be so great.

03-00:33:51

Meeker:

Yeah. I can imagine what the Telegraph Hill Dwellers Association would think of that! [laughter]

03-00:33:54

Bodovitz:

So in a way, there was a kind of regional planning done totally inadvertently. But when we started, and Mel Scott's book, I think, said not much more than two miles of public access in the whole shoreline. And there really wasn't. But as we've said before, the bay had been polluted and was a garbage dump and sewage dump, so there wasn't a huge clamor to get the waterfront. And when the bay got cleaned up, people started, you know, "Oh! That's a nice place to go."

03-00:34:32

Meeker:

I mean, that's something that I think we can talk about when we get to the Coastal Commission, because the bay was kind of—the bay wasn't Huntington Beach, or Laguna Beach, or Big Sur. The bay was a marsh, you know? And with a lot of sewage [laughs] and trash in it, so there's a very qualitative difference between those two areas. You talked about the death of McAteer, and the impact of that on this. But the other big change, of course, is that Pat [Edmund Gerald] Brown [Sr.] was voted out of office and replaced by [Ronald Wilson] Reagan, a Republican, who was already starting to develop pretty strong anti-regulatory sentiment. How did that work out? Getting it through the legislature was one hurdle, but then getting it signed by Reagan would have been another one entirely.

03-00:35:32
Bodovitz:

You know, it can't have been horrible, because it did get signed into law. And I absolutely don't know. I can tell you a lot more about Reagan when we get to the Coastal Commission, but—this is a feeling of aging memory, but it was a lot of years ago. And it doesn't stand out in my mind as anything that was very problematic at the time. You tell me when you want to talk about Reagan's approach to all this stuff.

03-00:36:11
Meeker:

When do you think the right time to do it is?

03-00:36:16
Bodovitz:

Well, we can either do it now and come back—

03-00:36:22
Meeker:

Why don't we start now and you can tell me about this and then we'll revisit it, certainly, in the Coastal Commission.

03-00:36:29
Bodovitz:

Well, Reagan—you would be insulting his reputation to say he was a great environmentalist. He wasn't and never will be remembered as [one]. But he wasn't the anti-environmentalist that some Republican successors and others have been. And however it came about, Reagan's resources secretary was Ike [Norman Banks] Livermore [Jr.], who was an extremely conservative guy, like Reagan, but was a real environmentalist. And Ike helped stop the proposed flooding of Round Valley in Mendocino County for a big dam project in the sixties. I mean, for the Reagan Administration to have turned down dam builders and water interests was just stunning. And the apocryphal story is because Reagan had been in the movies and knew how the white people had treated the Indians, and he wasn't going to flood an Indian reservation. That may or may not have been what it was. But thanks to Ike Livermore and another Republican named Richard Wilson, Reagan did a good environmental deed. The economics of the water and all that may have been part of it. As I say, I was hardly privy to their inner discussions. But he was in a way like [Richard Milhous] Nixon, Nixon signed the bills that created federal environmental laws.

03-00:38:33
Meeker:

Conservation and conservatism, there's a parallel there that is built into the words themselves. You know, trying to keep things the way that they are.

03-00:39:22
Bodovitz:

And Reagan also had an appointments secretary, whose name I cannot remember—Ned Hutchinson, maybe, but I'm not sure.

03-00:39:32
Meeker:

Al Hill?

03-00:39:34
Bodovitz:

Not Al Hill. I think Al Hill was in the resources agency working for Ike. So we had—and this is at the Coastal Commission, now—but we had easy access to people in the Reagan Administration who could either tell us pitfalls to avoid, or you could go and say, “I’m having this problem. Can you help us?” And they would tell us they could or they couldn’t. And Reagan had the policy—I don’t know how much he, like every other governor who makes many many appointments, understood about the people he was appointing. I’m not sure he cared. Somebody told him this was the thing to do. And somehow, whether it was a policy or an accident, on his appointments to the Coastal Commission, he would appoint—the shorthand words are not useful, but a good guy and a bad guy. I mean, he would appoint Mel Lane and then appoint a guy the developers wanted, or something like that. And he would do this in his appointments to the regional coastal commissions. Whereas other Republican governors we could think of would appoint nobody but people who were dedicated to dismantling the whole thing.

And so it was easy for Reagan to appoint Mel, because *Sunset* magazine and books were well known, and Ike Livermore could vouch for Mel as a good guy. And then somehow there was a need to balance that with a guy who was not a supporter of the Coastal Commission idea; they were non-supportive, but not destructive. I mean, they would make the argument at commission meetings that developers would make, but they didn’t have tantrums, and they didn’t walk out. The other commissioners liked them and listened to them, and they were all part of the group.

03-00:42:27
Meeker:

When the legislation was working its way through the legislature, and then was sitting on Reagan’s desk, it sounds to me like the staff wasn’t really brought into to consult, or to clarify.

03-00:42:39
Bodovitz:

No, the legislature—legislators and staff—often regard the staff of governmental agencies as barely competent people who make their lives difficult. And they write the perfect legislation, and then dolts like me screw it up. And people like me think the legislative staff people ought to be sentenced to five years of carrying out every bill they write, and they’ll see how unworkable some of this stuff is. So I might be called or consulted on a particular point—did we really mean ten, or did we mean seven or eight in paragraph thirty-two of—“On some technical point, why did you do this? It seems stupid to us.” But I don’t recall staff people ever asking for my political judgment or moral views about what they were about to do or anything. We were to speak when spoken to.

03-00:44:02
Meeker:

Well, I guess maybe you just answered it, but then how did you feel? [laughs]
In this process whereby you spend several years putting together this great plan, you present it, you are able to get the vast majority if not all the

commissioners who voted on it to approve it, and then it just kind of goes out of your hands, and it goes to Sacramento and the sausage making sort of happens?

03-00:44:29

Bodovitz:

Yeah. Well, as I used to say at the time, it's like giving your child up for adoption. You think, this is my four-year-old. This is my life's work, and you guys are going to go butcher it. But that's what the process is.

03-00:44:53

Meeker:

Well then, when it finally transpired, how did you feel about it? Did you feel like it had been butchered, or did you feel like it had been preserved?

03-00:45:02

Bodovitz:

Well, I thought the essence had been preserved. I can see, in hindsight, how we presented the legislature with two real problems—adopt or don't adopt and the shoreline issue—and I don't recall whether we had conversations of, oh, this is going to be terrible in Sacramento, we better not do it. I think we thought our job was to tell the legislature, in our opinion, what we honestly thought. And I think it would have been terribly naïve to say the legislature won't dare touch it. I think we expected that they would have trouble with this, might have trouble with this, and might want to do something different. And I don't recall being consulted in great detail, but I don't recall whether that means that it didn't happen.

In all the months this was going on, I worked very well with Tom Willoughby. We had many conversations, and I worked much more with him than directly with Jack Knox. Tom didn't break confidences to tell me why something was going to happen or anything like that, but I don't recall that he ever was inaccessible, or ever said, "I can't talk to you about that," or anything. I couldn't ask for a better working relationship, to use a cliché, with a staff person in the legislature, because when Knox got him into this, he was totally new to it. It was not something he had worked on before. So he had some catching up to do, and acknowledged that. I don't think all the staff people in the legislature think that the bureaucracy knows anything, and that it's up to them to correct all the errors and bad thinking.

03-00:47:25

Meeker:

You haven't mentioned Nicholas [Chris] Petris.

03-00:47:29

Bodovitz:

Yeah. Well, he was supportive and helpful, but, and in 1965 he was in the assembly. The reason it's the McAteer-Petris Act. He was unpowerful then but lovable then as now. I mean, admirable; he had been the first author of the Save the Bay bills, whatever they were. So his status was an unsuccessful author of whatever it was that Kay thought should be done. And he just stayed out of McAteer's way. What conversations they had, I don't know. But all the time, the expectation was the senate's the tough place. If McAteer can't get it

through the senate, there's no point in messing with it in the assembly. And it was just expected that Nick would be the leader in the assembly if McAteer could get a bit through the senate. And as I say, what the two of them—how much, if ever, the two of them talked about this, I really don't know.

03-00:48:56

Meeker:

Well then by 1969, wasn't Petris in the senate?

03-00:49:00

Bodovitz:

I think so. And I don't know whether he didn't want to mess with it anymore.

03-00:49:14

Meeker:

Don't worry about it. I'm not testing you on this!

03-00:49:18

Bodovitz:

I'd be glad to tell you if I recall. But I just don't.

03-00:49:22

Meeker:

Okay. No worries. That's all part of the record anyway. Okay, so it passed the assembly fifty-six to four, passes the senate twenty-four to nine, and it was signed by Reagan on the seventh of August, 1969. So there you have it. The BCDC's created, it's a permanent commission. And you're going to be working there a few more years before you head off to the Coastal Commission. Is there anything about those first couple of years when it's a permanent commission that you remember as being particularly significant?

03-00:50:10

Bodovitz:

Not really. I'm going to challenge the word permanent for a minute. Somehow the notion that the commission was permanent has just taken hold, and I don't know where it came from. But I never thought or acted as though it were permanent for two reasons. One is I thought if the Kay Kerr's backing ever faded, there weren't going to be a lot of developers riding to the rescue to keep the commission going. And secondly, we had debated within the commission then and subsequently whether it ought to be part of some limited regional government, rather than as a, quote, "permanent," unquote, independent commission. But let's say continuing commission, or part of state government at the time, or whatever.

There must have been a period of people just getting used to it being there, but on the other hand, it had had permit powers all along, and there must have—by then, I think the big projects had sort of gone away. I mean, the guys who wanted to cut down San Bruno Mountain had probably figured that was not a great thing to pursue. And I don't know what the salt—I can't remember when Cargill bought out Leslie. I think they must have gotten the idea there weren't going to be a lot of Foster Cities, even though developers in San Mateo County wanted them. And whatever the salt people thought they were going to do with their properties, ultimately. I think there was a period of everybody sort of recalculating, and that was going on while the bill was in the legislature, too. So I think there probably was just a lull as everybody adjusted

to this sort of new kid on the block. But I just have no recollection. I don't think there were major projects that came up at that time. Maybe there were.

03-00:52:37

Meeker:

Well, there was one that you maybe remember or don't. I don't have a whole lot of information about it, to be honest. But this was the proposal for a second bay bridge: the southern bay bridge crossing.

03-00:52:49

Bodovitz:

Yep. But it never got to the point where it was going to get to the commission. I mean, there was talk about it. It was clear a permit would be needed. I think we would have said, if anybody had asked us, minimum bay fill, minimum damage to the bay. Could we possibly have said, "Well, make it a tunnel. No bridge will be allowed." If it had gotten to that point, that would have been a big debate before the commission: suppose a bridge costs X billion, and a tunnel costs 10X billion. Would we have dug in our heels and said, "No. No bridge." We'll never know.

This goes to the permanent. I think if the commission had said, "Nothing. You can't have anything. No bridge, no tunnel—" Well, I guess we couldn't have blocked a tunnel, but, "No portals for a tunnel that require fill, just no nothing," I think we would have been impermanent in a big hurry if there was a lot of momentum for a second crossing. And now it's back. And it will keep coming back as long as the population keeps growing, and the traffic keeps growing. I don't know. Your guess is at least as good as mine. Is it ever going to happen?

03-00:54:25

Meeker:

[laughs] I don't know. That's a good question, and I think that, you know, the big idea now is a second BART [Bay Area Rapid Transit] bore. But I mean here's the thing: nothing will happen for twenty, thirty, forty years, and by then, we're going to be in really bad shape if the area continues to grow at all.

03-00:54:49

Bodovitz:

Well when we get there, we can talk about that, because the whole ballgame is now different with climate change as an issue. So it's interesting.

03-00:55:08

Meeker:

On reflection about the BCDC, first of all, there seems to be some sort of ahistorical look now, looking back at BCDC and seeing it as sort of environmental regulation commission. But my sense, actually, is if you kind of look at it in the context, yeah, there was concern around pollution, and not degradating the environment as part of it. But it was probably even more about rational planning and good governance as it was about environmentalism in the way that we might understand it today.

03-00:56:07

Bodovitz:

Oh, yeah. I think it was also about growth and change. I mean, the fact the population was growing, and that there was a demand for new flat land for

housing, industry, all kinds of stuff. And that until Kay Kerr, Sylvia McLaughlin, and Esther Gullick, nobody really thought of what's this doing the bay. That was just what you did. It was just, all that water's a nuisance, and we can fill it in, and do something productive with it. To me, the most interesting part of it is the rapidity of the change in public attitude. How the public attitude went from the bay is a place for sewage and garbage to the bay is the center of the Bay Area and the most valuable natural resource we have in remarkably short time.

03-00:57:09

Meeker:

Do you think that BCDC played a key role in that change of attitude?

03-00:57:12

Bodovitz:

Yes. At what point in all of this do you suppose the garbage companies decided it's over? No more garbage in the bay.

03-00:57:29

Meeker:

Yeah. I don't know.

03-00:57:30

Bodovitz:

I don't either. But what I'm getting at—at what point did the San Bruno Mountain guys think, okay, we're done? Have I told you about Bethlehem Steel?

03-00:57:45

Meeker:

No.

03-00:57:46

Bodovitz:

The first of many of these things, but it was very educational for me. At the time—the sixties—Bethlehem Steel owned Point Pinole in Contra Costa County, where there's now a regional park. They were going to scrape off a hilltop and put it in the water for new land for a steel mill. And it was pretty clear if the McAteer Act passed, that wasn't going to happen. And so a couple of guys from Bethlehem—I can't remember whether this was when we were planning. Must have been during the planning. They wouldn't have waited—a couple of guys from Bethlehem Steel came to see me and said, "We've heard about your commission, and people are telling us ridiculous things like, well, we're not going to be able to cut off the mountain and have all that land for a new steel mill. And so we've just come for you to tell us that's not so, and we should go ahead with our plans." And so I said, "No, it really is so. I would not say never, but you're going to have a real uphill fight. And you might be well advised to think about that."

And these guys were totally horror stricken. It was clear that they did not know what would happen to them if they went back to the management in Pittsburgh, or wherever Bethlehem Steel was at that time, with this bad news. And they said, "If we have our boss come out, will you tell him?" [laughter] I said, "Of course. Anybody you want."

03-00:59:52

Meeker: And did the boss ever come out?

03-00:59:55

Bodovitz: Yes. Oh, somebody else came out. Perfectly nice guy, had never heard of crazy things like this. I thought, David Rockefeller wouldn't have invested in San Bruno Mountain if he'd met Kay Kerr a year or two earlier, probably. Who knows? But at what point did these guys change their minds, and at what point did the water pollution become so great that people wanted to do something different, and what triggered that? And I don't know, in either case. My impression is the momentum was going this way, and that in an odd way, what Kay really did was give that momentum a place to go, and give it a real kick. So there was a momentum that she seized on at exactly the right time. Because I'll bet ten years earlier, everyone would have said, "What's wrong with Berkeley filling in the bay?" No one would have known what she was talking about, and I don't think many people did even in the sixties, but somehow, that momentum took over.

03-01:01:25

Meeker: Who followed you as director of BCDC?

03-01:01:28

Bodovitz: Either Mike Wilmar or Charlie [Charles R.] Roberts, and I can't remember for sure. Maybe it was Charlie.

03-01:01:34

Meeker: Did you pay much attention to it after you left? Did you have much engagement with it when you were at the Coastal Commission?

03-01:01:43

Bodovitz: No, and no. And in no way for lack of interest. But, as we'll discuss when we get there, the Coastal Commission job was totally overwhelming all by itself. I'm a great believer that in jobs like this, you're all in or you're all out. If you want to meddle and keep a hand in the former agency what will happen is you'll get phone calls and visits from people saying, "I got along terribly well with you, Joe, but your successor isn't giving me the promotion I richly deserve, and instead has promoted so-and-so." So if you want to call your successor and lobby, okay. But if you don't want to do that, don't do it, and just be gone. Psychologically, it's really an abrupt change that's sort of startling. But I'm all in or all out, so I really don't know. The only other time I've been involved in a BCDC issue even slightly was when the airport runway expansion was a big issue.

03-01:03:08

Meeker: From SFO [San Francisco International Airport], right?

03-01:03:09

Bodovitz: From SFO. And this was long after, when I was at the California Environmental Trust. And I can't remember how I got into it, but there seemed to be a need for some kind of mediation. And John [Lowell] Burton,

who was then a power in the state senate, the Save The Bay people gave him a legislator of the year award and he is alleged to have said after the ceremony, “This is really fine, and I thank all you people, but you need to understand, I’m going to get my fucking runways.” [laughter]

03-01:04:00

Meeker:

That doesn’t seem out of character at all.

03-01:04:02

Bodovitz:

Not in the slightest. Well, somebody got me interested in the runway issue, and it looked to me like BCDC’s permanence could come to an end if the runways were not handled in some sort of adroit manner. So I helped somebody put together a little sort of mediation group that Mike Heyman was involved in as well. Mike had just stopped being UC Berkeley chancellor, and had tremendous stature, and was really able to be helpful. And so we got all the parties together, and it was apparent that the runway extensions were going to get sunk by their cost before it got to be an environmental issue.

If you’re going to do that kind of really expensive construction, again, I think the right answer would be you do the minimum fill necessary. You have to first prove it’s really necessary. It isn’t hard to prove there’s no upland available. And then you have to do the minimum necessary. But it never got—as we began digging into it, it became clear everybody wanted it in the aviation industry and nobody wanted to pay for it. It was clear that an airline ticket surcharge was one alternative, and the other was the public at large would pay via some bond issue or other. Nobody could imagine either of those being acceptable very soon. So then the recession happened, and the airlines didn’t need it after all. It’ll come back if the airplanes get bigger and bigger, so it’s by no means a dead issue. But my concern at the time was the way things seemed to be going, I didn’t really think John Burton cared a lot about whether there was a bay commission or not. He cared more about anything that was an obstacle in what the construction unions expected to be a big employment opportunity for them. And he wasn’t going to let anything get in the way of that. So I feared BCDC could emerge from that in not great shape if it weren’t handled incredibly adroitly.

03-01:06:46

Meeker:

Well, what did you think you were going to be able to do, then, as kind of a consultant on this advisory group?

03-01:06:52

Bodovitz:

Well, get the airport people and the enviros talking to each other. Some of the runway backers had no idea what BCDC was all about, and thought it’s just a nuisance to be steamrolled in the quickest possible way. And to help them understand this was not a frivolous thing. The airport had gone out and done all kinds of mitigation. Ironically, they bought wetlands around the bay. A whole lot of wetlands as mitigation for the runways that never happened. And they were very proud of what they’d done.

So it was an idea that—however this came out, it shouldn't destroy the commission. So I didn't know enough to have an informed opinion to care about what exactly the right runway length or configuration would be. I just cared that the commission not be the problem, because, you know, what John Burton said was light, but he wasn't fooling around, I think. And as I say, the cost sunk it at the time, and might forever. I don't know. So it never became the environmental issue, but what should the commission have done? Would all that wetland purchasing have been adequate mitigation for X acres of bay fill? I have no idea. I mean, I don't know enough about the details to really know.

03-01:08:51

Meeker:

And that's up for the commission to decide anyway.

03-01:08:52

Bodovitz:

Yes, but you might think that isn't a bad deal, and the existence of the commission made a deal like that possible. The airport certainly wouldn't have gone out and done it out of the goodness of their hearts. So everybody got a little more understanding of everybody else's problems. And then, as I say, it just went away because of the cost. But the only interest I had in it was not trying to tell the commission what ought to be done, but that the commission itself not get creamed. And that may have been exaggerated concern, but I don't think it was at the time, at least as I understood what was going on. And I haven't really been involved in anything else, as far as I can recall.

03-01:09:49

Meeker:

Well, what about just on reflection? I mean, this is 2015. It's now fifty years since the commission was established. Do you have any, I guess, concluding thoughts about the BCDC and the role that it's played in the region?

03-01:10:06

Bodovitz:

A couple of thoughts: if you had asked me my career plan five years before, being involved in bay fill issues would not have been on the list remotely. I recall my wife's concerns that I had a family to support, and why couldn't I get a real job? Why all this temporary stuff? But I hadn't expected to be involved in anything like this, and then the Coastal Commission made it double. I think a lot of what happened was just the time that it happened in. If Kay Kerr came along now, I don't know who would get a great bill through the legislature. As I say, I just don't know that you could go back and duplicate it. So I don't quite know what the lesson is, except seize the opportunities at the time they exist and don't long for days gone by.

That's one reflection. Second reflection is if you had asked me fifty years ago, do I think the commission will still exist fifty years from now, I would have said, "Yes, but in a regional government of some sort, because we will not be so stupid as not to have figured out how to do that in fifty years," and I would have been quite pleased that its existence has done as much as it has. I mean,

the bay's still a great place. You have access to the bay. San Francisco's northern waterfront is just stunningly good, as far as I'm concerned.

03-01:12:35

Meeker: With the help of an earthquake. [laughs]

03-01:12:38

Bodovitz: Yes, with the help of Oakland. But I also think what was done here probably in ways none of us will ever know helped encourage other communities. I happen to have been in Seattle last weekend, and—do you know Seattle at all, or—?

03-01:12:57

Meeker: A little bit, yeah.

03-01:12:59

Bodovitz: Well, the Seattle Art Museum has a shoreline sculpture park, and it's terrific. And it was clearly a nothing chunk of shoreline with a railroad track running through it, and it's just terrific. And there are all kinds of people down there, and it's just great. And I don't say that BCDC or the movement in the Bay Area spurred that. I have no idea. But I think it was part of the times, I guess, and now Seattle, if they ever get around to it, is going to tear down its waterfront freeway. Still going to have the railroad tracks, but that won't be quite so bad.

03-01:13:43

Meeker: Well, that actually does lead to one last question on BCDC. I suppose this kind of bleeds over into the Coastal Commission. But did you ever have folks from other states coming to you and say, "Wow, you guys are doing something amazing here. What are you doing? How can we get something like this started in—?" You know, Virginia, or Boston, or something like that?

03-01:14:05

Bodovitz: Yes. Yes. I can't remember how much of this was BCDC and how much was the Coastal Commission, but I had a number of trips to Maryland. Probably it was BCDC. Chesapeake Bay people were eager to do something, and they have water pollution issues, and now sea level rise issues. And the main part of that I remember is their envy of us for being in a single state, and how difficult it is—Maryland, Virginia, the District of Columbia, and New York, Pennsylvania, if you're looking at water sheds—

03-01:14:57

Meeker: Delaware.

03-01:14:58

Bodovitz: Delaware. And how so much time and energy is spent just trying to herd the cats into the same position. I talk to Chesapeake Bay Foundation people and I met with a Maryland senator, I remember, named Matthias, who was eager to do something good for Chesapeake Bay. I had long conversations describing, BCDC and wishing him well. And I haven't followed it enough to know what

happened there. Because BCDC was the first sort of thing that had done this. And to have the legislature grant it authority over a body of water was what was so intriguing to people: how did that happen? And that's what gets you to, well, you lucky guys, it's all in one state. You'd never make it if it were different states with different politics, and different governors. And I say, I don't doubt it, but I don't know.

03-01:16:58

Meeker:

Okay. We're back on. So let's start talking about the Coastal Commission. There's any number of ways we can approach this, but maybe the first way to approach it is maybe you can tell me when you first learned that there was something this big in the works.

03-01:17:23

Bodovitz:

I really don't know when I first learned. It must have been while I was at BCDC. I was not in any way part of the drafting or political momentum for Prop 20. But there are any number of people who will claim parenthood of the Coastal Commission, so I wish you well. [laughter]

03-01:18:06

Meeker:

But you're not one of those?

03-01:18:08

Bodovitz:

No, I had nothing to do with it. And it's again where if the people who wrote the law had to carry it out they would go back and write a lot of it differently. And the Coastal Commission was modeled, obviously, on BCDC. If I had conversations with people about it, I really don't recall. But as I say, I was not involved in the drafting; I was not involved in the campaign. As things went on and it looked like this was serious and that it had some chance of passing—we're used to initiatives now, but this was a big deal in '72. I mean, this was Proposition 20. There hadn't been a whole lot of them since Hiram Johnson had the idea in 1911.

03-01:19:06

Meeker:

This was only the twentieth proposition?

03-01:19:08

Bodovitz:

I think so. It was Proposition 20, and I think it was only the twentieth. I mean, now we think nothing of renumbering them, but I think so. That's been my understanding, and I haven't researched it. So that Proposition 20 could pass seemed very interesting, and also sort of unreal. There was a great Dennis the Menace cartoon. The guy who wrote Dennis the Menace lived in Carmel drew a cartoon for the Prop 20 campaign that showed a little kid going to the beach, and there's a factory there, and the caption is something like, "I went to the beach, but it was all gone." And a picture being worth a thousand words, it wasn't the same as the map of the bay that the Corps of Engineers did, but it sort of made the coastal issue something everybody could understand.

And then in those days, there was the fairness doctrine on radio, or television, or both, that if a station gave so much time to one side it had to give an equivalent time to the other side, so the Prop 20 campaign that had no money suddenly got huge amounts of coverage. The campaign against Prop 20 had a billboard that tried to say either in response to the Dennis the Menace cartoon—or before, I don't know—something about save the beaches, vote no on Prop 20. So the total dishonesty of it was awful. So at a press conference, people asked Governor Reagan, who was opposed to Prop 20, if he wasn't ashamed to be aligned with people who were doing dishonest things like that, and wouldn't he agree that that ad was a fraud and should be taken away, or destroyed, or something. And Reagan said, "Yeah, it's bad." Something like that. So that's big news, you know, Reagan Blasts Campaign Ad. So you couldn't help noticing there was something going on.

I don't really recall conversations with anybody about did I want to work to the Coastal Commission if this happened. I guess that was just kind of an assumption, that Mel would get appointed chairman and that I would go with Mel if he got appointed. But I don't recall any moment where I said yeah. If I did anything, it was just, well, let's see what happens. So A, I was aware of it because it was interesting; and B, I didn't have anything to do with writing it; and C, I didn't lie away nights thinking, boy, this is the great next job.

03-01:23:10

Meeker:

So you didn't have any play in deciding that there would be six regional commissions under a larger state commission—

03-01:23:15

Bodovitz:

No. No, nothing.

03-01:23:16

Meeker:

—and that the geography of those commissions would be such?

03-01:23:20

Bodovitz:

No. That's why I say if I could have written it, it would have been somewhat different.

03-01:23:24

Meeker:

Well, that's an interesting counterfactual. In hindsight, given the fact that you did come to know the legislation as it was written, what might have you done differently if you had been involved in the original writing process?

03-01:23:40

Bodovitz:

I would have had more lead time. I don't know that I would have changed the structure. I would have had to wrestle with the same things the authors wrestled with. You can't have only one commission to plan for all that length of the coast; you've got to have something more local. So I would have said, yes, you've got to have regional commissions. Whether there would have been as many and constituted as they were, I don't know. We had eighty-four different individual commissioners. I thought it was going to collapse before it

ever started. There's an election in November, okay? And on January 1, along 800 miles of coast and three-fifths of a mile inland, you need a coastal development permit on January 1 that you didn't need on November 8. And yet on January 1 there's nobody to accept permit applications. There's no application form. There's no office. There's no phone number. There's nothing. Nothing. No commission yet.

So Prop 20 passes, and seven weeks later, it's going to be in business. It was, as you might imagine, viciously attacked: "It can't happen! You're going to shut down everything."

So I remember saying to Mel and people in the Reagan Administration, and in the legislature, that if you guys really want this to work, you can't wait until January 1. You've got to have the regional commissions get organized so they can appoint their people to the state commission, and you've got to get a running start, and be very visible doing that. If you wait until January 1, it won't happen. So thanks to Ike and Assembly Speaker Bob Moretti, and their staffs, and Mel, we arranged a day-long briefing. We arranged that all of the regional commissions would somehow meet somewhere before—as soon as possible. And the legislature and the governor would make their appointments as soon as possible. Although Reagan had opposed Prop 20, he didn't hang back. His appointments guy went to work. We would have a one-day briefing for everybody in Sacramento. I don't know that all eighty-four came, but a big bunch did, and there was momentum to get appointments made before January 1.

03-01:27:46

Meeker:

Do you know when that briefing roughly happened?

03-01:27:50

Bodovitz:

Well, it would have been probably December sometime. I don't think we would have gotten it going in November. Either late November or early December, sometime like that. So, words of welcome from Ike Livermore, from Bob Moretti on the important thing the commissioners are going to be doing. And then we had somebody from the AG [attorney general]'s office telling them what their responsibilities were under Prop 20. And then how they were to go about getting office space, and hiring people, and what they could do, and what they couldn't do. And then Mel, bless his heart, had Sunset host a reception at the end of the day so everybody could mill around, and have a drink, and get to know each other even a little bit. And it was widely covered in the press and gave people some sense that this was underway. So relax, and give the commission time to get organized. It made a huge difference. You couldn't have let January and February go by and not have staff offices, anything. And I've never understood how anybody—I just think nobody gave any thought to what was going to happen after the thing passed.

03-01:29:19

Meeker:

Forgive me if I seem in disbelief, but here it is, passed on November 8, and then by December, the vast majority of the commissioners have actually been selected and appointed, and I assume approved in some fashion. You were already appointed as a staff person at that point, or that wasn't until a bit later?

03-01:29:43

Bodovitz:

No, no. So, we wanted the first meeting of the state commission to be in early January. Well, the state commission, then as now, was six people appointed in Sacramento and six people from the regional commissions, so the regional commissions were to meet, and make the designations. And we all understood you might have to go back and redo it after the commission was in existence, but you couldn't even get started. [laughs] The other thing I would have done differently is I wouldn't have made the state commission dependent—I mean, arguably, if you only had the six appointed in Sacramento, you didn't have a quorum. So the state commission couldn't do anything until the regional commissions met. And they couldn't meet until somebody told them they were supposed to meet.

03-01:30:45

Meeker:

So where did we leave off? We were talking about really these initial steps to get the commission established.

03-01:30:51

Bodovitz:

Yes. And as with BCDC, I thought you just don't have time to waste. Because of that—well, I won't repeat myself. But it was, to me, due to the cooperation of the Reagan Administration—Ike and his people—and the legislators, some of whom had opposed Prop 20, some of whom had supported it. But, you know, they were good. Reagan said he opposed it, didn't think it was a good idea, but now, since the people wanted it, he'd help make it work. And if he had appointed a dumbbell as chairman, I think that would have been the end of it too. It would have taken time. It might have sorted itself out, but he could have sabotaged it completely.

03-01:31:54

Meeker:

Do you ever wonder if maybe he really supported it?

03-01:31:58

Bodovitz:

I don't know.

03-01:31:59

Meeker:

It just would not have been politically feasible, given that he had sights beyond the governor's house?

03-01:32:07

Bodovitz:

I just don't know. He's—

03-01:32:10

Meeker:

An enigma?

03-01:32:11
Bodovitz:

Was and is just an enigma. He would do surprisingly decent things, and then surprisingly awful things. And in view of his later Alzheimer's, I just have no idea what he knew, or understood, or thought. At one point—God, I'd forgotten all about this—after all the appointments had been made, somebody thought it would be a great idea for Reagan to meet with all the people he'd appointed—except for Mel, none of whom, I'm sure, he'd ever heard of or knew. So somebody arranged a meeting in the governor's office. By then, I was enough involved that I was included in the meeting. So we're all sitting around the table in the governor's office. Reagan comes in, sits down, greets everybody. Again, thirteen people he doesn't know, and Mel. Makes a nice little speech off his three by five cards about, "As you all know, I opposed Proposition 20, but I'm now wanting to make it work. I'm charging you, my appointees, with, you know, helping to make it work. I wish you well in the task you're about to undertake." Or words to that effect. You know, nice. What you would expect at something like that. And gets up and is ready to go. Just had no idea why this is on his schedule, but he's come in, he's said what he's supposed to say.

Now he's going to get up and go. And so one of the people raises his hand, and Reagan calls on him, obviously anxious to get out. And the appointee says, "Well, Governor, as we're your appointees, can you tell us what you'd like to see the commission do, and what you hope we'll be able to accomplish?" And he had, of course, no idea, no plan, no answer. And so the poor guy stumbled, and smiled, and said, "Well, you'll see as you go along, and you'll do your best. That's all I want."

So I thought this is just terrible, because his exposure to it now is going to leave him, instead of feeling warm and fuzzy, is now going to leave him thinking he's appointed a bunch of crackpots who are asking him impossible questions. And I don't know that he ever had any personal acquaintance with it after that at all. But he made it all possible by appointing Mel and two or three other good people. The commission was—well, we can talk about that. I don't know. You go ahead with your questions.

03-01:35:38
Meeker:

Well, I think it's just useful for you giving me kind of a narration of how it was established, and maybe some of the early milestones that were met in establishing it, and maybe you want to talk about who you hired as staff, or something along those lines. But I think going from zero to sixty in a very, very short period of time is something that's worth recording.

03-01:36:04
Bodovitz:

So, among the consequences of Prop 20 were we the state commission had no say in the regional commissions' hiring of staffs. Because I thought, we can't slow the process down to interview finalists or anything like that. It's time we don't have. You just have to cross your fingers and hope they'll do a responsible job. The people they hire need to hear what a difficult job it's

going to be, and understand what they're getting into. And it just was well above average. The regional commission executive directors were in an odd position, because they didn't quite know whom they worked for. And none of them really knew what to expect. None of them had ever done anything remotely like this. One was a retired Navy captain in Los Angeles. Was the kind of guy, you just told him what the program was, and full speed ahead.

03-01:37:27

Meeker:

Damn the torpedoes, right?

03-01:37:28

Bodovitz:

Yes. And nothing atrocious happened. But it was impossible for Mel and me to feel totally in command, when this is what I say about the limited time at the beginning. It worked out very well, but it could have worked out very unwell, too.

03-01:37:58

Meeker:

Did you have any misgivings about taking on this position of executive director, given that the organization of it was so different? That you were in a central office and the lines of authority between the central office and the regional offices were, I think, not fully established?

03-01:38:20

Bodovitz:

I think Mel had made it clear that he wasn't going to do it if I didn't do it. That he didn't want to spend the time trying to find somebody new to do this, that he had the same concern, probably because I had convinced him to have the same concern, that the commission had to get going. And then we—to the detriment of BCDC, which I felt badly about then and now—we stole Jack Schoop, too. Yes, I had a lot of misgivings. And as you can imagine, my wife said, "Now, you have a semi-permanent job and you want to go do another temporary thing for four years?" But I thought, A, how many chances am I going to have to do something like this; and B, I couldn't let Mel down; and C, it was going to be a hell of a challenge, and whatever happened, we'd do the best we could do. And where I knew a lot about the bay issues, I didn't know a whole lot of the coast. So when we get to that, we can talk about that gap.

I would never write a new law that depended on this many just fortuitous things happening to keep from collapsing. I don't know what the answer to that would be, because a whole lot of lead time could lead to a whole lot of mischief. I'm not sure that would have worked. So maybe this was the best of all possible gambles, and you just had to take it. But if we'd never had that first all-day in Sacramento, I just think it would not have worked.

03-01:40:23

Meeker:

Do you recall the process of actually drafting the application form? The permit form?

03-01:40:28
Bodovitz:

Yes. Well, at that point, we had staff attorneys, and a whole bunch of people who wanted to make it incredibly complicated. I just remember saying, “No, no, no, no, no. Just the minimum information we need.” Because we’ve got to show this is workable, and most of the permits are going to be consent calendar stuff, that people who are caught in this just by virtue of where they are. So, no. Simple. But the one thing I wanted was applicant to have local government approval, if that was required, first. Because I didn’t want to be wasting time on something the city council was—I didn’t want to be a super zoning board. And I wanted the city to wrestle with it if it needed wrestling with first, or the county. So I wanted evidence you own the property that you’re going to ask us to deal with. And evidence that the city or county has already approved this, and then why it complies with the new law, and we should give you a permit. And not much more than that. I mean, a description of the property.

03-01:41:45
Meeker:

What did you think of the law itself? Because I’ve been conducting this interview with Will Travis, and he tells this anecdote about how he was on a panel once, I think when he was heading up the BCDC later on in the eighties or nineties, and he goes and speaks before some group, and he says, “The operative word in our legislation is *and*,” right? Which you understand. It’s preserve and—

03-01:42:20
Bodovitz:

Well, it’s conservation *and* development.

03-01:42:22
Meeker:

Conservation and development, yes.

03-01:42:23
Bodovitz:

It isn’t *or*.

03-01:42:25
Meeker:

And he says that then a guy from the Coastal Commission gets up and says, “There is no *and* in our name,” meaning that Prop 20, as it was written, didn’t say “conservation *and* development,” it was just conservation. And that therefore there was no top level balance, if you will, between development interests with preservation. The focus was solely on preserve, protect, and, if possible, restore. So even kind of further. I know that there was a bit of restoration as part of BCDC, but that *and* thing—what did you think of that as the organizing principle of the Coastal Commission when you joined it?

03-01:43:15
Bodovitz:

If I had been consulted, I would have had an *and*.

03-01:43:19
Meeker:

Yeah. So, the California Coastal Conservation and Development Commission, or something like that.

03-01:43:22
Bodovitz:

Sure. I mean, Mel Scott did the heavy thinking. I never saw any way to improve it. At the same time, in fairness to Peter Douglas, who's the guy who said there's no "and," the momentum was to stop—well, let me back up, because this is a key part. Proposition 20 passed—what made me sit up and take notice: it passed in every coastal county from Mexico up to Sonoma, and failed in Sonoma, Mendocino, Humboldt, and Del Norte. And anything up there would fail if it looked like some outside group having any influence on anything. So, nothing personal.

03-01:44:16
Meeker:

Well, that's the state of Jefferson anyway, right?

03-01:44:18
Bodovitz:

Yeah, that's the state of Jefferson anyway. So I thought, San Diego is incredibly conservative, Orange County is incredibly conservative. San Luis Obispo is not wildly radical except for Cal Poly [California Polytechnic State University]. I mean, where'd all these yes votes come from? And so as Mel and I began to tour the coast to understand what we didn't understand, the first enlightenment for me was in, I don't know, I think Redondo Beach, but it might have been Hermosa Beach. One of those beach towns in LA County, which had, not many years before, looked like 45th Avenue in San Francisco: bungalows near the ocean. And all of a sudden, somebody had discovered the zoning would allow high-rise apartment buildings. So the neighborhood, what was small houses, schools, a park or two, was suddenly going to look like Miami Beach. And Prop 20 was a huge rebellion against that kind of development.

And you could make the argument that, well, the fact that more people were getting to live near the ocean wasn't such a bad thing. Why should a guy in a bungalow have priority over a guy in a ten-story building? I couldn't think of any reason. Well, the traffic, the crowding, all that. Moreover, if I'm here, if I've got my bungalow, I'm going to vote against development. So it was really about what was perceived as overdevelopment, planned and real, in many, many, many of these counties. And so everybody could find something that they hated and they wanted to go after. So I think that's what did it in those counties where environmentalism was not a big deal. So we were trying to understand. It was really, to me, a reaction against what people regarded as poorly-planned or unplanned growth. Whatever the growth was. Whatever you want to do, I don't like, and I'm here now. The low-cost housing was a big deal in Santa Monica, a couple of big apartment buildings had gotten built. And just huge outcry in Santa Monica. Monterey—the coast in the city of Monterey, Cannery Row developers wanted to put in big new buildings.

So everybody's got something to object to that was going on on the coast. It was very clear that we were 90 percent in the land use business, and 10 percent in the water. And that offshore oil and a couple of things would be big issues, but most of what we were doing was the three-fifths of a mile coastal

zone. That was another subject that I'm not sure I would have done exactly the same way, because something—I understand the uniformity of it, but as you went up and down the coast, it had varying effects. I mean, I might have said something, the nearest major roadway, defined somehow. And just gotten out of a lot of the consent calendar stuff that annoyed people needlessly.

03-01:48:33

Meeker:

In urbanized areas, for instance.

03-01:48:35

Bodovitz:

Yes. I mean, you could go up to Mendocino County and three-fifths of a mile covers about everything you could want, but you go to LA and, you know, you pick whatever street you like. It's access to the beach, it's views, it's intensity of development in big buildings or little buildings. But when you get, I don't know, half a mile, three-fifths of a mile inland, there are not a lot of big things going on that you really want to bother with. But the bigger objection was just the speed with which all this had to be done, and the urgency of the regional commissions appointing people to the state commission [the state commission had 12 members, half of whom were appointed by the governor and half by the regional commissions, so it was essential for the regional commissions to act quickly if a quorum by the entire commission was to be achieved]. Because it didn't collapse, I think it was a perfectly good structure for continuing.

Interview #4: May 5, 2015

04-00:00:00

Meeker:

Today is the 5th of May 2015 and this is Martin Meeker interviewing Joe Bodovitz and this is interview session number four. So let's get started. Last time we talked a bit about the Coastal Commission and your being brought in as the first executive director of it. And we talked a little bit about the overview of it, the creation of it, some of the politics surrounding it. But we didn't get much into the specific management of the agency and we didn't talk much about some key specific issues that you had to deal with as executive director.

One of the ways in which the Coastal Commission differed substantially from BCDC is that while you did have a board or commission of twenty-seven members, BCDC covered a very discrete geographic area. And while it was complex in that it involved many counties and dozens of cities, it wasn't as vast as the entire California coastline. And when you have the Coastal Commission, you then had a whole series of regions. I believe there were eight or nine.

04-00:01:40

Bodovitz:

Six.

04-00:01:41

Meeker:

Six regions. So there were six regions and these regions ranging to the far north of Humboldt County and Del Norte County to the urbanized counties of San Francisco and San Mateo and then down, of course, to the highly urbanized counties of Los Angeles and San Diego that have a huge amount of shoreline development. There would be different pressures in each of these places. There were different political cultures in each of these places. You had a more conservative political culture down in the south but you had a more sort of free will, libertarian culture in the far north, neither of which was entirely welcoming toward the kind of regulation that the Coastal Commission represented. So I'm wondering if you can tell me a little bit about your understanding of the regional differences when you started the position and how you sought to deal with this.

04-00:03:01

Bodovitz:

Well, as I think we covered last time, just the anomaly of creating a whole new government agency for a big chunk of the state with state and regional commissions. I think there were eighty-four different commissioners involved. And as I also said, I didn't have anything to do with the drafting of this. So as to why people did it the way they did it, I can suggest some people to talk to but I wasn't on any of it so I don't know. And as often happens with legislation, both initiative and regular legislation, the people who do the drafting aren't the people who have to carry it out. So the compromises and things that are done to get legislation passed sometimes make it unintentionally a whole lot more difficult for the poor SOBs who have to try

to make sense of it and carry it out. So having said all that, the differences were profound, as you've said. But the individual regional commissions were dealing with the individual differences more than we really had to as a state commission. For example, I used to say in talks at that time that we, the state commission, dealt with every urban issue known to humanity except snow removal. Went from forestry in the far north to nude beaches in more suitable parts of the coast. Just everything you could think of. The coastal zone, as defined in Proposition 20, was the state's jurisdiction out to sea and three-fifths of a mile inland. So you could take anyplace along the coast and go three-fifths of a mile. Well, in Mendocino County or other places that was not a big deal. In Los Angeles, all of a sudden you needed a permit for somebody who didn't really think they had much to do with the coast. So those were the issues we dealt with in terms of differences. The fact we had to deal with forestry in Del Norte didn't make us better equipped to deal with forestry in San Diego and dealing with lagoons in San Diego actually did help with lagoons in the north. So we just learned as we went along.

The bigger problem was getting everybody on the same page with regard to planning and permit standards. And the attorney general's office, which represented everybody, was very good at assigning lawyers to each regional commission and coordinating the legal advice they were giving us all. So we never had the problem of the legal advisor in the north saying do one thing and the legal advisor somewhere else saying, "No, do the opposite." And Carl Boronkay, who was the attorney general deputy or assistant, whatever rank he was, assigned to us was just terrific at this. We owe him a whole lot of gratitude for keeping everybody lined up. Then Jack Shoop, our chief planner, was very good at figuring out how we could get everybody to think about the same planning at the same time. And, again, if we were doing a week of planning of forestry, again, some people got a week off and other people got an intense focus.

And we did what we did with BCDC, just on an ironclad schedule. We did, I think, twenty-seven individual topics for BCDC. There was no way you could do that many for the coast. We had the same amount of time BCDC had and a huge amount more complicated stuff to deal with. So Jack worked out a schedule whereby we figured out—I can't remember what all of them were. Recreation, I'm sure, ports, and industry, the obvious things. And each region was to develop with its own planning staff. We didn't have a whole lot of people but he coordinated it very well. So on March 2nd every region would be, that week, whenever it met, taking up the issue of so and so. And at some time had to adopt whatever it was going to adopt and funnel that in via commission and staff so it could all be put together and we could come out with something that worked for everybody or as much as possible. And we also coordinated, I can't remember how early in the proceeding it was, but fairly early. We had a meeting at Asilomar of all the commissioners. I think the one and only time we did it because it was expensive and it took a lot of work to prepare for. But I just thought it was really important people at least

see each other. And we had a couple of speakers and informative sessions and we made it overnight. I'm a huge believer in overnight meetings, where everybody gets a chance to have a drink at the end of the day and breakfast together and at least get to know each other a little bit. The principal speaker at that thing, if you can imagine, was Pete Wilson who was mayor of San Diego and he wanted to tell the commissioners this was really important stuff and do it right. And he was wonderful. He said, "If you want me to come and talk I'll come and talk." And he did. And it was just great. And I think it really helped the conservative members of the commission to have the pep talk being from a Republican. It was great. Those were different days.

04-00:09:48

Meeker:

Yeah. Well, you just brought up so many big issues. I'd like follow-up on some of them. You had talked about the role of the attorney general's office and making sure that everyone was on the same page when it came to legal standards. Can you give me a little more detail on what some of the key sticking points would have been or issues that were brought up in that process?

04-00:10:20

Bodovitz:

I don't remember that there were any. We had a counsel on our own staff, Bill Boyd, who dealt with all of that. And I don't recall any really major issues. And I think what the AG's concern was that perhaps some of the people on these commissions had never been in government, had never conducted public hearings, didn't know what sort of due process meant and how to have a hearing and how to come to a vote and just sort of Government 101. But I don't recall there were any great policy decisions where one region said, "Oh, my God, this is the law and we're going to do it our way." That may have been just unusually good luck. I think it was also just we were having to go at a pace that didn't let people say, "Well, time-out. We're going to take six months and study this for a while." Because you could do that if you wanted but the parade was still going to go by. So I don't recall that we had any insurrections or anything like that, legal or otherwise. There were dissenting votes, as you would expect, but there was never anybody, as far as I know, who said, "This is illegal and I'm resigning in protest," or anything like that. And, as I say, that may have just been extraordinarily good luck. But I think speed had something to do with it.

04-00:11:54

Meeker:

So then when you're doing with the planning meetings, did you attend most of these?

04-00:11:58

Bodovitz:

No.

04-00:11:59

Meeker:

No?

04-00:12:04
Bodovitz:

Trav [Will Travis] may have done more of that than I. I think Jack probably went to regions that were having difficulty or not understanding or whatever. And he was more or less responsible for supervising the planners in each region. And interestingly, I had nothing to do with hiring the [regional] executive directors. I took a deep breath but I thought it was really important that the regional commission feel this was their choice. If it was dictated to them from the home office, that there'd be some friction there that there didn't need to be. And as you would expect, some of them seemed to be with the program more than others did. There were people on the commission who grumbled that they had been pressured into moving fast and hiring somebody so the executive director in the region could then hire more staff so we could keep up with the calendar. And nothing that was unexpected. I would think that would happen. I'm sure there were people that wanted to fire me in every job I've had. You can please all the people some of the time and any—yeah. But I don't recall that those were really our big issues. I think just meeting the schedule and staying on the budget were the challenges I was spending my time on. And if we're behind how can I help us catch up?

04-00:14:01
Meeker:

Well, how did you do that then? How did you make sure that your office met those two marks?

04-00:14:08
Bodovitz:

As I recall, if somebody was hung up because they wanted to go deeply into some subject I would try to say, "Well, that would be great but here's another way to cover that base," if I could think of it. At least at the beginning I was much more concerned about the permit decisions because I thought people's impression of the commission was going to be more in votes taken on real live issues and that planning didn't capture the imagination quite that much. If we were turning down some local hero who wanted to do something everybody in the community loved, then I thought we needed to give a whole lot of thought to helping with that kind of decision. I meant to say earlier the way this thing was structured is anybody who wanted a permit went to the regional commission and then people could appeal those decisions to the state commission. There were twelve state commissioners, six appointed from Sacramento, two by the governor, two by the speaker of the assembly, two by the senate president pro temp, six in all, and then one representative from each regional commission. So there were six commissioners who went to a double load of meetings, their region and then the state. So you had built-in coordination. And the danger would be that all the regional representatives would form a block and all the state people would form another bloc and that never happened, either because, again, of speed or just because of the good—

In the first round of this, this was a very appealing thing for some very bright people to be involved in, and the caliber of people on the state and regional commissions was really terrific. If anybody had really been making any attempts to kind of dominate by forming a bloc, it just didn't happen that way.

But the permit actions were defining us and the goal, assuming coastal protection was going to be as worthwhile as we all thought it was, was to go back to the legislature with something that had virtually unanimous backing and to have shown via permit decisions that this could be done rationally. If everybody thought we were making just the craziest decisions in the world then we'd have a terrible time selling this as a good idea. And that was really tricky sometimes because if there were some project that a lot of people thought was worthwhile, and this is the San Onofre Nuclear Power Plant and under Proposition 20 you just couldn't give them a permit for what they first wanted to do, and if we had we'd have been sued. And the suers would have won because you could just read the law.

04-00:17:54

Meeker:

And you would have been by environmental organizations?

04-00:17:56

Bodovitz:

We'd have been sued by opponents of the nuclear power plant and they would have won and then the whole thing would have left a bad taste in everybody's mouth that Prop 20 didn't work and we couldn't deal with what the big boys were dealing with. "Okay, go play with beach access but let's exempt all the important stuff."

04-00:18:21

Meeker:

Well, let's dig into the San Onofre issue a little bit because it's quite interesting. Already a reactor had been established there before the beginning of the Coastal Commission. And from my understanding they wanted to add another two major reactors. And maybe you can draw it out from there.

04-00:18:40

Bodovitz:

Well, as I probably said before, in a crazy way I wound up living with San Onofre from the time it was a gleam in the eyes of Southern California Edison and San Diego Gas and Electric until it was shut down. It is unbelievable to me that I'm alive and it isn't. It's just mindboggling because it was going to last forever and I hadn't expected to do the same. So the people at Edison at that point had gotten something like twenty-five or thirty permits and were really eager to get going and not be hog-tied. And so along comes Prop 20 and they've got to get one more. And they were not in happy moods and I get that. That is okay. They had to get an act of Congress to let them go on Camp Pendleton because the Marines didn't want them. So they felt pretty battle hardened and here was some crazy thing the voters had done that was delaying progress.

So their original proposal was use of ocean water for cooling, which was a big deal because there were proposals at that time, or thoughts in the minds of utilities, to just build nuclear power plants every few miles up and down the coast. PG&E had one [planned] at Davenport and then Bodega Head. And nobody was looking very hard for earthquake faults offshore or anything. So they just were going to build them. We were going to move to nuclear power

and that's how it was going to be. And the precedent of the first one to come before the commission with regard to ocean water for cooling, you take the ocean water in along with a bunch of fish and then you discharge it at a much warmer temperature because it's been used to cool off a very heat intensive process. So the ocean biologists had a legitimate point and clearly this was precedent setting and clearly we didn't have any independent knowledge of what the effects on fisheries were going to be. And so slowing the whole thing down to do that was one option but not a terrific one, all in all.

And then two more things. The companies wanted to cut off public access to a small part of the San Onofre State Beach. Well, you can make a really good argument that that wasn't a big sacrifice for a nuclear power plant with all the benefits of non-air-polluting power. But again there was the precedent question. If you say it's okay to take part of a state beach for a power plant, and the next one takes a little bit more of a state beach that isn't as big as San Onofre, is that okay? And so you've got to think, "Well, wait a minute. That's a slippery slope and how many of these are there really going to be and how much of that do you want?" So, again, that says you need some time to think about that.

And then the third thing which is, if I may digress, just a wonderful story. We had a public hearing in San Diego on San Onofre power plant. And person after person would get up and give impassioned speeches against nuclear power, in general nothing to do with San Onofre particularly. And, of course, we had no jurisdiction whatever over that. But not everybody understood that. And that was really the basis of the objections at the hearing. And at the end of the hearing, with most people talking about nuclear power, a young guy gets up and says—I have no memory of what his name is—"I'm a state parks employee but I'm here on my own time." In civilian clothes. "And how many of you have actually been to the part of San Onofre state beach where this plant would go?" And essentially nobody had been, me included. So he said, "Well, I want to take a minute and just show you some slides of this part of San Onofre State Beach. And there are bluffs down there. I don't know whether you've ever been there. There are bluffs down there that are dark soil on top and white on the bottom. They look like a double-dipped chocolate and vanilla ice cream cone. And there are scenic arroyos that have been eroded back in the beach." And the guy says, "These are like nothing else along the coast of California and the utilities want to bulldoze all of that and rearrange it to put their power plant there. And are you going to allow that to happen? How do you think Prop 20 would let you do that?" or words to that effect. And sat down. And it was David and Goliath. He was dead right about every bit of it. So the commission never voted at the same meeting as the public hearing. So I said to Mel [Lane], "We should catch a later plane and go out and look at that beach and make sure those slides were fair." And they were.

So I said to Edison, "You're entitled under Prop 20 to have a vote in sixty days," or however it was. "And if I were you I'd give us time to look into

these things, which we will do expeditiously and you can have a vote any time you want one. But I think if you persuade the commission to give you a permit you're just going to get sued and you're going to lose. Tell your lawyers to take a look at it because you're not going to win and why do you want to waste the time doing that when we could figure out how to solve the problem if there's a good solution." So they said, no, they were entitled to a vote, all this stuff was foolishness, the lights were going to go off if they didn't get to build their power plant. And just get out of the way.

04-00:25:26

Meeker:

And this was in context, right? This is '74 about?

04-00:25:28

Bodovitz:

This is '73. It was the first big project we had and I was conscious of how this was going to play in the outside world.

04-00:25:42

Meeker:

But it's also the context of an oil crisis, right?

04-00:25:48

Bodovitz:

Yes, the oil stuff was going on. But no one was saying there's not enough oil. It might have cost more but nuclear power wasn't going to be cheap either. There was going to be some way to generate electricity. There were good reasons for nuclear power, for diversification in case there were a real oil crisis or something. So I thought, "Well, I have a real problem in making my recommendation to the commission because I can either, in this first big issue, say, well, this is just too big a deal for us to swallow as a brand new commission and we really can't take the heat of turning this down and having a big campaign against us. So even if that's the right thing to do we just can't take the political heat to do it." Or I could say, "If I do that my recommendations will be worthless because the commission won't know whether I'm thinking what the law says or what my political judgment is, right or wrong." So I said, "I've got to do the second. I can't do the first if I'm going to have any value to the commission." So I just kind of said that to the commission. And I said, "It pains me to do it because it's going to be misunderstood. But we will work with Edison expeditiously if you turn them down expeditiously and if there's a way around this that will let them revise their plan in accordance with the Coastal Act and still have a power plant we'll do it."

04-00:27:48

Meeker:

So what you did was?

04-00:27:50

Bodovitz:

I recommended denial of the application as it stood, making very clear that it was a recommendation forced because Edison insisted on the vote. But when you get into stuff like this nobody but a handful of people understands it. And what everybody understands is crazy Coastal Commission staff recommends the lights go out. That it wasn't to save some critter or something. But nobody

in the world gets it. And so I thought, “Well, we’ve got a little time. We’ll show Edison how to fix it if we need to.” But we got to turn it down because you can’t turn down the little guy and let the big guy—I made it so ethically clear. I don’t mean to sound like I was having this big debate. But I really was aware that a whole lot of people politically would form their first impression of the commission on an issue they wouldn’t really fully understand. And we had two lousy choices. But I recommended we turn it down. I think Mel had real trouble with my recommendation for exactly the reasons I said. He thought my concerns were justified but they weren’t big enough to turn this thing down and that if a judge wanted to agree with the environmental organizations and turn it down that’s what courts and judges are for. But we didn’t have to be that.

04-00:29:32

Meeker:

So in other words, if a court was going to side with the environmentalists then let them do that.

04-00:29:38

Bodovitz:

And we look like we’re on the right side by trying to get the power plant built. One of the very few times where I recommended one thing and he did another. But I think we totally respected each other’s reasons. I thought at the very least, even if the commission went against me for any number of reasons, it would be good for the credibility of the commission to have had the close vote and make clear how tough a decision this was. It wouldn’t have been if Edison had wanted to solve the problem instead of deciding they were tired of getting permits and just wanted to run over everybody, which I understand. Everybody’s right. There wasn’t any villain in it.

So we turned the power plant down by one vote. And so the anti-nuclear power people thought I was a great hero. And then when, a few months later, we approved a modified proposal they thought I was a total traitor and I had been saying over and over and over again it’s something we got to solve. Well, it was clear you weren’t going to do cooling towers right near the ocean and we worked out a way to monitor the effects of the ocean water for cooling and make the study and then we reserved some right to amend the water intakes if it proved damaging. And I’ll tell you about that later, in a minute, how that played out. And we told them, “You’re not going to bulldoze the cliffs. In all the zillions this power plant is going to cost, find a way to stabilize the cliffs and keep the arroyos. They won’t last forever. Build a fence but let the public get around the perimeter of what you’re doing. If you turn the plant on and there’s security needs then we’ll revisit that. But while it’s being built there’s no reason. You can fence it off and if you have to hire a security guard do that. But then we can say the Coastal Act and you are coexisting well.” So, of course, it played out just as I thought. Lots of people thought we were out of our minds to turn the thing down but we worked out the problems. And in a meeting in Santa Barbara in early ’74 the commission

granted the permit, the anti-nuclear power people were very upset. So I sort of got it both ways, which goes with the job. Not a complaint.

04-00:32:43

Meeker:

So I guess Mel Lane was on the losing side of that initial vote?

04-00:32:51

Bodovitz:

Yes. I think that's right. It isn't worth going back to check the minutes of the meeting but I know he was as troubled by the whole thing as I was. And I think he may have thought, however it came out, it would be good. I don't know. I never talked to him about it. But it was okay if he and I didn't see it the same way and both made clear we were struggling with what the right thing to do was.

04-00:33:22

Meeker:

Well, I think the fact that you recommended for it to not be approved is much less surprising given the reasons that you gave than this second period by which you sat down and negotiated what you eventually deemed to be a workable solution to it. And I wonder if you can tell me a little bit about how that process went. Who on your team engaged in that? Who did you work with with Edison in order to arrive at something that you felt was a reasonable compromise?

04-00:33:57

Bodovitz:

The then chairman of the board of Edison was a guy named Bill Gould and the president was Howard Allen. Both interesting, competent, capable guys. So I said to them after the vote, "Okay, now, let's figure out how to do this." And they said, "Okay." This was after the vote. I can't remember whether we just started talking the night after the vote. We might have. Or very shortly after. I remember their wanting to talk and my saying, "If you'll get me to the last plane back to San Francisco so I can get home because I have to be in the office first thing in the morning we'll talk about it now." So, again, it was the simplest thing in the world for them. Again, there was no water for cooling towers. It would have been a nutty idea. But it was a fair issue because we were going to have these up and down the coast and we had to satisfy ourselves that cooling towers wouldn't work. And they said, "Well, it'll cost a little more to save the bluffs and not bulldoze them." And I said, "Well, even assuming that, how much is this power plant going to cost?" Prop 20 requires us to protect coastal resources, not bulldoze them. And I think it was less what they had to do than that they had to do it at all. "We're the big boys. We're supposed to be in charge. And have this little pipsqueak commission making us do something we don't want to do is not what we he-men do." So it wasn't just a barrel of fun.

And generally I don't like doing that kind of discussion myself because I think you need to hold yourself in reserve. But since I was the personification of evil to them at that point they didn't want to talk to anybody but me. And I really didn't want to talk to anybody but them. And the staff person they had

delegated to do all this I think was getting ulcers over how he was going to be the negotiator, having to talk to his bosses and to me. I guess what I'm really saying is if I had it all to do over again I don't think I'd do anything differently.

But if I may, another interesting little piece of this, what I mean about living with San Onofre. So the way we dealt with the cooling water issue, which a commissioner named Richard Wilson suggested at the meeting in February, which was brilliant, was we set up a scientific study committee. And the utilities appoint one water quality expert and the opponents appoint one water quality expert. And the two of them appoint a third expert. And then the three of them gather the data with financial support from the utilities and get baseline stuff before the plant goes online and then get data and tell the world what's really going on. So nobody had a better idea. And I thought that was pure genius. So we agreed to do that.

So by the time the thing got very far along I had left the Coastal Commission. I wound up at the PUC. And one day at the PUC there's a rate case involving Edison and the utilities came in every three or four years for what's called a general rate case, or was then. And so I was reading the analysis of the energy staff at the PUC. And they're deleting money for the San Onofre marine review study committee. And I said, "No, no, no." They had no idea what that was and had never heard of it. So I had to save funding for it at the last meeting. And then I called Peter Douglas, who was then the Coastal Commission executive director, said, "Is this winding down or how long is it going to go on?" And it went on a while longer. I assume it doesn't exist anymore. And whether it did anything useful or not I don't know.

04-00:39:10

Meeker:

Before we get to the completion of the plant, how did you respond or how did you instruct your commission to respond to the environmentalists who might have felt betrayed by the revised agreement?

04-00:39:33

Bodovitz:

Well, I tried to separate but I said some things and wrote some things that I would take back if I could. Genuine mistake. I said that I had a lot of sympathy with people who were skeptical of nuclear power for all the reasons people were skeptical of nuclear power and more than skeptical. And I had great sympathy for them. But that was an argument for the Nuclear Regulatory Commission and Congress and whatever my own personal feelings about it we had to carry out the Coastal Act, which I thought at the time was sensible. But that just muddied the water some more. So in hindsight I wouldn't have done that because then I took a beating for being anti-nuclear, which had nothing again to do with us. You make mistakes and that's how you learn. That was a mistake because it was so misunderstood.

04-00:40:38

Meeker:

And the right way to do that would have just been simply, "I cannot comment on nuclear power," or I just—

04-00:40:42

Bodovitz:

Yes. "I just have nothing to say about the desirability of nuclear power. That's not what the Commission is about." And that was a genuine 100 percent mistake and I paid for it and we still got the thing back on track. But I helped muddy the debate a little bit. And one more thing. Every time we had a meeting in a part of the state where I didn't know the coast very well or where people knew nothing or very little about the Coastal Commission, I would try to arrange to stay for the next morning or the next day and be available to talk to various groups. So I had somebody on our staff trying to line up speeches so I could or Mel could. So we had been booked to the town hall in Orange County. The meeting was in Newport Beach. So there was big headlines in the papers that day, "Coastal Commission turns down nuclear power plant; lights about to go out." So I go to this town hall breakfast with Mel. And we know essentially nobody there. The guy who's going to run the meeting is from the building and construction unions that were all set to go to work on San Onofre. Thought they were going to get the last permit that day and start digging the next Monday, I guess. So his introduction of me was something to the effect, "I've never met Joe Bodovitz in my life, but after yesterday there's nobody in the world I hate more than him."

04-00:42:44

Meeker:

[laughter] Wow.

04-00:42:47

Bodovitz:

[laughter] So I couldn't think of anything to say except, "Thank you for that kind introduction," and launched into a spirited defense of what we had done and why. Whether I changed anybody's mind I have no idea. But then the next time we were around Mel and I did go look at the beach. I don't know. I can't remember which thing happened after which meeting.

04-00:43:18

Meeker:

How did you respond or how did you feel when you then recommended approval of the next plan?

04-00:43:28

Bodovitz:

Well, I recommended approval. It wasn't the same project. That's what was the difference. Because the three problems we had to solve are use of ocean water for cooling, bulldozing the bluffs, and public access. We had a solution that I thought was the best we were going to do. Because I didn't see that using the Coastal Act to stop the whole thing on grounds of public beach encroachment was really going to be a winner. No law that could have had any chance of passage would have required that. And to say that's what Prop 20 required, it could never be built, was just going to be suicidal. When the voters voted for Prop 20, clearly nobody said, "Well, this'll end nuclear power along the coast."

04-00:44:35

Meeker:

Well, I wouldn't be surprised if there were at least a handful of environmentalists, environmental organizations that thought that that might be a reasonable consequence of it.

04-00:44:45

Bodovitz:

Could have been but they didn't say so in the campaign to the best of my knowledge.

04-00:44:50

Meeker:

How did you then respond to those groups that were disappointed with the fact that a new project ended up going ahead, the revised project?

04-00:45:00

Bodovitz:

Oh, I think the anti-nuclear power people, I think they thought their cause was just, the end justifies the means. If you are handed this potential new weapon of Prop 20, why not go beat these guys over the head with it and see how far you can go. And the Edison people just thought their hearts were pure and they weren't going to be pushed around. And among the many, many, many ironies is now, because of climate change and carbon emissions and all that, many environmental people have come around to thinking nuclear power is our only salvation. So how farseeing you can be about everything I don't know.

04-00:45:57

Meeker:

How did some of these issues play out with Diablo Canyon, a little bit further up the coast?

04-00:46:06

Bodovitz:

Diablo Canyon was all licensed, wasn't all built but it was licensed and underway before Prop 20 passed. So we had really nothing to do with Diablo Canyon. People don't understand that because then it ran into huge delays in construction.

04-00:46:24

Meeker:

And there were a lot of protests there, as well?

04-00:46:26

Bodovitz:

Lot of protests. When I was at the PUC, Mothers for Peace or some group like that in San Luis Obispo had a sit-in in our office. We had nothing to say about nuclear power. That was the NRC. And the protestors were nice people. Had somebody bring coffee and donuts. Wasn't much we could do for them.

04-00:46:58

Meeker:

One of the issues that this discussion leads to is a conversation about the relative power of professional staff at the commission versus the commissioners themselves. Were you concerned about that balance of power and were there ways in which you tried to maintain a balance? That clearly staff has power not to vote but to recommend and then the commissioners

have their own power but they don't necessarily have the power of research and knowledge, right? They have the power to vote.

04-00:47:39
Bodovitz:

Yes. But I never had any confusion about that. I liked the system. I liked that the staff had to do a good job of background and research and had to do an unbiased job of presenting things to the commission. And that if I couldn't do that I was in the wrong job. So I always tried to be fair: "Here's what those people think and here's what these people think and here's what the staff thinks Prop 20 requires." And if I couldn't do that fairly then I shouldn't be making the presentation to the commission. And in every one of these things, before we voted, I tried to do that. And the balance we had with the commission is the commission didn't say, "Now we're going to vote on so and so and ignore what the staff has to say." There was always, "What's the staff's recommendation?" which I had sent to the commission in advance. It wasn't sprung on them. But for anybody who was there, press or otherwise, I would try to give, "Here's what the applicant wants. Here's what the opponents want. Here's what the staff recommends." And I told any commissioner who asked what I thought why I thought it. And the commissioners were free to talk to staff people. I never tried to say, "You can't talk to the staff. You can just talk to me," which some agencies do. A, because it's unenforceable and, B, because I like for them to have confidence in the staff. They knew I didn't know every inch of coast. And I told the staff, "Don't go lobby the commission but if anybody asks you a question, take time, try to help them, explain what you think and why. And explain that I may or may not agree with that." These are tough issues. The commissioners know different people see it different ways. "If you have an opinion on it, give your opinion and why. And if I have an opinion I'll give my opinion and why." And we had good discussions within the staff. I had people who were going to know more about all these projects than I did. So if I didn't like the advice I was getting from them then I needed to do something about that. And you get good staff people if you trust them and take them as equals. They've done the research. If I had enough confidence to hire them than I ought to pay attention to what they say. And if I can't I ought to tell them why.

04-00:50:40
Meeker:

That's an interesting thing and I'd like you to maybe try to talk about it a little bit more. You had mentioned before about coming to rational decisions about things, right, and rationality might mean balancing different interests and trying to come up with a solution. But I'm wondering if you actually had a philosophy of what a rational decision would be and how you might have inculcated your staff into sharing that vision.

04-00:51:15
Bodovitz:

Well, fortunately that wasn't really the standard. The standard was what the law said. I mean, Prop 20 could have said a staff will be hired to make rational decisions. Instead the statute, Prop 20, specified a whole lot of things, some clearly, some foggily. And so we were doing our best to figure out what the

law said. And if I couldn't justify, it's sort of legalistic and it can get carried to an extreme where you lose everybody. But if I couldn't quote the law and say, "It says this and that's what we're required to do," and we could think that's a bad law or a good law, but that's what we got to do. Because if we were going to get sued I at least wanted the commission to understand that this is what the law said. And if they chose to vote another way, for good or bad reasons, we were likely to get sued and we were likely to lose. But they had the final authority. And if I were a commissioner, that's what I would want in the staff. I've been on school boards and other boards. You know when you're getting good advice and when you're not a good deal of the time. And if I didn't like what the superintendent or somebody was doing, I'd like to be able to talk to him about it.

04-00:52:56

Meeker:

Was fear of lawsuits really central to this? Is this how a bureaucrat thinks? How central is concern around litigation or being sued central to the work that you were doing?

04-00:53:18

Bodovitz:

Well, I shouldn't say how other bureaucrats think because I don't know that I've ever thought about that. But I think if you get a reputation doing what you want to do and not paying attention to the law, you pretty soon get a judge looking down your throat and letting you know the error of your ways. And there were things in any law that I would have done differently if I'd been a legislator with hindsight. But I do not know what compromises were required of them. So that isn't a very useful statement. But yes, I think it depends on what your goal is. The goal I tried to keep my eye on all the time is we've got to go back to the legislature in '69. We've got to pass another bill. We just can't have people going in there saying, "These guys disregard the law, they're doing all kinds of terrible things, why would you keep them going?" Because for better or worse, even though it was going to be a very different law as a successor agency, we were still going to be seen as the model. We could either make this work or we could look crazy as hell and then we'd go out of business. So that's what you have facing you. Whatever permanent means. If you're a well-established agency, maybe you are granted some leeway. Maybe you could shake off a couple of bad court decisions and still survive. The Bureau of Reclamation wouldn't go away if some judge said something bad about them. But it wasn't just we would go away. We had to have a charter renewed. So we had to at least be able to say this planning was done by rational people. And you don't have to agree with every decision. But we really didn't lose lawsuits. And you don't want to read the headlines in the paper every morning, "Coastal Commission blasted by judge for fill-in-the-blank." That just leaves the impression you're all fouled up. Other people may see it otherwise. I've seen this work twice. We got successor legislation both times for a whole lot of reasons. And Mel deserves most of the credit for this. If we had not looked like rational people doing a tough job in the eyes of most people who follow this, I think it would have been hopeless. Again, I

appreciate other people may have thought or feel otherwise. But I've seen it work twice so I have some backing for my feeling.

04-00:56:46

Meeker:

So I actually have one final question about the regions. And that is with the six regions I wonder if some of them produced a lot more appeals and maybe some of them didn't produce enough appeals. Meaning that those that produced a lot of appeals were maybe being too restrictive and those who produced no appeals were maybe not being restrictive enough. Did you ever pay attention to those kinds of flows of appeals?

04-00:57:20

Bodovitz:

No, because the areas and the appeals were so different. The appeals we'd get from LA and Orange County were apt to be very different from Sonoma and Mendocino. I'm trying to think of what would be a good example. Maybe somebody wanted to build a single family house on the coast in Mendocino in some way that raised an important issue about single family houses on that part of the Mendocino coast. But an appeal about beach access in Malibu and beach access in Mendocino have similarities but also differences. The kind of appeals that were time consuming were things like public access to the beaches in Malibu and Sea Ranch. And you go to Malibu and before the Coastal Act passed Malibu was just lined wall-to-wall with houses on the beach. The time we spent to wind up with tiny beach access-ways! And the homeowners are absolutely right, that they built houses on the beach. They may not be entitled to privacy because constitutionally the public has access to the wet parts of the beach. But at least there needs to be somebody picking up garbage in a public area. That isn't the homeowner's responsibility. And accepting responsibility if there's a fight or mischief of any kind in the public areas in front of somebody's house. So we wouldn't require opening access ways anywhere unless a public agency would take responsibility. And it took a while to get some public agency to do it in various parts of the beach in Southern California. Not a big deal in Mendocino because people weren't out fornicating on the beach the way homeowners complained about it in Malibu. So I don't know that I was ever keeping score. I know that two enormous frustrations were the amount of time spent on beach access in Malibu with very little to show for it and Sea Ranch with next to nothing to show for it. And if you want to talk about Sea Ranch—

04-01:00:22

Meeker:

Yeah. Well, let's talk about Sea Ranch. Maybe give a background. Define for me what Sea Ranch is and when it came to be.

04-01:00:31

Bodovitz:

Sea Ranch is one of the reasons Prop 20 passed in quite conservative parts of the north coast. Sea Ranch was and is a huge residential development by Castle and Cooke, Hawaiian developers, that took ten miles of former sheep ranch on the Sonoma County coast just south of the Gualala River, which is the border between Sonoma and Mendocino counties. And won the approval

of the board of supervisors of Sonoma County to make Sea Ranch what it was, what it was and is with no public access to the ocean. And in return the developers donated maybe 160 acres at the mouth of the Gualala River for Gualala County Park. So all the access for ten miles of coast was one small county park. And you can go up there and see that that's mostly how it is to this day. And that struck Sonoma County coastal environmentalists as such an outrageous act by the Sonoma County supervisors, that that rallied support up and down similar parts of the coast.

Well, the problem with Sea Ranch was it was a three-way circular firing squad kind of. The original plan for Sea Ranch had something like 5,200 buildable lots, which would have made it the largest community between Eureka and, I don't know, Novato, I suppose, or Santa Rosa. Well, those aren't on the coast. But between San Francisco and Eureka. On a windy two-lane road with a two-lane worse road to Santa Rosa, with little water supply and no sewage except septic tanks. For the county to have approved that—this was in the, what, sixties. Yeah, it must have been in the sixties. But the developers then hired super architects Lawrence Halprin and Joe Esherick and I don't know who else and they designed these great wood houses, totally open, and the idea was you didn't need a lot of policing because there wouldn't be public access. And so you could have these open-design houses. And for the people who were going to live there it was, and I'm sure is, wonderful. I know people who live up there and just think it's wonderful.

Well, one reason it's wonderful is all 5,400 lots have not been built out. It would look like Terra Linda if all those lots had been built out. So there were three groups of people. There were the developers who wanted to keep developing. There were the people who bought lots but hadn't yet built houses on them. And there were the smallest group, the people who had already built houses. So the people who were there and had all these great views and all this open space around them because they had stopped everybody else from building, they didn't want anything to change. They were in hog heaven. And Prop 20 had just given them a total gold mine. They could enjoy this all by themselves. Nobody could build a new house in many areas. Because we couldn't figure out how you could let people build until the public access issue was resolved. How could you let something that was in such violation of what became Prop 20 continue after Prop 20. Am I making sense?

04-01:04:42

Meeker:

But you also have two groups. You have the developers who are the ones who are really in charge of providing public access and then you have the individual landowners, who all they want to do is build their dream home.

04-01:04:55

Bodovitz:

Yeah, correct.

04-01:04:55

Meeker:

Right? And so then it's the individual homeowners that—

04-01:05:01
Bodovitz:

That are getting creamed.

04-01:05:02
Meeker:

That are getting creamed. Not the homeowners, the landowners, right? The plot owners.

04-01:05:07
Bodovitz:

Yeah, the plot owners. Okay. So the two losers under that way of looking at it are the developer, who just wants to sell more land, build more homes, and go home happy, and the plot owners, who can't do anything. And the existing homeowners, with a smart lawyer, could keep everybody else tied in knots. So I would have endless meetings with everybody and the staff up there would. And it was a circular firing squad. I could get two out of the three to do almost anything but the third would file a lawsuit and so it would come to nothing. So finally I got so sick of it that I said, "I don't know whether this is legal or not but we should establish a public access fund, and any plot owner who wants to build a house can make a payment into the public access fund, which will be held in escrow and managed soundly to ultimately help pay for coastal access," because otherwise they're innocent bystanders with no way to solve the problem. They're caught between the other two. And Castle and Cooke said, "In the new area that hasn't been developed we'll build public access paths." Well, then, of course, then the other two groups say, "No, we don't want more public access." So I had no idea if there'd ever be public access. But I thought even if that money went to expand Gualala County Park and fix it up, we'd have done something for public access. And I have no idea what the outcome of it is, or whatever happened to the fund. But I thought: Otherwise we are unfairly penalizing some people who don't deserve to be penalized.

So ultimately the legislature got tired of hearing complaints about it all required some access during daylight and parking of five or six cars at a time at four or five places along the ten miles. And I think everybody has lived with that. When the Coastal Commission started you still had views of the ocean from Highway 1 along most of the 10 miles. But, the developers or owners planted pine trees along the highway for ten miles so you can't see a damn thing. Or at least you couldn't the last time I was up there, years ago.

And the number of buildable lots was hugely reduced. And I don't know how it is now.

04-01:09:34
Meeker:

Well, this brings up such an interesting issue because it shows that rarely are these issues black and white and that it's not just Edison versus the anti-nuke people or something like that. It's oftentimes a whole constellation of different interests that the Coastal Commission and you as the staff director are kind of placed in the middle of to try to come up with some of solution that meets their needs and at the same time also fulfills your legislative imperative.

04-01:10:15
Bodovitz:

It's the problem-solving role. That is, again, keeping one's eye on the ball of successor legislation in Sacramento. I liked the idea of people going up to the legislature from Sea Ranch and saying, "We creatively solved a problem" rather than all the plot owners going to the legislature and saying, "This is insanity. Get us out of the middle of this." And I think that's what a reasonable public agency should be doing as long as you stay within the law. A judge is going to tell you if you get outside the law. The hand you're dealt isn't necessarily like what the civics books say it's going to be.

04-01:11:11
Meeker:

Well, and so you're talking about the escrow account as one of these creative approaches.

04-01:11:18
Bodovitz:

Yes. And my "creative" is your "crazier than hell." So I stipulate that I'm using a favorable term. But I kept saying all through that, "You got a better idea? This is not something I'm hugely proud of but it's all I've been able to think of. If you've got a better way to solve this, you tell me."

04-01:11:42
Meeker:

And it also shows really the limitation of legislation. Legislation cannot predict all eventual outcomes.

04-01:11:50
Bodovitz:

Correct.

04-01:11:51
Meeker:

And so then it requires workable creative solutions.

04-01:11:56
Bodovitz:

Well, it seems so to me. Partly that, to me, is—fun's a bad word to use in this discussion. But that's part of the fun of the job or the challenge. If you're just being a clerk checking off boxes, that's not anything I'd want to do. But if you expect that you'll be confronted with things that, just as you say, aren't in the book, aren't in the law, and there you are. So if you use your best judgment and see if somebody's got a better idea, then go on to the next thing.

04-01:12:38
Meeker:

How did you deal with staff people who did take that approach? Who decided that if there was nothing in the law that allowed them to do it, the only thing they could do was say no?

04-01:12:54
Bodovitz:

One of the things that didn't happen was I didn't get to know the regional staffs well because there just wasn't time to go to their offices. I wish I'd had weeks to spend in each regional office and get to know everybody. That might or might not have improved anything. But with the commissions meeting every couple of weeks, with deadlines for meeting notices, calendars, staff

recommendations, I couldn't find the time to do it. If I could revisit all that, maybe there was a way to do it and I just didn't find it.

04-01:15:01

Meeker:

So I have one more question and then we can talk about the actual passage of the act in 1976. So the coast is extraordinarily long and there are many places that are extremely remote, not readily accessible by roads, not even readily accessible by hiking trails, I think. I'm thinking of Sonoma and north. And in some of those areas you're going to find a lot of people who are there to avoid the trappings of civilization, including bureaucracies or especially bureaucracies. So I'm thinking of places like Bolinas and then Whale Gulch up outside of I think Eureka and then probably many isolated places in between. How did you deal with either these alternative, off-the-grid communities or individuals who did their very best to do what they want and not engage the Coastal Commission?

04-01:16:22

Bodovitz:

I'd have to say I don't recall that at the state commission we dealt with any of them. We may have and it is not anything I remember. I do not know whether the regional commissions did and I have a hunch some of them did and there were no appeals and it just is something I never thought about. It's a great question and I just can't answer. [And one of the parts of being remote was there wasn't a lot of development.]

04-01:16:51

Meeker:

Okay, fair enough. Let's talk about the drafting of the plan. This is the California Coastal Plan. What was your role in the drafting of it?

04-01:17:06

Bodovitz:

Doing my part. And then getting out of the way. I edited the parts I wanted to edit. I turned it over to the design and graphics people because we wanted good graphics and we wanted good design. And they were all working the most ungodly hours to get it done. I thought it would not get done. And so I went over and I said, "Can I help?" And the guy who was leading it says, "Absolutely." And I said, "What would you like me to do?" And he said, "Go home. We know what we're doing and you'll come in and want to change everything. Go home." So I said, "Okay. Will you guarantee it'll get done on time and we'll be proud of it?" "Yes." "Goodnight. Let me know if you want anything." And I thought that is probably the silliest thing I've ever done. But he was right. If I stayed there and kibitzed they'd never get it done.

04-01:18:20

Meeker:

Who was this?

04-01:18:21

Bodovitz:

Allan Lind.

04-01:18:22

Meeker:

Allan Lind. And so what role did he play?

04-01:18:26
Bodovitz:

He was a cartographer in charge of the graphic stuff. And I really don't know. He was part of the planning empire. And I didn't really have much to do with him until we got into the publishing business.

04-01:18:46
Meeker:

Who were the key people who drafted the plan itself?

04-01:18:52
Bodovitz:

I think we all did. I would say I was involved with drafting at BCDC more. But the people who had worked on each section were the ones who did the drafting as best I recall. And I really can't remember whether I edited or looked at every last word in it. I'm sure I did because I wouldn't have wanted to be surprised by anything in something I had signed off on. But I can't tell you where the first drafts came from. Somebody on Jack Shoop's staff. I remember in those days, as with BCDC, I never went anywhere without a satchel full of stuff to look at. Maps, texts, whatever. So I must have at least signed off on all of it.

04-01:19:46
Meeker:

Was there a particular method by which you incorporated the viewpoints of the regional commissions?

04-01:19:53
Bodovitz:

Yes. We had the regional commissions send in their recommendations. Maybe Trav [Will Travis] can answer that because I really can't tell you what mechanism Jack Shoop used. But I wanted to know of any big disputes or debates we were having. And I didn't need every detail but I needed to know if we were bogged down someplace that I could help resolve.

04-01:20:27
Meeker:

Were there any examples of that that you can recall?

04-01:20:30
Bodovitz:

No. And I can't exactly recall how we presented the whole thing to the commission. Between now and the next time I'll try to go back and look at the Coastal Plan because I just haven't read it in so many years.

04-01:21:10
Meeker:

Well, why don't we just stop there because I think that's the next conversation I've got here, is about the drafting and the legislation and the passing of it.

04-01:21:24
Bodovitz:

Well, if you want to go to that. I had less role in that so that isn't really going to take long. As the process went along we looked for a legislative sponsor. There was no Gene McAteer for this. The most sympathetic legislator and also one of the best guys in Sacramento was Tony Beilenson, a state senator from Los Angeles. And Tony agreed to be the author of the coastal bill. Then a congressional seat opened up unexpectedly and Tony ran for Congress. So we had a lot of scrambling to do. And the legislators, who subsequently took

charge, Jerry Smith primarily, hired his own staff, one of whom had been a lawyer at the Coastal Commission, Joe Petrillo. And they were eager to take over and really made clear they were going to do it their way. They understood what we had proposed and why. “Thank you very much for your effort and we’ll call you, don’t call us.” So we helped testify at hearings and things like that. But I don’t recall that we had much to do with the drafting. Jerry Smith is an appellate judge in San Jose the last I heard, and might talk to you about the drafting process.

So I don’t recall their saying to the commission, “Would it be okay if we did so and so?” It was rather saying, “This is what we’re going to do.” And if we had any objection they might spend a couple of minutes listening to them but they knew what the objections would be and this was their judgment about how to proceed.

04-01:24:06

Meeker:

Did you get a sense of what some of the key transformations from the plan to the legislation were?

04-01:24:16

Bodovitz:

There were concerns about the coastal zone boundary. And we had maps of everything on the coast. Because I thought if you couldn’t map it then you probably are doing something wrong. People need to know whether they’re in the coastal zone or not. And you shouldn’t be playing games with a big wide swath [of land]. So every legislator whose district was affected was very concerned with the maps. “Just take this out. We don’t want to be there.” So we’d have to explain why that needed to be there. It was part of the watershed and it didn’t make any sense to leave out. I couldn’t tell you that every last mapping decision was perfect, but we had staff available to explain the proposals to legislators and their staffs. Legislators and legislative staff have a different kind of expertise and a different role to play, so they took over the drafting of the legislation. Legislators and their staff know this is their ballpark: “You’ve had your shot at it and now the big boys are taking over. And we’ll call you when we need advice.”

04-01:25:57

Meeker:

Was that frustrating at all?

04-01:25:59

Bodovitz:

Yes, but it’s just the way it is. It’s like handing your baby over for adoption.

04-01:26:20

Meeker:

Were there any changes that you found to be contrary to the spirit of Prop 20?

04-01:26:33

Bodovitz:

No, I don’t really think so. The mapping of the coastal zone was different from Prop 20 but that was probably inevitable. It was just a question of where to draw boundaries. This has been a while ago. But I never thought, “Oh, just ditch the whole thing. You’ve gutted it. Let’s not bother.” No, I thought Jerry

Smith had done a great job as evidenced by the fact the commission's still going, and still composed the way it's composed, and still strong and effective.

The one very big change was that the '69 legislation deleted the regional commissions, for good reasons or bad. I'll be glad to tell you why off the record but not otherwise. This is the only off the record thing I can think of.

[break in recording for off-the-record conversation]

04-01:28:07

Meeker:

So we're recording again. One of the major changes that happens from the planning period to the post-legislative period of the California Coastal Commission is that the regional commissions were abolished. That is the organizational structure was restructured, although the regions remained and the professional staffs stayed there. The commissions were abolished and therefore, from what I understand, the permitting decisions would have been made by the state commission. And what is your understanding of some of the factors that went into that change?

04-01:28:52

Bodovitz:

Well, I think the general explanation was that with the planning period over there was less need for the regional commissions and it would be an economical thing to do and that it was reasonable to make them a part of planning but not necessarily going forward. And I don't doubt that that was in the minds of some people. I was also told that there was strong opposition to one person on one regional commission and that the people who objected to him thought he had so poisoned the well for the idea of regional commissions that they all went. But this is hearsay.

04-01:29:43

Meeker:

Well, it's interesting. Behind that seems to be perhaps an idea that these regional commissions, there were so many of them and then so many people, that maybe the state leadership saw them as unwieldy.

04-01:30:01

Bodovitz:

Yeah. Yes. And the people in the legislature might have thought, "Why do you need to keep them if you're not doing the planning?" Well, one reason is they were strong roots in each community and it was a way for community people to be more effective in coastal management. And so to me that's what was being sacrificed. It wasn't just the administrative efficiency of these guys can speed up appeals or speed up permit processing. But that there was someone other than a working employee to go talk to about coastal issues. But I can see the economy argument. In any event, there's been life without them since '69 and it's proven workable. [There was local planning and permit appeals to continue.]

04-01:30:56

Meeker:

So how did that change the state commission then?

04-01:31:00
Bodovitz:

I left soon after that and I don't know. I simply don't know how they adjusted to workload then and what the change would be now and I can't imagine anybody would propose bringing them back right now. But then I'm away from it enough that I really don't know.

Interview #5: May 21, 2015

05-00:00:00

Meeker:

Today is the 21st of May 2015. This is Martin Meeker interviewing Joe Bodovitz and this is interview session number five. So I think we'd like to try to wrap up Coastal Commission today and maybe get into the PUC [Public Utilities Commission]. One issue that we haven't talked much about at the Coastal Commission is, from what I understand, an issue that was one of the factors that led to the passage of the proposition that created the commission in the first place, and that was regulating offshore oil drilling. And it's unclear to me what role the Coastal Commission was to play in regulating this, because I imagine it also had a lot to do with the Department of Interior on the federal level. So can you tell me when you started at the Coastal Commission, and I imagine there would have been pressure on both sides around oil drilling in the ocean, how you figured out what your charge was going to be vis-à-vis this issue.

05-00:01:18

Bodovitz:

Well, to the extent the Coastal Commission had any jurisdiction over offshore drilling, it was in the state's coastal zone, which I think was two or three miles offshore. And the immediate issue was drilling in the Santa Barbara Channel, where there were already wells, the '69 oil spill having been one example. So yes, oil companies did want to do a lot of new exploration and drilling in the Santa Barbara Channel. And depending on where they thought the oil was, if it were close to shore they'd want to come close to shore, if it was fifteen miles offshore they might or might not want to go that far. But yes, there was a great deal of interest in it.

One memorable application was Exxon wanted to drill within state waters off the Santa Barbara coast. I'm sorry, it's been awhile and I can't tell you exactly what they wanted to do or where. It was close to the edge of state jurisdiction. So Exxon submitted an application for a coastal permit after having been told by me and other staff that this was going to be tough because the commission had just recently come into existence and really didn't have policies on drilling yet. But we understood. We took it seriously, obviously. [We said we needed a little more time to develop offshore drilling policies.] We were going to know what we were doing shortly but we weren't really in good shape to process this. And that under those circumstances it could get turned down sort of without prejudice, as the lawyers would say. And we realized that was a hardship for them, if they were ready to go. And we weren't proud of that but that's where we were. So Exxon said, "No, there's no reason for you to turn it down. Just give us a permit. We want a vote." Let me remember this correctly. Before the vote, which I'm pretty sure was in Santa Barbara but I'm not 100 percent sure, it doesn't matter, somebody on the staff got an envelope, handed it to me, addressed to me, and it was a telegram or something, the equivalent of a FedEx package being thrown in your hands today. And so I opened it and

it seemed to be a telegram from the Secretary of the Interior asking me to inform the commission that if they turned this down, he, the Secretary of the Interior, would authorize Exxon to drill in federal waters just outside the state boundary, so there was no reason for us to turn it down. But, of course, it's a telegram. It isn't signed or anything. And so I remember thinking, "Before I really do something incredibly stupid I want to find out if this is real," because the Interior Department's had plenty of opportunity to communicate and this kind of a last minute telegram could be a practical joker's idea of fun. So I said, "Time out for a minute. I'll have a staff person get on the phone and find out if this is real." So a guy in the audience stands up and says, "I'm John Smith from the Interior Department. It's real." And we satisfied ourselves that he was who he said he was. So the commission turned down the oil drilling. The Interior Department approved it just outside state waters. And if you want to go to Santa Barbara and see the Exxon rig, I assume it's still there. It was the last time I was by. So there's a line of things and then this one's just a little farther out. And so far as I know it's operated without any incident at all.

05-00:06:15

Meeker:

So was the idea that they were giving you cover or they were saying that you should actually just approve it because it's going to happen anyway.

05-00:06:21

Bodovitz:

Well, they were saying it's going to happen anyway. And so I recall thinking as a tactic, threatening wouldn't be the first thing that would occur to me if I was trying to convince somebody to the rightness of my cause.

05-00:06:59

Meeker:

Would this have been under the Ford Administration?

05-00:07:02

Bodovitz:

Yes, I think it would have been. I think the Secretary's name was Volpe. This would have been probably in 1973.

05-00:07:14

Meeker:

So either Nixon or Ford, I guess.

05-00:07:16

Bodovitz:

Ford I think. After the commission vote, Mel and I went to Washington and asked for an appointment to meet the Secretary. We met a deputy and said, "We look forward to getting along with everybody but this isn't a great way to get our attention and can we figure out something sensible for everybody here?" And I can't remember whether we met the interior secretary himself or a designated guy on his oil staff. We had a nice conversation. I don't think anybody thought any differently afterwards. So Exxon went ahead. As I say, I haven't kept up with who's still producing and who isn't.

I, later, after I'd left the commission, got asked to mediate a dispute over, I think, it was over a pipeline. Totally separate issue now. I don't want to be confusing. But the environmentalists in Santa Barbara were objecting to a

pipeline, I think. Because there are pipeline explosions from time to time and so the idea of building a pipeline from Santa Barbara to refineries in LA, which was the most economical thing to do, I think, and generally now would be regarded as much safer than trucks or trains. But at that time the environmentalists I think were opposed to just getting the oil out and would have opposed taking it by teaspoon. They just didn't want the oil produced and transported to LA because of the dangers of spill, which had happened in '69. So by then it had turned out that the oil in the Santa Barbara Channel was very tarry. It wasn't a nice light crude. So even at that time the Chevron refinery in El Segundo couldn't process this oil. So a couple of enterprising small companies had built refineries that could take Santa Barbara oil. So they were eager to have the oil, however it got there. I don't know that a pipeline was ever built and I don't know that it wasn't. I just lost track of that. But by then the desire to have an oil well every few feet had sort of gone away because of the quality of the oil and the demand of the refineries at that time. The thing that's going on in Santa Barbara now with the Plains Pipeline is going to reopen that incredibly, I assume. It never ends, however you transport it. There's a danger. And yet, as everyone is fond of pointing out, everyone drives to the meeting at which we're all going to protest having more oil.

05-00:10:43

Meeker:

The basis upon which the Coastal Commission rejected that initial Exxon proposal was that it sounded like a clear policy hadn't been established. The Coastal Commission wasn't quite sure how to apply any standard to the application. What was the process by which the Coastal Commission developed a process so that they could in fact deal with applications such as those in the future?

05-00:11:14

Bodovitz:

You would have to go back in the files because there may have been more to it than that. I'm giving you my best recollection. But I don't know. There may have been other things wrong with it. The guy who worked on that is still very much around. If you're interested I can steer you to him, I'm sure. [My recollection is that there weren't other applications like Exxon's, so it wasn't urgent.]

05-00:11:35

Meeker:

Who was that?

05-00:11:36

Bodovitz:

Don Neuwirth is his name. Do you know Don?

05-00:11:39

Meeker:

Well, I know that he was the guy who also did the Coastal Access Guide, right? Travis has talked about him. His name keeps coming up.

05-00:11:49
Bodovitz:

Yes. Well, you'd have fun talking to him. He's a very bright guy. He lives in San Francisco. Recently retired. He's the kind of guy I would give all these impossible problems to and he was very creative and very good. But I don't really remember what else, if anything, we did on offshore oil permits. Clearly the possible precedent before we were ready, which was a problem across the board, as I think we've talked about. One day there's not a Coastal Commission and then there's Proposition 20 and seven weeks later there's a commission that's supposed to issue permits that doesn't exist. So it was unfair to the people who were caught in the transition. But I thought all we could do to help them was get organized and get going as quickly as we could. I didn't think we could say, "You poor thing. Don't worry about the law." You just go ahead and do what you want to do," because the environmentalists would have sued and would have won and we'd have been told to shape up. Actually, I'm very proud of what we were able to do because we really did get going. In every area housing developers were ready to go ahead with big things. Industrial developers. Just everybody had not expected this wrinkle. I had delegations of terribly upset people coming in. I just told them I totally sympathized. If I were in their shoes I'd feel the same way. If they'd just give me a little time to hire some people we'd give them answers.

05-00:13:57
Meeker:

Were you aware of the protests against the Coastal Commission that were staged in various places? Some, I think, were sponsored in part by building trades.

05-00:14:07
Bodovitz:

I was aware of the building trades opposition. I think I told you the San Onofre story. They think Edison has the last permit for San Onofre. This is going to be one of the all-time best construction jobs in Southern California. It's going to employ a whole lot of people. They've got a whole lot of people just raring to go to work. Everybody's ready. And then Prop 20 comes in and says, "There are some problems." And no wonder they were outraged.

05-00:15:00
Meeker:

Well, did you have a public relations apparatus or how did you try to represent the Coastal Commission's point of view to the larger public so that the tide of public opinion wouldn't turn against this newly established commission?

05-00:15:22
Bodovitz:

We just worked at it. And it's never enough. I was available to any legislator, newspaper reporter, any editorial writer, anybody who wanted to find out why we were doing something that somebody had come in to complain to them about. And that was a high priority for me. I think I mentioned that Mel and I tried to go places along the coast. I made clear I was available for giving talks and Mel was and other people were and I urged the regional commission people, once they knew got going, to do the same thing. And, as I say, it was still a drop in the bucket. The *LA Times*, bless their hearts, had an editorial

writer who was very interested in the commission. He was a very fair and good. So there were a series of, I thought, decent editorials. The news people at *The Times* gave us good coverage on Southern California issues. This was way back before all the so-called social media. So you really were dependent on newspapers and television and radio. And some of these coastal subjects were inherently interesting and newsworthy. So there was a lot of news coverage in the early days. I think it's kind of dwindled now. So we worked at it, I guess is the answer to the question.

05-00:17:25
Meeker:

When you went out and presented to the public in forums or you gave talks, did you have a unified message or strategy? A takeaway point that you wanted people to bring home with them?

05-00:17:42
Bodovitz:

Well, I don't know that I thought of it that way. But yes. Which was the voters created the commission. There is a commission. They're real people. At least one is from your area of the coast. We were given a tough job to do. We think we're going to do it well and on-time and within the budget and we've got a bunch of talented people working on it. And if you find that we're doing something you like let us know. And if you find otherwise let us know about that, too. I encouraged the commissioners to talk to Rotary Clubs and the like. Nobody was really too small a group if it was a real organization. And that's what we tried to say. We couldn't tell them what we were going to do on a particular application and particular issue. But as we went along, how we were organized, what we were doing. And I was just trying to convey that we really are competent. We're going to do the best job we can with this and we have a terrific commission. And Mel, although not a great public speaker—this is really important and I would have skipped over it. We have lots of people at public meetings, again because of novelty and projects that people were really interested in. And Mel had a talent, although little experience in government, of just running a public meeting in the most low-key, friendly, good manner. So the two or three hundred people would go home after seeing somebody who really was listening to them. And however long the hearing, was he was there? He didn't ever leave early. And we used to say he could go the longest without a bathroom break of anybody we knew. We just didn't take recesses. We just kind of kept going. And he was friendly and put everybody at ease who was going to testify. So you thought, "Well, gee, if that's the guy who's running it I feel a whole lot better."

05-00:20:20
Meeker:

It sounds to me like you were constantly aware of and thus fighting against this perception of the bureaucrat, the uncaring sort of faceless bureaucrat.

05-00:20:33
Bodovitz:

Well, that plus the fact that we if all we had was enemies we were going to have trouble in Sacramento in four years. That everything we were doing that we wanted to do was going to be washed away or risk being washed away if

we weren't able to show in Sacramento in four years that we had, A, a sound plan going forward and, B, had been exercising the authority we had skillfully and responsibly, although we would not expect everybody who was turned down to feel that way. Mel's test was always a mythical fair-minded person, somebody who doesn't have a dog in the fight at all would look at it and say, "Yeah, that was a reasonable thing to do." And constrained as we were by law, it wasn't just we get to make up our own rules, but given the total hand we were dealt we had been responsible, creative, and the idea deserved to continue. Because otherwise we were a noble experiment that hadn't worked.

05-00:22:00

Meeker:

Well, let's move to the drafting of the Coastal Act. Prop 20 passed in 1972 so you had four years, up to 1976, to present this to the state legislature for passage. Can you tell me about the drafting of the plan? What was your role in it in particular?

05-00:22:26

Bodovitz:

I can tell you both.

05-00:22:28

Meeker:

All right, tell me both.

05-00:22:30

Bodovitz:

Okay. My role in the drafting of the successor law was exceedingly limited. I answered questions. The staff person who was doing most of the work for Jerry Smith, who became the author—I think I went through how Jerry Smith wound up—did we not do that?

05-00:22:53

Meeker:

I don't know. Remind me what the story was again.

05-00:24:16

Bodovitz:

Who were we going to get [to sponsor the legislation]? Because it was very important that we have an author who was sympathetic to what we were doing and whose questions about going forward we could answer. So at that time we thought the best possibility was the state senator from LA named Tony Beilenson, Anthony Beilenson, who had worked well with Reagan, who had done some welfare reform things that Reagan had signed. And was just a first rate guy. And just as we're ready to turn everything over to him a congressional seat in LA opened up and he decided to run for it. So there we were. So I can't remember the intermediate steps. But we still had the idea that starting in the senate was a good idea because that was going to be the tougher house. A correct judgment, I think. Jesse Unruh and Bob Moretti and Willie Brown and Leo McCarthy were all speakers of the assembly who could do things, as Willie did on the regional merger bill years later. So we wound up with Senator Jerry Smith. And Jerry Smith hired as his staff person for this a guy named Joe Petrillo, who had been a lawyer at the Coastal Commission. So he knew what was in the plan as well as I did. And so he helped Jerry with the drafting. But the way the legislature works, the staff people in Sacramento,

often see themselves as vastly superior human beings to anybody working anywhere else in state government. So the feeling that a mere department head, bureaucrat, would feel emboldened to tell a legislative staff person what should be in a bill, that we were to, like small children, be seen and not heard. If our opinions were needed they'd be asked for. This is not true of everybody. But I think I've said, it's like going for nine months, having the baby, and then giving it to somebody else for adoption. About what you do is say, "I love her, take good care of her." And then wait for the phone to ring if anybody has a question. So I really had very little role. I was asked once in a while why we had done something this way instead of that way. I either could answer or find somebody who knew more than I and could answer.

05-00:27:44

Meeker:

Did you want to play a big role in the drafting of the study, at least?

05-00:27:52

Bodovitz:

We wrote the plan. There wasn't any study anymore. The plan recommended further, more detailed planning, called Local Coastal Programs, and a continue permit process. I would have written it in longhand if they'd let me. I knew exactly what to say, which would have basically been do whatever our commission had recommended. But the legislators and their staffs didn't want to be seen as listening only to the commission and its staff. They wanted to be, in effect, sort of starting all over. It's not any fun to be the parent giving up the baby, but that's how it works. So I really didn't have much of a role. And both BCDC and the Coastal Commission, the staff people in Sacramento were people I really liked working with. I have no complaints about anybody. It's just the way the process is setup. I was kind of not doing much.

05-00:30:39

Meeker:

Other than the elimination of the regional commissions through the legislation that was passed in '76, were there other transformations that were somewhat contentious?

05-00:30:57

Bodovitz:

Yes. And if you want to get into that, I can steer you to some former staff people who are still around. The thing that was of most concern were of course just people not wanting another state commission, no matter what it was doing. And then the second issue were legislators whose districts were included, part of the coast, which was a fair number of legislators. Often what they most cared about was the maps of jurisdiction because the people in their districts who were complaining the loudest were the ones who just wanted out. "Just draw the boundaries so my property isn't included and then I don't care what you do for everybody else."

Let me back up on mapping. Prop 20 did not require us to produce a map of the future coastal zone and I don't know that the authors of Prop 20 gave that any thought at all. They had designated the coastal zone with this three-fifths of a mile from the mean high tide line. And I suppose they just thought that

would continue forever. But when you get into planning for the coast, that's a great starting point but it's perfectly arbitrary and it may be way too much in some cities and way too little in another area. I mean, you often need to go up to the ridgeline, for example.

05-00:32:43

Meeker:

Yeah, for the watersheds or something along those lines.

05-00:32:46

Bodovitz:

And then when you're into the whole watershed issue you need to go back into the Sierra somewhere. If you really want to protect the coastal waters you have to go way back up the watershed. So that scares the heck out of everybody. So you just sort of take a deep breath and make the best compromise you can make. But for purposes of land use planning, going halfway up the ridge in a scenic area in Mendocino County doesn't make any sense at all. You got to go to the top because you don't want to control up here and then have everybody build houses on top of the ridge. That isn't a great plan. So we got a room in the capital and we just posted the maps and had staff people there who could answer questions about why was each map drawn this way. And some people were satisfied and some people weren't. I don't recall that we made any huge changes or anything. I recall that people came in with legitimate objections and we tried to say, "Sure, you're right. We can do it another way." But I wasn't the person standing by the maps when the legislators came in. I wanted the people from the regions where those maps had originated to explain them. If you had come in to me and said, "Why's my property included?" I couldn't have answered because I didn't work on that much detail.

05-00:34:36

Meeker:

I'm actually kind of thinking about this here. It was Governor Brown who signed this into law, right? Because it was '76.

05-00:34:49

Bodovitz:

Yes, that would have been Jerry, wouldn't it? [Governor Brown signed the California Coastal Act in 1976.]

05-00:38:27

Meeker:

Laws, who said it?, are like making sausage. You have your end product that people like or they don't like. But no one wants to know what goes into it, whether they like it or not. I guess what I've been trying to get at here is you as the staff director of this state agency, what role did you play in providing the necessary information so that the law could be crafted and then as the law was being crafted and made its way through the state legislature, how did you feel about the process? So yeah.

05-00:39:14

Bodovitz:

Well, I didn't know what was going on. During most of the bill drafting, the legislative staff feeling was that I had done my job by getting them a plan on time without asking for more money, and I reminded people of that frequently

because I was proud of it. I thought this was an impossible job and we'd managed to do it pretty well. Damn well. That that ought to strengthen our claim to competence to keep going. If we had come to the legislature, as I think I've said, complaining and all that, that would not have helped. And I thought my role and the commission's role was to keep going during the year that the legislature had to consider the plan and not do stupid things that would cause the legislature to think badly of us. That was the biggest contribution we could make. And moreover, since this was the commission's plan, I was really not authorized to say, "Oh, well, they didn't mean it. They'd be fine if you just did the opposite." My job was really to advocate for what the commission had put in the plan. And the commission would have justly gotten on my back if I'd been cutting deals right and left.

05-00:43:16
Bodovitz:

I think the point I'm trying to come around to after an awful lot of circuitous discussion is I don't think my role, even though I didn't love it at the time, I don't think in hindsight it was, A, unusual or, B, that I would expect it to be any different. The staff people of agencies aren't greeted as super human people. When they show up at the legislature they're just supplicants like everybody else. I thought it all went as well as it could go given that we switched authors in a funny way and that Jerry Smith had not been involved at all at the start. So however nervous he was about us and we about him, that's where we had wound up. And he did a great job and got appointed an appellate justice.

05-00:44:25
Meeker:

Do you recall the Cullen-Ayala bill? It was an alternative bill that I think was happening about the same time that Beilenson was—

05-00:44:36
Bodovitz:

I don't.

05-00:44:49
Meeker:

Okay. That's fine. It was in that one book about the Coastal Commission. They kind of went through step-by-step the legislative process and how it was that they started with Beilenson, is that correct pronunciation, and then through Jerry Smith. But in between there were these other two state legislators who produced a bill that would have created a coastal commission but at the same time would have lessened its power by giving more power to the state agencies, required compensation for loss of property value, those kinds of things. So it would really make the coastal commission much less powerful than it originally was presented to be.

05-00:45:36
Bodovitz:

Who was it besides Ayala?

05-00:45:38
Meeker:

Cullen. C-U-L-L-E-N.

05-00:45:41

Bodovitz:

Ruben Ayala was a senator from southern California and my impression all along was he would not support the commission. And so this bill would say, “We don’t want to kill the Coastal Commission, we just don’t want it to do anything.” You put in a bill that lets people say, “Oh, no, I didn’t vote to kill the Coastal Commission. Here’s my Coastal Commission bill. They’re just two different ways to get the same thing and mine’s a little bit better, so let’s do mine.”

05-00:46:55

Meeker:

Well, and it seems to me that would be even a bigger existential threat to the Coastal Commission than a veto by Jerry Brown would have been.

05-00:46:55

Bodovitz:

Happily we’ll never know. [I thought if the bill could get through the legislature, the governor would sign it.]

05-00:48:22

Meeker:

So let’s look back on the Coastal Commission a little bit and kind of wrap-up the conversation. Speaking of kind of an existential crisis around the Coastal Commission, one thing that you keep coming across throughout its entire life is this built-in philosophical conflict between are you going to support economic growth or are you going to support environmental protection. And rarely is it discussed as possible to do both at the same time. So I’m wondering when did this opposition sort of first become apparent to you? Did it go all the way back to BCDC? Was it something that became much more pronounced in the context of the Coastal Commission? But the way in which this sort of either/or decision is talked about in that way.

05-00:49:26

Bodovitz:

Oh, it goes, in my dealing, way back to BCDC. And before BCDC, and, again, I used to give talks saying the most important word in the name of the commission was “and,” not “or.” Wasn’t San Francisco Bay Conservation *or* Development Commission. It was an *and* commission. And Mel Scott would have said any dope can do all of one or all of the other. The planning challenge is how to do both. How do you develop areas that are okay to develop and conserve areas that need to be conserved? If you tell me the developers can do whatever they want or the Sierra Club can have whatever it wants, you don’t need a commission. I get that. You’re supposed to figure out what’s appropriate where. And so I took that as the challenge. That’s what I thought we were doing. I thought he was exactly right. To me that was what was the fun, trying to figure this out. And so I don’t know whether that’s answering the question or not. If you’re leading to what would have happened without a commission, without a plan—

05-00:50:58

Meeker:

Well, that’s an interesting question.

05-00:51:01
Bodovitz:

Yes. I haven't really thought about that much because it's hypothetical. I think critics of the whole idea of the commission and what its done, would say one of the things its done, has been to push development away from the coast and inland and to me the example of that—do you know Orange County much?

05-00:51:31
Meeker:

I do.

05-00:51:33
Bodovitz:

Okay. You know where there's a toll road? The San Joaquin Hills Road [California State Route] 73? I may have mentioned that when the commission came into existence, a freeway was proposed on the coastal side of the hills, well within the coastal zone as designated in Prop 20.

05-00:51:59
Meeker:

Not too far from PCH, I guess?

05-00:52:02
Bodovitz:

Not too far from PCH. And Bill Mott was the state parks director and he had been working with the Irvine Company and was very proud of a plan where the freeway would be halfway up the hill and the Irvine Company could develop from the freeway down to the ocean. And in exchange, Irvine would set aside a canyon for a state park, a canyon the name of which I can't remember, near Laguna Beach, okay. So there would be a canyon, from hilltop to ocean, with its natural ecology protected. There would be a freeway going by but animals could get under it and the native flora and fauna would be protected from the ridgetop down to the ocean and Irvine Company could build everywhere else. By the pre-Prop 20 standards, that was a reasonable thing to do. But under Prop 20, A, there was no way we could agree to it until further planning was done and, B, since that was one of the few open areas along the whole Southern California coast that had the opportunities it had, I just couldn't see how we were going to be able to agree with that. And one consequence of it was that the freeway that got built is the 73, San Joaquin Hills Road. But all the area from PCH to the ocean, with its ocean views, was kept open. But the critics, as I'm saying, could make the point that it pushed needed development inland without thought to what that would do to the inland areas. That they would say the fundamental flaw with this kind of planning is you don't take into account a big enough area. And the answer is, yes, you need a plan for the whole state, I suppose, but that wasn't what we were charged with doing. And clearly if there would have been a lot of high density development proposed along the coast, and that wasn't allowed, and there was a demand for that much housing it was going to go somewhere else. We could be correctly charged with not worrying enough about everywhere else. But I don't know how you avoid that in any kind of planning. So I suppose had there not been a commission, in at least some places there would have been a lot of development.

At the time of Prop 20, I think I may have mentioned this at the beginning. When I first started I was absolutely fascinated that Prop 20 had passed in every coastal county except the four northernmost ones. Sonoma, Mendocino, Del Norte, and Humboldt. And some people up there hate being part of the rest of California because they think they will be outvoted on everything that matters to them. Correctly. The State of Jefferson and all that good stuff. So you wouldn't expect it to do well there. I wouldn't. But in Orange County at that time, in San Diego County at that time, to pass something like this was kind of stunning. So as we got going I kept asking people in these counties, LA—I'm talking really about LA, Orange, and San Diego, I would ask people there why this passed. And most of the people were kind of stunned, too. I don't think they had expected it to pass. To me Redondo Beach was the turning point. The city had let a couple of developers build high rises by the standard of the day, eight or ten story, in a neighborhood that was very much like Ocean Beach in San Francisco. Twenties and thirties kind of ocean cottage development.

05-00:56:53

Meeker: Yeah. Bungalows.

05-00:56:55

Bodovitz: Yeah. That had been family housing. Neighborhood schools. Wasn't crowded. A handful of people having good lives right near the coast. And some developer goes to city hall, discovers the zoning would allow a great big building. Thinks why shouldn't a lot of people get to live near the ocean. Builds the big building. And, hoo boy, you get then pictures of Miami. Have you ever been to Miami?

05-00:57:23

Meeker: Well, I know what you're talking about.

05-00:57:25

Bodovitz: Just a wall of buildings. Is there a happy medium? Can you have some increase in density without Miami, Fort Lauderdale coast?

05-00:57:49

Meeker: It's interesting. One of the things that [Will] Travis talked about when we were talking about the drafting of the coastal plan had to do with some ideas, at one point in the process that there would be, as part of plans, basically set asides for low income people so that if a hotel built hotel rooms or something like that, they would have to set aside a certain number of hotel rooms to be low cost because this was the 1970s and this was the way in which access was being interpreted. It wasn't simply access period but it was to make sure that people of different means could access or could stay in hotels, as well. What did you think of these plans when they first crossed your desk?

05-00:58:49

Bodovitz: Let me back up one more question. The housing issues were a big issue before the commission because in addition to Redondo Beach, in Santa Monica, a

developer had built two big high-rise buildings not far from the beach and had demolished what we would call now affordable housing. And so in Santa Monica there was a huge uproar of, oh, my God, they're ruining the community. So the idea of affordable housing being part of the mix goes way, way back. If you sort of leave aside the problem of who gets to decide which people get the low cost housing and if you get over the idea that it's highly subsidized, at least in the economic sense, that somebody could make a lot more money at a market rate sale or rental price, and that it's sort of putting a band aid on a big wound, but that's better than doing nothing at all you could say. And that's fought out in suburban battles here all the time and everywhere. So, A, it's been going on a long time. B, we haven't figured out exactly what to do about it.

05-01:00:37

Meeker:

I was just trying to get a sense of when these ideas not just about pure access but about leveling the playing field to ensure not just access, meaning you can go to the beach, but ensuring access that you can stay there or maybe buy a place there.

05-01:00:57

Bodovitz:

[I just didn't think we had the time or ability to take on that big an issue, to require a variety of housing types everywhere.] That is I think where I was going was. So with that as background you figure out what can you reasonably do about it. And I'll give you a couple of examples of what I thought was the better of not great alternatives. You know where the Ritz Carlton is on the coast of Orange County?

05-01:01:27

Meeker:

Yeah, in South Laguna. South of Laguna Beach, right? Anyway, it's on the coast south of Laguna Beach, yeah. Laguna Hills [Niguel] I think is actually where it is. [Salt Creek State Beach]

05-01:01:49

Bodovitz:

When the commission came into existence one of the big exemption suits was over a whole swath of that part of Orange County, which had not then been built up. A developer, Avco, owned a large area from the beach up to the ridge, I think, just thousands of acres down there. They thought they were exempt from Prop 20. And we went to court and we won. We the commission. And so they were subject to commission jurisdiction. So now we've got jurisdiction over this area. So we're now elected to figure out exactly how we deal with the problem you're talking about. Avco was proposing a lot of housing on its land. The plans did not include affordable housing set asides as we would do now. I think they thought, as a lot of people would think now, that putting a bunch of poor people down with the super-rich in Orange County just seems weird and is that really what you want and are they really going to enjoy being there? If it's the maids and window washers, what kind of society are you thinking of? Is it just to punish people for having money? Why are you doing that? So my solution was what we have called commercial

recreation. That is a Ritz Carlton and poor people aren't going to go there. But if that property that is now the Ritz Carlton had been devoted to, say, the Orange County kind of gated community with a handful of quite wealthy people owning homes along that part of the coast, the only ones who would have access to that part of the coast, that was not what Prop 20 was all about. [But our plan was for a hotel rather than gated housing—for more public access, even though it would be an expensive hotel.] But at least a hotel offered the opportunity for a large number of people over time to come there for a meal, a meeting, a convention, and as part of that, to walk along the beach, enjoy the coast. And that for all the deficiencies of that, that it wasn't really for poor people, but that we would also have a public beach or something like that that would work for everybody and that, A, the owner could make money by having a nice hotel and, B, the public wouldn't be shut out. And so if I had to revisit that I'd do the same thing. I don't have a better idea for that property. And then it was picked up—do you know where Costanoa is on the San Mateo County coast? At Pigeon Point, south of Half Moon Bay between—

05-01:04:58

Meeker:

Yeah. There's another big hotel down there, too, right?

05-01:05:03

Bodovitz:

Yeah, but that's in Half Moon Bay. I'm sure that was the same idea but in a different part of the coast. Could I have designed it differently or better? Who knows? But it still does let more people enjoy the coast, which I think was our mandate and yet keeps the property owner in business with a lucrative—could he have made more money doing something else? Yes. But that's not the test. The test is can he do reasonably with his property. And I don't think the developers would give me a medal or anything. I'm sure they will not like this forever. But, A, I didn't have a better idea at the time and we had to do something. And, B, I don't have a better idea now. At Costanoa the developer was allowed to build a hotel—I don't know how luxurious it is. I've never been in it. But in addition he had to provide some tent cabins and I think some other cabins. Sort of a mini-Yosemite. A little bit of everything in the same area. And Margaret's daughter and her family go down there a lot in the inexpensive part and they love it. I was down there when it was being built but I haven't really gone through it and seen it. But it's been there for a lot of years. I think Mel Scott with his conservation and development would approve it. That's not a bad idea. So I think it's okay to be creative about that. If there had been public funds to buy it all for a public park, absolutely. But that wasn't going to happen.

05-01:08:04

Meeker:

So you decided to leave shortly after the Coastal Act was passed.

05-01:08:12

Bodovitz:

Yes.

05-01:08:13

Meeker:

Creating the Coastal Commission as an indefinite commission.

05-01:08:20

Bodovitz:

As I may or may not have explained, Mel had left and although the then-chairman Brad Lundborg was terrific, I think in jobs like BCDC or Coastal Commission or PUC, there are good times to leave and bad times to leave. I never wanted to feel like I was leaving everybody in the lurch but I have two thoughts. One is I think you get stale if you stay in these jobs too long because they're really exhausting and you think you have great ideas and nobody quite tells you, "You've been here long enough. Go do something else."

And the reason I left when I left the Coastal Commission was we had finished the plan. We got gotten the plan through the legislature. The commission was now going to do a different thing, which was the local coastal programs and appeals. And so phase one was over. And so I thought, "I can't start phase two. Then I'm locked in for I don't know how long, another five or six or seven years because all the way through that I'll be dealing with controversial stuff and the minute I leave everybody will say, 'You can't leave now.'" So I thought, "This is probably sooner than I want to leave but if I don't want to stay here forever, and I really don't," it was and is exhausting, and I thought the LCPs are going to be tough. And it was just less interesting to me. So I thought, "If I'm ever going to do it I ought to do it now." And Allan Jacobs at UC Berkeley offered to have me teach some planning courses for a little income. And I put together a couple of other things that were financially going to keep the family in groceries.

05-01:10:32

Meeker:

So you started teaching at Berkeley?

05-01:10:33

Bodovitz:

I taught a couple of courses in the planning department. And in addition I helped start something called the Big Sur Foundation.

05-01:10:41

Meeker:

Okay. Can you tell me about the Big Sur Foundation?

05-01:10:43

Bodovitz:

I can. One of the people on the state commission was Fred Farr, the father of Sam Farr, who's the esteemed congressman from Monterey and Carmel, who was then on the board of supervisors. And one of the large landowners at Big Sur had died and people in the community were very worried about what was going to happen with the land because if somebody had started a big development trend, they were worried about the whole Big Sur coast being lost. I thought it was a very legitimate worry, although the lack of road access and the lack of water I didn't think were ever going to make that a huge development. But who knows. So they thought there needed to be some sort of non-profit that would take a look at Big Sur and see what ought to be done. And some of the people who were involved were very determined to try to

make it a national something. Park, monument, whatever. Something that would give it a degree of national protection so that—again, not to stop all development necessarily but to regulate development that didn't depend on the Coastal Commission and the county board of supervisors. So the people on the foundation board were Will Shaw, an architect, Ansel Adams, Fred Farr, Virginia Mudd—I'm sorry not to remember them all. All eminent Monterey Peninsula citizens.

So I was the staff. It was great to get paid to spend time at Big Sur. But it became apparent that if the foundation was really going to push for a national park they needed somebody to live there. I couldn't keep doing it by commuting. And so I recommended somebody, who was hired, and then I left. I just did a bunch of things like that that were fun and much lower pressure than what I had been through. And I had no idea what I would have done next. I think I told you how the PUC came along.

05-01:13:33

Meeker:

Well, this is, what, the late seventies. How old were you then?

05-01:13:37

Bodovitz:

Well, I was born in 1930.

05-01:13:41

Meeker:

Yeah, so you were approaching fifty.

05-01:13:42

Bodovitz:

Yeah, approaching fifty.

05-01:13:47

Meeker:

It must have been a hard time in your life to leave something stable and then kind of try to piece together these other bits.

05-01:13:57

Bodovitz:

Yes. I don't know whether it was kind of reckless to leave. But I was really sort of fixated on the idea that it would not be fair to the commission to get in the middle of LCPs [Local Coastal Programs] and if it flounders, or as inevitably there will be some arguments and fights and all that. And then I can't quit because I would seem to be running out. And so I'm either locking myself in for another five or ten years and I'm approaching fifty, is that really what I want to do?

05-01:14:50

Meeker:

For the rest of your working life. Right?

05-01:14:53

Bodovitz:

Yes. I wasn't feeling elderly or anything like that but I was thinking—I'd seen many people in government at all levels who had started out as I had, never expecting to still be there many years later, and they were there many years later. And they were there just because they didn't know where else to be. I just thought, "Well, I think I'm different but I'm not going to be." They're not

creative. They're just dug in to keep doing everything the way we're doing it now.

05-01:15:32

Meeker: You think about when your pension's going to kick in and you don't want to leave.

05-01:15:36

Bodovitz: Yes. Right. Then your working life is all about when your pension starts, as you're saying. So I thought, "I really don't want to do that." If the PUC hadn't come along, I thought there were going to be many more things doing with regional issues in the Bay Area, I guess, or I thought I'd get a newspaper job. I didn't think I wouldn't have anything to do. I just didn't know whether it would be fun. But I think my main motivation was if I start on the LCP stuff, I got to see it through.

05-01:16:25

Meeker: Can you give me a sense of what it was about the LCP stuff that made you kind of want to back away?

05-01:16:34

Bodovitz: Well, I thought there aren't going to be regional coastal commissions. You could see the places that were going to be trouble and still are. Malibu, LA County. And I thought, "I've been dealing with those issues for five years." The easy ones I'm not going to be involved in because other people I will assign to do the easy ones, and do I really want to keep fighting about Sea Ranch? With Malibu about public access? I've been through five years of that. The issues that haven't been resolved are the issues the LCP's going to have to deal with.

05-01:18:16

Meeker: Can you explain what the LCP was and how it represented something different?

05-01:18:20

Bodovitz: Yes. LCPs are the key point in the '76 legislation. I'm glad you asked that because we hadn't touched on that. The period of Prop 20 really was over. Prop 20 said prepare a plan for conservation and development, although it didn't put it in those words. And Prop 20 didn't say what's supposed to happen after that. So among the parts of the planning was planning for the future. Well, it was not going to work to continue a Prop 20 coastal commission with the same power for it had for four years. The local government would have fought that in Sacramento. And there were legislators who would want a coastal commission to do the major things but not to be a sort of super local zoning board. So the idea was to figure out a middle ground where the commission would continue to supervise and have appeal power and things like that, but nonetheless delegate most decisions back to local governments. So the mechanism we came up with, and I can't really remember exactly how, was something we called a Local Coastal Plan, and it

meant that each coastal city and county was directed in the '76 legislation to prepare a plan for its section of the coastal zone. Once that plan was approved by the commission, the local government would be free to carry out that part of the plan. So nothing would need a coastal permit unless it was appealed. I think that's exactly what's in effect today. If I were in the Coastal Commission's area of jurisdiction and I wanted to build, I don't know, a ten-story apartment and the local government gave me a permit, my neighbors could all appeal to the Coastal Commission that this was not in accordance with the approved local coastal plan. And so the commission could choose whether to hear the appeal. And then it would also have enforcement powers. So if somebody was doing something in the coastal area without needed permits, the Coastal Commission could go after them. The local government might or might not. So I just thought that was less interesting to me than what we were doing before, even though I thought it was the right next step. I just didn't think I wanted to spend five or ten years more on these issues. That's really the process that's been in effect and I think has worked pretty well.

05-01:21:42

Meeker:

So there you are doing these various different activities, some teaching, some working at places like the Big Sur Foundation. And you're approached by whom to take over the staff position at the California Public Utilities Commission?

05-01:22:02

Bodovitz:

John Bryson, who I had known, who I think I told you. Well, it happened totally by accident. I was having lunch with a friend of mine named Mike Wilmar, who had been executive director of BCDC along the way and was then a lawyer, then and now a lawyer in San Francisco. He was likewise a friend of John Bryson who had been on the state water board by appointment of Jerry Brown and who Jerry had just appointed to be chairman of the PUC. And Mike said he had just had lunch with John and John said the executive director of the PUC had left. So John needed to hire an executive director. The most promising applications were all from people on the staff of the commission. And I think John and the governor had both thought some changes were needed at the PUC. And John apparently, I've never talked to him about this, but Mike Wilmar said John had said he wanted to look beyond the people with whom he had been presented to see if he could find somebody else. So Mike Wilmar called him and said "Joe Bodovitz isn't doing anything. Why don't you hire him?" So John called and asked if we could have lunch. He and I had never worked together. I barely knew him. He barely knew me. But I had had the experience that I think he wanted. We knew a bunch of people in common so I assume he made the phone calls you would make before offering a job to somebody. I never asked him. So he offered me the job and I had made clear to him the parts of what the PUC did that I knew something about and the parts I didn't. And it was clear he had come there in the same way. So I told him he would have to make allowances until I learned what we were doing and could do it. I've never had a tenured job in state

government. So I thought the risk is all mine and all you have to do is ask me to go and I'd go.

05-01:25:07

Meeker:

Can you describe for me in more detail about the context? And that is there's a new chair of the commission, John Bryson, and it sounds like the Governor Jerry Brown appointed him in that position because it was clear that some changes needed to happen at the commission. And you had mentioned the era of deregulation had started to hit. And that did start to hit. And a lot of people attribute it to Reagan but it actually starts at least in the Carter Administration in pretty big ways.

05-01:25:45

Bodovitz:

Yes. Carter deregulated airlines and therefore the PUC lost its jurisdiction over airlines. I imagine there are a whole lot of people around the PUC who would give different answers to the question.

05-01:26:02

Meeker:

Well, what's your answer?

05-01:26:03

Bodovitz:

Mine is that the commission began in 1911, it was put in the constitution as part of the Hiram Johnson reform. It's just astounding that the commission has existed for over a hundred years. It started as the Railroad Commission and was established in San Francisco because the reformers wanted the commissioners not to be in the area of the greatest Southern Pacific influence, which was thought to be the capital, in Sacramento. So it was an effort to get the regulators of the railroads away from Sacramento. That it was constitutionally told to have headquarters in San Francisco. And among the early provisions in the utilities code was any commissioner who takes a free train ride will lose his job.

05-01:27:14

Meeker:

Quaint by the 1970s, eighties, right?

05-01:27:20

Bodovitz:

I think it's amusing but in the old days, you didn't fly any place. So if there was going to be a PUC hearing in Los Angeles a commissioner and assorted staff people would get on the overnight train to Los Angeles, hold a hearing the next day, get on the train and come back. So it was very convivial and kind of low pressure. The PUC was staffed almost entirely by engineers and lawyers. Engineers because you were regulating railroads, airplanes, telecommunications, power plants. And so you needed people who knew how those things operated. You couldn't regulate them if you didn't have people who understood what was going on in the same way the utilities did because I as a layman can't tell you whether that substation's being perfectly administered or not. But I want on my staff somebody who can. Okay.

Then, much later, comes the era of big rate increases because of fuel prices for electric utilities. The big energy users, industries, threaten to move out of the state because the energy costs are so high. The aluminum producers that need lots of power settled in Oregon and Washington because they've got the Columbia River and the Columbia River generates power, so they've got plentiful water and cheap electricity. And so industries in California start looking at other places. And governors get very upset about that. So they want somebody to take a look at rates and all that's going on.

05-01:29:25

Meeker:

So one of the main tasks of the public utilities commission was regulating the public utilities to set their rates. And so it sounds like Brown was concerned that they were setting the rates for the utilities too high so that then industry could no longer afford to stay in the state.

05-01:29:58

Bodovitz:

That's why we had deregulation. Gray Davis and Schwarzenegger got these complaints, too, from industry and from everybody. When the rates go up sharply it affects everybody. And anybody in elected office hears from a lot of constituents in a hurry. At the time I got to the commission, this was after the era of the 1973 oil embargo and petroleum costs had gone way up. The main area of concern at that time was electricity and electric rates. The power plants in California almost all were all dependent on oil. The oil came from wherever in the world the oil was going to come from and was set at a world price. So I remember, among my first duties at the commission, was conducting a press conference in which I got to explain why PG&E rates were going to go up a billion dollars. That was a new and not greatly wonderful experience. And it was solely because the price of oil had gone up and our staff people agreed with the utilities that there's not a penny of additional profit in this. It's just that's what the fuel costs. But, oh, boy, does that make life interesting. It really had a big effect on Southern California Edison and San Diego Gas and Electric too, all of them were buying oil. We were at the mercy of the world oil market, as long as that's what we were doing to generate power. Whatever the oil prices were, that was what we paid. The utilities weren't benefiting in any way and the consumers were getting really hurt. As I say, the big industries were really hollering.

So it was apparent that we needed more than engineers, that the big issues of this time were not how the power plants are being operated. The big issues were what do you want the utilities to do? Should they be doing more at a time of this kind of rate increase? So before I got there the commission had begun hiring economists and people with the kind of broader training you get at the public policy part of the Kennedy School of Government at Harvard. I don't know what the formal title of it is.

05-01:33:38

Meeker:

I think that's it. It's public policy and government.

05-01:33:39
Bodovitz:

Yes, it's a two-year program so the graduates know statistics and economics and then public policy issues too. And they had hired a couple of those people, and they were excellent. But it caused great friction among the engineers, whose idea was an engineer can do anything. You just tell him what you want done and he'll do it. And it was apparent some engineers could change and be great analysts and some couldn't. So that was just one of those things that was there to be dealt with. But the utility world was changing and we were still administering the basic 1911 model of utilities or so it seemed. The whole idea of a utility is this: there used to be competing electric companies, competing water companies. I don't know about gas companies. But competing telephone companies. But it was clear nobody wanted six companies digging up the streets to put pipes in and nobody wanted six telephone companies putting up poles in the neighborhood.

And gradually, for economic reasons, as well, they got to be more consolidated, more powerful, and so pretty soon the economics books call it natural monopoly. That there's really only room for one big company. And you could have two or three and then they'd all go broke because they'd be sharing something that you couldn't share. And the public would be better served by having a monopoly that would be guaranteed two things. One, a service territory. No one else could come into your service territory. And, two, you would get rates set that would not guarantee you a profit, but would provide a profit if you run your company well. If you screw up, you screw up. But if you run your company well you'll make a reasonable profit. And then from the utility point of view, the monopoly then agrees, A, to serve everybody. If I come in and apply for electricity you don't get to say, "Well, I don't like you. You go somewhere else," because there's nowhere else to go. So the utility has to serve everybody and has to charge rates that are approved by a commission. Okay. That's to me the utility model.

And it is in between allowing the utility to behave as an unregulated free market company, and having total government control. It's part of administrative law, not a utilities court. There was a great flurry of the commission form of government. So a city council has a planning commission and a harbor commission and a health commission and all that. The council can't do it all so subsidiary agencies are given power and responsibility to do certain things. So the commission is set up as an administrative body. So some lawyers tug it in the direction of everything is going to be a legal proceeding like a court proceeding.

05-01:38:35
Bodovitz:

The PUC had adopted a procedure that one commissioner would specialize in each of the utility areas. One would be in charge of transportation, somebody else energy, somebody else telecommunication, somebody else water. I guess that's what it was. And then the president of the commission would not have any of those things. And each commissioner would have a small staff—a legal

advisor and a technical advisor. When a utility wanted to change its rates or do anything it would submit an application, the commission would hold hearings. The commission has civil service people who used to be called hearings officers. They conduct hearings and prepare recommendations. Now they are called administrative law judges, so “judge” is in the title. That tips things to the belief this is a quasi-judicial proceeding.

05-01:40:49

Meeker:

Well, this whole situation in which the hearings become more quasi-judicial was something that started to happen before you arrived, correct?

05-01:40:58

Bodovitz:

Oh, yes. When I started out as a newspaper reporter, for a time I was assigned to cover the state building. And among the agencies on the beat were the Public Utilities Commission. And neither I nor any of the other reporters really understood what it did. And it rarely did anything that was going to get in the papers so I never had to learn anything about it. There was the attorney general and other agencies and they provided the news. And then there was the Public Utilities Commission: it was kind of a dark hole up there. And its news releases would say utility rates are going up two cents or down a penny. But when the oil prices go up a million dollars in a week, that suddenly gets everybody interested in who are these people and what are they doing. So then more pressure on governors' appointees, and in turn more pressures on the staff. Are we organized the right way? Are we organized for the changing utility world?

05-01:42:38

Meeker:

Well, was that a concern of Jerry Brown and then also Bryson as the chair? Was that the PUC, by developing into this quasi-judicial system, had gotten a little bit out of control and needed to be perhaps reined in a little bit more? That was one of the reasons that you were brought in, to help that process?

05-01:43:07

Bodovitz:

Yes, I think the PUC was seen as being still back in 1911, not adequate to the task ahead. Just at the time I was getting there, an assemblyman named Charlie Warren and a senator named Al Alquist, from San Jose, got through the legislature a bill called the Warren-Alquist Act. It created the Energy Commission and gave the Energy Commission the job, taken away from the Public Utilities Commission, to determine sites for power plants in California. At that time the utilities were all planning for power plants in many places along the coast. And Reagan had appointed people to the PUC that the Democrats in the legislature thought were too close to the utilities, and so they wanted a separate commission that would take away from the PUC the siting of power plants, and that's still the law today. And then the Energy Commission could do other useful things too. So there's an Energy Commission with no nuclear power plants to site but that still has a budget and can help with other issues.

Most commissioners have done other things in government or civilian life and come to the PUC like John Bryson, with a some idea of what you're supposed to do. And so John came to the PUC, as other people do, and thought, "How do I get these thousand people to do what I want when I don't even know exactly what I want?" So what they do is have personal advisors, I keep coming back to the organization, which effects how they operate. As I began to understand what works and what doesn't work, it struck me as just an extremely unworkable procedure if entirely understandable. So I made a lot of proposals over the time I was there to change it but they all came across, I guess, to the commission as weakening. So none of them ever went anywhere. But the idea of individual commissioners supervising individual cases and conducting the hearings, and then the other four being expected to take that recommendation I guess had worked when there was really nothing very controversial and probably was very sensible for a time when nothing was very controversial.

05-01:48:04

Meeker:

Can you tell me a little bit about the commission itself, because I know that it differs substantially from, for instance, the BCDC commission. It's a lot smaller.

05-01:48:18

Bodovitz:

It's five people. They are appointed by the governor for six-year terms and must be confirmed by that the state senate. Meaning it was intended that they outlast the term of the governor who appointed them so that there would be continuity. The Hiram Johnson people wisely realized that if every four years you start all over it could be chaos. And I'm sure the utilities and everybody thought that was a bad idea. On the other hand, if you don't like a commissioner you have six years of him or her. But in any event, it's six years. So you'd have to ask governors what goes in to whom they appointed. Obviously now they get suggestions from utilities, from business, from industry, from consumer groups, from the Sierra Club. Everybody's got nominees. How they go about picking people I don't know. It's a full-time paid job, whereas the BCDC and Coastal Commission people got expenses but, at least in my time, not a salary. And they were not full-time, although they often seemed to be. The commission meets every two weeks. You could go to hearings if you wanted to but why would you since hearing officers are doing that. Once in a while, on a really high-visibility case the presiding commissioner will go for the first couple of days, like a San Onofre approval or something, where there's a lot of money at stake and a lot of public interest. But all the back and forth between the economists and the engineers is done and then a hearing officer, many of them are former lawyers, many are former engineers, people with some background at the commission so they presumably know what they're doing and what they're supposed to be resolving and how they're to write their recommendations.

At the PUC I thought that the commissioners shouldn't be taking subject matter leadership: they should all know telecommunications, they should all know energy. And they do. But that, instead of slicing the pie the way it's sliced, it ought to be most important matters and less important. So that the routine cases ought to be supervised by one commissioner so that the little stuff doesn't slip through the cracks. But on the big cases they all ought to be equally involved.

05-01:51:52

Meeker:

Well, there's also the notion that if there's one commissioner in charge of transportation the possibility of corruption perhaps might be greater because that person, they own the responsibility but they also, more importantly, own the knowledge around that.

05-01:52:09

Bodovitz:

Yes, I think so. And, as I say, I just think they all ought to know everything they're involved in. But necessarily they're going to rely on a staff person, an administrative law judge, a fellow commissioner. Nobody goes there with adequate knowledge, and so the commissioners depend on staff and their own advisors. Because they now have, and had when I was there, a legal advisor and a substantive advisor of their choosing, taken from the staff, and then after their term as an advisor is over they go back to the legal department or the engineering department. So it's good experience for the staff. But it means that instead of everybody seeming to be part of a coherent commission, everybody's got his individual office and individual advisors. And you don't even have to be there every day because somebody can phone you or email you from anywhere. So it works against the cohesiveness that I think a full-time commission ought to have. Of course, this is true of people who go into almost any part of government—life is extremely complicated.

05-01:53:32

Meeker:

So achieving some of that cohesiveness was both the means and the ends to what you were trying to accomplish?

05-01:53:39

Bodovitz:

The PUC didn't run badly. I may be leaving a wrong impression. The commission made decisions. The decisions were done on time. So it wasn't that everything was bogging down. It just made life more difficult for everybody than I thought it needed to be. When you run a hearing factory, what you're doing all day long is having hearings. The hearings are dominated by a legal mindset. Everything becomes adversarial. So all of your training is you're going in to testify on one side or another. The utility wants this, the staff thinks it shouldn't have that. Other people are coming in and stressing what they want or need or think. So it's sort of the opposite of a collegial way to reach decisions. And then the executive director winds up being the only person who can talk to the utilities without having somebody go wild. So it was very interesting because the president of a large utility or small utility with a problem could call me and I would answer the phone, whereas if he

were talking to a commissioner who didn't then disclose it, you risk reading about it in the *Chronicle*. So all through the Diablo Canyon stuff I spent as much time on the phone with Fred Mielke, the PG&E CEO, as anybody. And I don't know. I just thought I needed information wherever I could get it, and that by then I could tell when I was being scammed and I would find out soon enough. In that world if you don't tell the truth you're pretty quickly found out because there's always going to be people around to challenge it. So if I were to say to somebody on the staff, "Well, PG&E says so and so," and the staff person didn't think that was correct, I'd sure hear about it.

But the commissioners then are deprived of the opportunity to do that now and I think that's unhealthy. If you can't say no to people and can't realize that the right argument is here, not there, then you probably shouldn't be doing the job. And this idea that you're so lame brained and corrupt that you have to be protected from yourself doesn't make any sense to me. And then because of all this adversarial stuff and divisiveness, the staff had never had an executive director until shortly before I came. I was the third PUC executive director. One had died of a heart attack, one had resigned. I think the first executive director might have been ten years before I got there. So the division directors—energy, telecommunications, water, transportation—were the staff heads. And nobody was really responsible for the overall commission. There was a personnel office that helped with hiring and a budget office. But the division directors and the commission ran the place. It was fragmented and there was not enough cohesive or coherent direction.

So I did two things. I expanded the idea of a sort of—we called it the policy division. It had already been started, I don't know whether by John or before I got there. Policy isn't the right name. It was sort of early reconnaissance. What's going on in the worlds we regulate? What's going to happen with energy prices? What's going on with telecommunications? You don't take part in any contested hearings. You just stay on top of what's going on in these worlds so we don't get surprised. And the staff people who had to testify at hearings were very envious of those people. And it wasn't a perfect solution. And then I set up a procedure under which all the division directors and I and the general counsel met every Friday morning from 10:00 to noon and there were no—death and vacation were the only acceptable excuses for sending a deputy. And I thought it was good for the deputies to come when somebody was on vacation but I really wanted directors as a group to make decisions, not to be a bunch of people that would say, "Well, I'll have to go back and ask my boss." And the thing I wanted to know at these meetings was, A, what's going on in your field that we should all know about and, B, are we putting our best people on the most important cases and do we all agree that this is an A case and why do we have B people working on it. And I don't know.

05-02:00:16

Meeker:

What it sounds to me like you were doing was recognizing that you really had five different commissions that were under this fiction of the PUC umbrella and with the establishment of an executive director, and it sounds like you were the first sort of strong one, and then having these meetings and trying to spread the work around to break up some of those silos, was that there was an idea that you had that there was a reason to have a PUC that was an umbrella, a meaningful umbrella as opposed to just a fiction that in fact brought all these utilities together. And that by having this sort of research or policy angle there was the idea that it was possible to develop—a singular approach might be too specific but to have a shared mission or something like that amongst people working in all the different utilities.

05-02:01:29

Bodovitz:

I thought the idea of functioning like a real organization instead of just a collection of people doing something left over from 1911 was important. I'm sure others would say I have slighted the fact that these hearings are important and that all the hardworking analysts and ALJs, administrative law judges, are important. And I'm not meaning that at all. I'm just meaning that it was sort of, I thought, unmanaged. It just sort of had a momentum of its own and no one was thinking who are we and why are we doing this.

05-02:02:36

Meeker:

Well, did you have a sense of the answer to those questions? Could you have said who we are and why we're doing this in a way that maybe others couldn't articulate at that point?

05-02:02:52

Bodovitz:

I could have said who we are. I would have said we're doing it this way because I can't change it yet but I'm working on it. And then you get to the point of, well, should we be doing this at all? Are we doing anything in transportation that couldn't be done as well or better by the California Department of Transportation? We did a lot of things. I don't think the Department of Transportation ever wanted our stuff. Same with water. Particularly in a time of drought, why are we regulating water over here when the water board's regulating everything else to do with water over there?

Interview #6: June 15, 2015

06-00:00:09

Meeker:

Today is the 15th of June 2015. This is Martin Meeker interviewing Joe Bodovitz and this is interview session number six. So let's start out today by talking a little bit about your term as PUC director and I'd like to focus in on one of the big transformations that you had to, I guess, oversee as director and that was the breakup of AT&T. So I'm wondering if you can just, from your vantage point, give me a sense of what it was that was happening and then perhaps what the PUC's role would be in that transition.

06-00:01:00

Bodovitz:

All right. I've got to start by saying this was a while ago and I don't pretend that I had perfect insight into what everybody else was thinking at that time, nor that I remember every detail perfectly. But I think the easiest way to explain is what it was like before the breakup. What it was like before the breakup is American Telephone and Telegraph had subsidiaries in every state subject to state regulation and I think the name of the company here was Pacific Telephone. I can't remember perfectly. And it had a board of Californians but it was clearly under the thumb of AT&T headquarters in New York. And my understanding of how the situation was was the state regulatory commissions all told AT&T, "We want you to modernize our telephone system." This was when Bill McGowan and Sprint were fermenting and it was clear there was some new technology coming that would be some kind of competition. So every state wanted AT&T to put money in that state upgrading the telephone system. And AT&T would say, "Fine. Give us a rate increase to pay for it and we'll upgrade your system." And the commissions would say, "No, you upgrade the systems and then tell us if you need a rate increase and we'll examine that and see if you really do." And AT&T would say, "No, that's not the way we play." And the commissions would say, "Well, you're hanging us out to dry. We can't just throw money at you and expect you to do something." So it was just a lovely impasse and nobody changed anybody's mind. And I remember the AT&T guys would come around and say, "Why can't you guys be more like—" I think it was Iowa. "Why can't everybody be more like Iowa? They've got the best telephone system. We just tell them what they need and they say go for it and give us the money. They get a better system, everybody lives happily ever after. Why don't you guys go to Iowa and see what they're doing." And everybody else said, "Well, whatever the politics are in Iowa, that's nice but that's not the way we do things here." And so this is how it was when I got there. And I thought, "Well, this is perfectly nuts." And to this day I think it was perfectly nuts.

Well, along came the US Department of Justice, which thought the Bell System, of course, was a monopoly, which it was, and wanted to break it up. So instead of the successor to the AT&T monopoly being worked out by the

states and everybody else, it was stunningly worked out before one federal judge in federal court. So you'd think this would be a huge policy debate that would go on in Congress forever and everybody would choose sides and it would get incredibly complicated and political and that wasn't the way it happened. It appeared before a federal judge in New York named Harold Greene, who was the kind of judge that wanted to show the ability of the courts to take on complex and difficult issues because that then became an issue, how can a federal court do something this complicated. And he was a feisty guy. This was not in public statements but it was apparent that he was eager to show the courts are up to this kind of stuff. Just let us show you. So the Department of Justice and AT&T had settlement discussions and they worked out a settlement under which the Bell system would set the states free and the states would be set free in clumps with different regions. I think there were six in all baby Bells. I can't remember what the name here was. But there were six of them across the country. And then AT&T would retain long distance, the areas where it saw the greatest growth and potential. And the baby Bells would do everything else and would have little monopolies within their states. Once AT&T set the baby Bells free, AT&T stopped being their parent. They were on their own. They had their own boards. They just inherited everything from AT&T. So it fell to the commission to figure out what was the best thing for California. And also it was very important for us, we thought, if this was all going to be decided in Washington, to send some of our top lawyers and telephone people to appear in the court proceedings so that the interests of our rate payers could be protected to the extent that could be done. So we sort of uprooted everything we were doing on telephone regulation and sent a top lawyer and one or two other people and they appeared in all the proceedings. I don't know then and certainly don't know now the extent to which we influenced any outcomes. I never heard or read anywhere where a judge said those California people have it exactly right.

06-00:07:38

Meeker:

What agenda did they bring to Washington?

06-00:07:41

Bodovitz:

Well, we wanted to make sure to the extent we could understand what the settlement was going to mean, that we could figure out how best to protect our ratepayers, because this was a huge deal in the telephone world. I don't remember the particulars. I'm sure they'd be way too complex to get in here. But it would be to make sure some obscure sentence in the settlement didn't mean our newborn baby Bell would do wild and crazy things. And I can't remember if I ever knew what particular issues we were looking out for. I don't mean to imply skullduggery or anything. In a settlement everybody's looking for maximum advantage and we just wanted to make sure, since we weren't drafting it, that we could read it and understand it. And I think as much as anything we were looking to be clear that we understood what the ground rules were going to be. And not being then or now an expert in telecommunications I can't tell you what the issues were, much less what the

right side of them was. But it meant a big uprooting of how we had traditionally regulated telephone companies. So it was clear as the Bell system was changing so was state regulation going to need to adjust. And so it was important both that we staff what was going on in Washington and figure out what changes were going to be needed here. I think it was the first time in my life I was an insider. That is, people from, I can't remember who, AT&T or the local telephone affiliate before the settlement came over and said they wanted to brief me on something that was super confidential and I could not discuss it with anybody. And they were similarly going to brief the commissioners. But once you were an insider you would be violating the law if you even dropped a hint to anybody because of the effect it would have on stock prices and all that. So it wasn't just secrecy for the sake of secrecy. But you could not call all your relatives and say, "For God's sake, sell telephone stock or buy telephone stock because this great thing is going to happen."

I can't tell you any precise adjustments we made for anything. It was kind of the precursor of what later became the energy deregulation. Transportation had already changed, but among the core utilities it was kind of the beginning of how the commission got where it is now with its regulatory responsibilities. And which raised the question in my mind, doesn't the whole role of a utility commission need rethinking now because we're still kind of following the model of 1911, a hundred plus years ago. And to what extent is it still exactly on target and to what extent is it not exactly on target. And what does it mean in an era of cellphones to be regulating only landline communication? And what does it mean in an era of drought to be regulating private water companies when the issue is not just rates but where's the water going to come from?

06-00:12:17

Meeker:

Well, rates in relationship between how much water is consumed, I suppose.

06-00:12:22

Bodovitz:

Yeah. And then energy, of course. The sort of disaster of the deregulation in the Davis and Schwarzenegger years, and putting energy back together in the way it is now.

06-00:12:37

Meeker:

With the transformation from AT&T to Pacific Bell, it sounds to me like it wasn't just a matter of you engaging in negotiations with a more local entity, in other words, not talking to New York but instead talking to San Francisco or wherever Pacific Bell was headquartered. Were there more substantive changes in the way in which the telephone company interacted with PUC?

06-00:13:12

Bodovitz:

I'm sure there were but I'm not sure I'm the right person to ask because I didn't have all the history. My impression as a newcomer was it didn't change all that much; but there were different people at the major phone company, there was also General Telephone at that time. And so there was one huge,

one medium sized, and a bunch of little teeny phone companies in California. And that whether the guy was from AT&T, the New York representative was somebody who lived here. So there was a guy walking the halls of the PUC and the guy you were told to call if you had any questions of the company. All the major utilities wanted to have easy—if you had a question about why they had done something or whether they were planning to do something, they wanted you to have one guy to call who would be available, who you would know, who would drop in from time to time to say, “Are we doing anything wrong? Do you have any questions?” And that’s how I would run a utility if I were doing it, too. I’d want the people who were regulating me to feel comfortable they had a partner they could talk to.

This is a sidetrack but the idea of utility regulation is to be somewhere between no regulation and a court. And all the pressure in recent times with regulation are in my mind pushing in the direction of a kind of utility court where the normal rules of a court of law would apply. And everything is a litigious controversy, and that is great employment for lawyers. But even lawsuits get settled sometimes. So it’s not at all clear to me that litigation will get you better rates and better service than rational people working out settlements.

So when we came to the nuclear power plants, as I say—I’m off on a sideline here. But when it came to putting San Onofre and Diablo Canyon into rates, the huge issue, and there’s a huge issue with San Onofre going on now about when the plant, because of safety regulations from the Nuclear Regulatory Commission, has to be redesigned and the construction changed, and it doesn’t go online when it’s supposed to, and the utility has to buy replacement power, who’s on the hook for that? The ratepayer or the utility? And what’s the right balance if you say everybody should pay something? The customers did get electricity. So clearly that shouldn’t be free. To what extent was the utility responsible for the delay? Should PG&E have done a better job of looking for earthquake faults at Diablo Canyon or would the utility have been criticized for spending millions on geologists digging holes to look for earthquake faults? And you can argue that, and people will. And with San Onofre, where Edison is blaming Mitsubishi for the construction and installation of the steam pipes that later were not good and shut the plant down, and Edison is saying it’s Mitsubishi’s fault, Mitsubishi is saying, “No, Edison designed the tubes badly. We built just what they told us to build.” Well, that’s going to get decided in a court somewhere, I guess. But meanwhile who should be paying for the replacement power? And I think the PUC and Edison negotiated a settlement of some sort. And you can criticize that. In a compromise everybody thinks they should have gotten a better deal. You buy a used car and you think you paid too much and the guy who’s selling it thinks he got too little.

06-00:18:13

Meeker:

It’s almost like a outcome is good if everyone is not happy with the situation.

06-00:18:20
Bodovitz:

Yes. I always thought it would be a great experiment to do one in a court-like proceeding and do one a negotiated settlement. And in the negotiated rate settlements, I don't know that anybody's ever jumping up and down and saying, "Boy, we really snookered those guys," because I just don't think that's how it is. But who's responsible for what and why and what should they have done years ago is just—so I was pushing hard for a negotiated settlement because I just couldn't see how supporting lawyers for a bunch of years to submit briefs and argue about stuff was going to get you any further.

06-00:19:17
Meeker:

For a negotiated settlement for what issue? Or just in general?

06-00:19:21
Bodovitz:

Well, not for everything, of course. But for something like this, deciding who should pay what?, where was the utility responsible, were things unforeseeable, did they do everything reasonably? And therefore, even though it didn't turn out so great, they were entitled to get all the money they spent, or should the shareholders be on the hook for everything because the management should have been more farsighted and done all kinds of other things? And how does a judge decide that any better than somebody negotiating? There'll be plenty of testimony on both sides and maybe there are cases where somebody will be so not credible that it will be apparent. But it's just basically going to be what the decision maker thinks different people should be responsible for. And it could be a better decision, it could be a worse decision. That's why I say I was always in favor of an experiment where you do it one way and then do it the other way or have two teams and see which got the better decision. But it seemed to me these evidentiary proceedings that go on for a long, long, long time are great employment for experts and lawyers. But I don't know that they get you to a better decision because ultimately you're going to have to say, "Yeah, this is more credible than that. I think it's reasonable they did what they did." And one of the constituencies is the people who buy stock in a utility. You want a utility to be a good investment so people will invest in it and they're entitled to a fair return on their stock and if the company screws up they're the owners of the company and they're on the hook for that or a portion of it. I think most people would feel you shouldn't have your utilities go bankrupt, although PG&E went bankrupt in the deregulation period and still provided service. The world didn't fall in. Stockholders took a real haircut for a while and the stock has done well ever since. So you can get into an argument about whether to just let them go bankrupt if they screw up. And I'm talking now about where reasonable people could come out different places, not where it's open and shut that these guys were pulling a rip-off and got caught or the regulators are demanding a level of perfection that humans rarely achieve. That you're responsible for seeing around every bend and making a really ingenious brilliant move to forestall everything bad headed your way. So it's in that range where reasonable people can disagree.

06-00:22:48

Meeker: Back to telecommunication. When you start to see the emergence of MCI and Sprint, and those are long distance providers, right?

06-00:22:56

Bodovitz: Yes.

06-00:22:57

Meeker: Did the PUC play a role in regulating long distance and kind of managing competition?

06-00:23:05

Bodovitz: Well, it became a big issue and that's about the time I was leaving the PUC. So I'm not the right person to tell you what everyone was thinking. The cellphone stuff was just starting. I remember shortly before I left getting a briefing from somebody, from the baby Bell at the time, about bringing in this thing that looked the size of a brick and explaining that that was this great new thing, the cellphone. And I remember my first reaction being, "You mean people are going to drive and hold that in one hand and talk?" "Oh, no, no. They're going to pull over. It's going to be very safe." And I remember the first time I went riding with somebody driving with one of those things. I said, "Some guy's going to be driving down the road, he's going to get a call from his wife saying, 'I want a divorce.' He's going to hit a tree or several pedestrians or something. It's a huge safety hazard."

Then I remember all the side issues. One thing it did, the goal, I guess, of the deregulation was to make the phone companies more entrepreneurial. So I remember a couple of times a guy from the phone company would come in and say, "Well, somebody's made a pitch to our management, use the telephone for gambling." I can't remember what it was going to be. But you could dial a number and place a bet. And it was more than poker. It was like different forms of gambling where you could dial in your account number and dial some combination of numbers and that would let you bet on so and so. And I would say, "Okay. And if you lose what happens?" "Well, the loss will be on your telephone bill." And I said, "So you're telling me you want us to be your collection agency, so we're going to call people and say, 'We're discontinuing your telephone service because you haven't paid your bill.'" And I said, "I don't pretend to be speaking for the commission but you're going to have a hard time convincing me that's what we ought to be doing. And I just think that's not a good idea." And it kind of disappeared. But there were all these schemes like that in the back of some—

06-00:26:06

Meeker: One thing that did end up happening in the eighties, and I hadn't really even thought about this until now, was the emergence of what was the 976 or all those numbers and a lot of them went to like sex lines or talk lines. Did that kind of stuff come before the commission?

06-00:26:24
Bodovitz:

I don't think we had any authority over it, so I don't remember it coming up. I haven't looked in a phone book for a while but they would have yellow page ads for escort services under some nice phrase. And I would say, "Shouldn't you be wanting parents to not let their children look at the telephone directory? Are you sure you guys want to make money this way?"

06-00:26:59
Meeker:

Well, if I remember some of these services, and you could also like call a psychic or something like that. And obviously it wouldn't be the normal rate, that the rate would be much higher. So then in a sense I imagine the PUC would have had to be involved in that.

06-00:27:18
Bodovitz:

Well, I have a feeling most of them were interstate. I don't know that they were headquartered in California. So I think whoever set that up would have wanted the FCC—they may not have even set rates for it. I don't have any memory of our dealing with that. That isn't to say we didn't but you're right. But that would come across, you see, to the deregulatory people as just, well, that's an ingenious way to make money. If they want to do it, it's an optional service. If it makes money for the shareholders, great. You think of telephone stock as for widows and orphans and here are the widows and orphans profiting by selling prostitution in the telephone book.

06-00:28:15
Meeker:

[laughter] In hindsight, looking back at least in telecommunication deregulation and the breakup of AT&T, do you have a thought about whether this was something that was necessary and good or perhaps could have been avoided in getting a better solution?

06-00:28:37
Bodovitz:

Good question. I don't know that I ever thought that through. I would bet the people who are more expert in deregulation than I would just say when the technology changes the regulation's going to change and you can stand in the way of it for a while but you're going to get run over because somebody will just find a way to go outside your jurisdiction. Once the competition comes in it's no longer a monopoly and therefore it isn't a monopoly utility that needs public regulation. Or it needs a different kind of public regulation. So now there is some competition between cellphone companies, AT&T, Verizon, T-Mobile, and Sprint. If anybody regulates those rates, I guess it's the Federal Communications Commission. But to say there's really a robust competition is to be ridiculous. What you get in these fields is oligopoly or duopoly. You and I can't go start up a cable company or a worldwide telephone company. So if you're of this way of looking at this you think this is far worse than monopoly was because you have a duopoly masquerading as real competition. And so the people who think this way would say, you go to Europe and the phone service is ten times faster and better. You get faster cell phone, you get better email, it's all cheaper. Why do you guys think you have it figured out?

06-00:31:01

Meeker:

Interesting. One of the things that happens that I think PUC deals with is assuring universal access, universal access to telephone service, for instance, and other utilities. Can you talk a little bit about that?

06-00:31:21

Bodovitz:

Yes. Universal access is very important, and the breakup of the Bell system took good care of that, as I recall. Universal access was a product of the New Deal. Universal telephone access and rural electrification, although most city people have no idea. Just revolutionized rural life and brought rural people into the broader American society. So Aunt Minnie could live in Alturas, California and instead of having to drive a hundred miles or something to get the news and the milk, she could turn on the lights and dial a telephone. And it was clearly subsidized service. It cost a whole lot more to string a telephone line to Alturas than the revenues were going to justify. But in the thirties the idea was we are all one society, we are better when we can all be part of the same communications network. And so I think that helped lead to the idea monopoly sometimes isn't so bad. We're all going to be on the same party line. It was such a huge improvement in everybody's lives. The idea was, well, of course Aunt Minnie in Alturas benefits because she can call everybody in the world from Alturas, more or less. But the other argument was, yeah, but her kids in the city also benefit because they don't have to drive up there to see how she's doing. They can call her and see how she's doing, at a reasonable charge. And the charges did go up in those days. Now we're used to one charge for every call. But we had an elaborate regulatory mechanism, where the first X miles were charged at so much and then this is a local call, this is a medium distance call, that one's the next medium distance call. So we had hearings of the issue of what should the charge be for each zone. It sounds sort of quaint now where you charge by time and not by distance but that's a huge change.

06-00:33:57

Meeker:

I can just imagine the infrastructure to try to calculate the distances. Was that something that you guys dealt with or was it something you ever learned about that?

06-00:34:06

Bodovitz:

Well, we dealt with the local part of it. We didn't deal with the long distance part.

06-00:34:14

Meeker:

But long distance within the state, right?

06-00:34:16

Bodovitz:

Yes, long distance within the state. Long distance I mean out of state. But yes, we regulated long distance within the state. And so, one of the top guys in the telephone regulation branch when I was there, was the guy who understood this system of why we said the first three-quarters of a mile were at this rate and why it wasn't five-eighths of a mile, and who could tell you exactly the

revenue implications of moving something that much. And so that was a huge topic of debate and discussion.

06-00:34:59

Meeker:

Did you ever feel any resistance amongst the regulators from moving away from this? This is their job. This is where they developed expertise, like this guy you talked about. What happens when the companies come in and say, “We’ve got a new way to do it that’s a lot simpler.” Did you ever experience sort of that dissonance?

06-00:35:21

Bodovitz:

Well, it’s a great question. When I got to the PUC the briefings I was given by the staff, I think I mentioned John Bryson and I were both relatively new and John had me come and sit in on the briefings he was getting, about who the staff were and what it was they did. And the two I remember were telephone distances and then natural gas regulation. And Congress had set up a crazy system of regulating natural gas prices. So gas discovered in this year at that depth was in category 562 and got this price. Gas discovered a year later in the same area had another price. It was just hideously complicated. And so we had a guy on our staff who was regarded as one of the top gas rate experts in the country. He was always accompanied by a lawyer from the legal staff who could translate what this guy was saying about gas into more or less English. So the briefings just left you totally bewildered and it was a totally confusing subject, ridiculously so. And, human beings being what they are, I think the major purpose of the briefing was to say, “We know all about this. You don’t. Just let us tell you what the right answer is.” And if I took the trouble to really learn and understand and master this stuff, it was okay for me to say, “Well, this is totally absurd. Let’s think of something else.” Well, you can’t. This is what Congress has put into law. This is what we have to deal with. So here am I left thinking I’m totally dependent on these guys to tell me what the right thing is. And I have no reason to doubt them and I have no reason to know what axes might need grinding and I wasn’t exactly buying into this as a totally rational system. It didn’t make any difference. That’s what the law was and that’s what we were doing. And as all the technology and all the momentum has gone to deregulation, I think if you examine whether we need utility regulation now, I think you would still say yes as long for gas electricity and you might say we need much less in telecommunications and we have much less. And there are still investor-owned water companies. Whether there should still be private water companies is a great question.

It would be interesting to go back and look at everything the commission is doing now. It’s light years different from when I was there because of the deregulation trend. But it still has a lot of the same mindset and the same kind of procedures and the same administrative law judges. And as commissioners Mike Peevey and Mike Florio apparently told PG&E, “We’ll help you find an administrative law judge for your case who you’ll like.” It also struck me as an interesting system that lawyers and technical experts whose basic career is

as an advocate for ratepayers in a contested proceeding then are appointed to be hearing officers, administrative law judges. Well, it's no different than a guy who's a prosecutor being appointed to the court, or a guy who's a defense lawyer. In an adversarial system those are the guys and ladies who know the laws. But it's another reason why I think the settlement idea has many problems but is a rational alternative in at least many cases.

06-00:41:38

Meeker:

So you stayed there until, I think, early 1986 or thereabout. What inspired you to decide that it was time to go?

06-00:41:50

Bodovitz:

Two or three things. One, I guess first and foremost, I had an offer to do something else, the California Environmental Trust. I had been at the PUC by that time six or seven years, and I had a feeling from prior jobs that when you're in a job that's really intense, despite how brilliant you think you are, you do get stale and you're less receptive to anybody who wants to do anything different. And so it isn't a bad idea to move on. John Bryson had left and the other commissioners who took turns being president of the commission were terrific people and easy to work for. That wasn't what was going on. George Deukmejian had become governor and was much more of a deregulator and I just thought the road may get a little bumpier as time goes on. Not that Jerry Brown was a barrel of fun the whole time in those first two terms, but I'd done it for a while. The California Environmental Trust was people I was used to working with and it seemed an opportunity to do something new and potentially interesting in a way that being at the PUC, I didn't think was going to be. Most of my jobs have been trying to invent something that new and the PUC was trying to adapt something that is very encrusted, and it's a lot of pulling and tugging and angst. So just adding all that up I thought it was time for a change.

06-00:44:17

Meeker:

How would you evaluate your own performance in being able to modernize the PUC according to your agenda?

06-00:44:31

Bodovitz:

I don't know. It's interesting. I would rate my impact as not great. But out of the blue, a couple of weeks ago, I got an email from a woman who had been an intern in one of the commissioner's offices at the time I was at the PUC. And she had said how wonderful I had been as an executive director because I had created so many opportunities for women and had so encouraged women. I was stunned because I didn't think I'd done anything special. I had appointed the first woman division director, which I hadn't even realized. She was just the best person and it didn't occur to me that she would have been the first woman. And that I had opened up opportunities for women. So when I evaluate the impact, I may be harsher on myself than I should be. I think I began to get within the limits of what I could do. I think that's another factor that I think I had mentioned before. I thought the way the commission

operated with the full-time commission and cases assigned to commissioners, that all that had some advantages and was popular with the commission but it had some huge disadvantages, too. And that it sort of involved more splintering than cohesiveness. And that's just the way things had been and that would be very slow to change because they liked the idea of, "This is my case and I'm handling it my way." And that is a hard thing to get people to give up. And so it was really the opposite. If we'd done that at the Coastal Commission I think that would have been the end.

When I got to the PUC, the division directors were all powerful. They reported directly to the commissioners. And, as I say, instead of cohesiveness it emphasized my division's more important than your division. And so I told them they were all going to be part of a management committee for the overall management, in addition to running their divisions, and required everybody to come to a meeting every week to set priorities and take our overall temperature. And if I made any improvement I would say, as silly as that sounds to an outsider, that that would be important. It really was important and it didn't last, I'm told, because the next executive director didn't care that much about it, I guess, or the world had changed. It was the right thing for that time. I'm not saying it should have been continued forever. I thought I'd been good for the place. If I say I didn't do all the things I think need doing, I would say that's part my failure, I assume, and part just that the system was not as penetrable as I had thought or hoped.

When another offer came to do something that was innovative and interesting and I thought, well, where would I like to be in five years? Butting my head against the same wall with a governor who's probably not going to be terribly supportive of major regulatory improvement, or trying something new? The board of the California Environmental Trust was people with almost all of whom I had worked with before. Mel [Lane] was chairman. So I thought why would I hesitate?

06-00:49:55
Meeker:

Well, let's talk about the California Environmental Trust. You were the director beginning in 1986 and I know that we talked a little bit about it but not in a recorded session. So let's go back and can you just tell me what it was and why you were brought in? What kind of work were you supposed to do?

06-00:50:14
Bodovitz:

Okay. Well, I have to explain where the idea came from. The federal EPA at that time was aggressively pursuing lawsuits against polluters of waterways and in Virginia a chemical company had dumped a chemical into the James River and were nailed for it. And the federal judge in the case, whose name I should remember and can't, fined the company. And he mused from the bench, "The company is liable, the company should be fined, and I'm fining the company this amount of money. And it bothers me, however, to send that money off to the federal treasury, which is what would be done under normal

federal law and I'm a federal judge. It bothers me to do that when the damage was done to the James River and the people of Virginia. And there ought to be a way in which the punishment can fit the crime more than shipping this money off to Washington." So he suggested that citizens of Virginia could form a Virginia Environmental Trust and it would be designated to operate under his supervision and to use the money to restore waterways and provide other environmental benefits in Virginia. That would be a whole lot better use of the fine. So the EPA agreed and it happened and there came to be a Virginia Environmental Trust.

Well, the EPA people loved the idea, and so the regional EPA offices began talking up the idea in every state, as far as I know, and the idea took hold in California where there were a lot of suits pending for water pollution. And so I can't remember who really started the idea but somehow a couple of foundations, Packard and I think one other, put up some money and hired a young woman named Julie Shaw to go talk to people and see if they would serve on such a board and get some estimates from EPA on what the potential fines might be. And same thing. If you could do what Virginia had done and get a board of prestigious citizens to manage the money then maybe this idea could take hold in other federal jurisdictions. So it was an appealing idea and Mel Lane and Mary Nichols, and Rich Wilson, and I can't recall people again with whom I had worked with before, Ray Remy, who was head of the LA Chamber of Commerce. Have to go back and look. But really top-flight people. So Mel said he'd do it if I would do it. And that was appealing to me.

06-00:54:05

Meeker:

What was the model of it? Was it basically like a fund that would work as a foundation to then provide grants to local agencies or something?

06-00:54:14

Bodovitz:

Yes. We would all have looked to the Virginia endowment for how they were set up. But yes. You'd be in effect a funding source and you'd develop application procedures. You could say we work in that world, we know the projects that need to be funded. For the first round we're going to put money here, here, and here. And then if we run out of ideas we'll ask for nominations. We never got to that point.

06-00:54:51

Meeker:

Were the funds initially put like in an escrow account or something?

06-00:54:53

Bodovitz:

Yes. Whatever a judge approved in each case. You'd just set up a bank account with the fine money in the bank account and then figure out how you were going to spend it, either via application. It's apparent that the damage was done in this area and the money ought to go to somebody to do something.

06-00:55:21

Meeker:

And it would be up to the board and the staff to determine how to spend the money?

06-00:55:25

Bodovitz:

Right. Yes. So it was an appealing job, in that it seemed to promise money and the opportunity to do some creative things and I think what appealed to the board members was that. Not to just be yet another foundation making environmental grants but to see gaps and, again, realize where the money had come from and try to match it to something in the area. But we never got to any of that. The reason was this required federal judges to approve settlements. So one of the trustees on the California Environment Trust was Ike Livermore, who had been Reagan's great and wonderful resources secretary. And also in the Reagan cabinet those years had been Ed Meese. And Meese was then the attorney general. So Ike Livermore said, "Why don't we go to Washington and I'll get us an hour with Ed Meese and we'll tell him what we're going to do and make sure he's okay with this, because if his prosecutors object then it won't work." So we went to Washington and we got our hour with Meese and with several of his underlings. It was abundantly clear at the end of the day that the Justice Department was going to oppose this vigorously. They opposed what the federal judge in Virginia had done and they weren't going to fund any kind of backdoor environmental program that was not anything they controlled. And that they just didn't believe in that. The money ought to go to the federal treasury, that's the way it had always been, this was outrageous, and they weren't going to sit still for it for a minute. And once it had been brought to their attention they knew it had to be stopped lest it spread.

So here we had incorporated, we'd done all this great stuff, we were about to get going, we go to Washington to figure out how to work with these guys and poof, the whole rationale had gone. So it was a reasonably depressing moment. And I don't really remember how it exactly came about but along the way it began to be clear that we had said our mission was to administer environmental money and also help try to mediate and encourage settlements of lawsuits. I can't remember who basically had the idea but it just became apparent to all of us that the mediation part was going to be important. So we had a little money from foundations to get started. I think Packard and Hewlett and another foundation, I could go dig up annual reports, put in some seed money. So we had enough money to hire me, a secretary, and a bookkeeper part-time, and rent a no-frills office and see what we could do for a year.

But different things came along where we could be usefully involved and get enough money to survive. That's how we came to be involved in Bay Vision. And along the way at the Shell refinery in Martinez, somebody left a valve open and flooded a marsh in Martinez, and I think some of the oil got into the bay. Clearly, Shell would have to pay a big fine. I recall going to Houston to meet with a Shell lawyer because all the legal shots were being called from

there, and proposing that Shell set up a restoration fund. And a committee of the affected agencies would decide where the money needed to go, for managing the marsh, managing wildlife, managing water quality and so on. So we did that, we managed the process, and that paid the salary of an associate, and Tish Sprague was kind of the staff person for that.

And we just did all kinds of mediations. I gave a talk about some of this in Sacramento, and I can't remember at all what the occasion was. And a wonderful woman named Carol Whiteside, who was then the mayor of Modesto, heard me and came up afterwards and said we have this terrible standoff in Modesto and we need some help figuring out what to do. Are you available to do that?

06-01:02:39

Meeker:

What was the nature of the standoff? Do you recall?

06-01:02:42

Bodovitz:

It was really interesting. The city of Modesto was growing wildly, because developers were buying up land and building tract homes for people who worked in Silicon Valley and commuted. Modesto was not really prepared for it. So, in response, a group of environmentalists in Modesto had devised the best initiative I've ever seen; it was just great. It was one sentence long and it was, in so many words, I can't quote it exactly, "The City of Modesto shall not issue any water or sewer permits for new home construction without an advisory vote of the people." And the genius of that was that law says the final authority rests with the city council and can't be devolved to people. But, of course, if the voters turned it down overwhelmingly, and a councilman voted to go ahead, he or she might have a little trouble at the next election. So this thing passed overwhelmingly and the developers kept throwing housing proposals in the air; the voters kept having the advisory vote and shooting them down.

Meanwhile, county officials were letting people build all around Modesto outside the city limits, so the city got the traffic, and the parks got used by the people from outside, and tax revenue was going to auto dealers that built right just outside the city limits. And so the mayor asked me to help find a way out of this. And so I said, "Well, I'll be glad to come and meet with everybody." And soon it was obvious the way out of it was you needed a plan for the whole area. You couldn't let each developer come in and say, "Let me build my tract homes." You needed to be able to show people this is how it's going to look when we're all done and here's where the park's going to be and here's where the school's going to be. So the developers can then come in and show how they fit into the plan. And at the same time we were involved in mediating the Bolsa Chica Wetlands in Huntington Beach, where some wetlands had been leased for oil and gas production to Shell, and as the field was playing out, the question was what's going to happen to the marsh and how long is the oil and gas extraction going to go. And so we had a mammoth

group of people concerned about that and we managed that process for a while. And for a number of years we, the CET, were never rich, but many issues turned up that were interesting and worthwhile, and there was enough money to keep us going for really fifteen years.

06-01:06:34

Meeker:

It sounds to me like you were in essence repeating what you had done in the BCDC study or the Bay Plan and the coastal plan for more specific localized entities.

06-01:06:48

Bodovitz:

Right. And then that led in turn to Bay Vision 2020. When the people who wanted Bay Vision got that idea, we were obvious people to manage it because it was the same kind of thing I'd done before. And so we did the same thing there. We just had a scaled-down version because we had enough money and time for a year. But we did the same thing. We had a topic each meeting and made tentative decisions as we went along.

06-01:07:26

Meeker:

So the California Environmental Trust was a 501(c)(3)?

06-01:07:30

Bodovitz:

It was a 501(c)(3). And then toward the end of all this, my wife's cancer returned and so I wound up working half-time. I wasn't able to take on the new stuff that might have kept the CET going. And then she died in November 1997. Then I turned seventy. My kids and grandkids were all in the east and I thought I've either got to put in some sixty-hour weeks and resuscitate this or just retire. And I computed that I could live on retirement income. So I just retired. I don't know whether that was the right decision.

06-01:08:26

Meeker:

What year was that that that all came to pass?

06-01:08:30

Bodovitz:

Two thousand, I think, the end of 2000.

06-01:08:32

Meeker:

Okay. Well, let's talk about not the California Environmental Trust but the Bay Vision 2020 report. So basically this was done under the auspices of the California Environmental Trust?

06-01:08:46

Bodovitz:

We were the project managers. I don't know what the right term was. [We were, thanks to Tish, still helping with the Shell project.]

06-01:09:36

Meeker:

That Shell thing, I think, BCDC and Trav played a big role in, right?

06-01:09:41
Bodovitz:

Yes. Trav was the chairman of the committee that decided on the expenditures.

06-01:09:50
Meeker:

Okay. And we spent a good time talking about that because that was what resulted in the purchasing of Cargill's lands and transformation of some of the evaporation ponds up in Napa.

06-01:10:04
Bodovitz:

So my associate, Tish Sprague, just did all that. She was kind of the secretary/staff for that operation.

06-01:10:15
Meeker:

So who came to you with the idea of issuing this report? And I imagine they communicated the goal was some sort of regional governance.

06-01:10:27
Bodovitz:

I can't really remember how I got into it but the idea or the spark plug was a supervisor in Santa Clara County named Rod Diridon. There's a light rail station named for him. He was a big transportation guy and very outgoing and energetic. He was a supervisor and the Santa Clara County representative on the air district and MTC and ABAG. And so, at least as he explained it to me, he would go to a meeting of MTC and the staff would recommend voting for something and so he would study it and vote for it. And then he would go to the air board and the same project would be on the agenda and the staff would recommend turning it down. And so he would vote to turn it down. And so he did that a couple of times and thought there's something wrong with this. So the idea occurred in his mind, well, what if you merged these three agencies and then if other things like BCDC were folded in, that wouldn't be so bad. But to do this he needed people from other parts of the Bay Area who felt the same way. So, again, he was able to help make companies and foundations think this was serious. And the Greenbelt Alliance and the Bay Area Council got involved, Angelo Siracusa and Larry Orman. So the idea again was of a large diverse commission to look at this and see if that kind of a group could agree on something. It turned out to be a big bunch of people from all over the Bay Area. And Mike Heyman was chairman of it.

06-01:13:18
Meeker:

And he was chancellor of Berkeley at the time?

06-01:13:20
Bodovitz:

He was leaving as chancellor of Berkeley. He was a longtime friend. He wrote a report for us at BCDC of land use regulation when he was a law prof. It was great. I wasn't a close friend, but had known him and worked with him over the years. He agreed to be chairman of Bay Vision. And Tom Clausen, who had retired from the B of A, was one vice chairman and Pam Lloyd, who'd been on the water board and was a widely respected environmentalist, was the other co-chairman.

So we were off and running and we had a meeting every other week. I just got leading people who were thinking about local and regional government in areas like ours to come in and talk. We all learned a lot and had a lot of good discussion and then, as with the other things, at the end of the thing tried to get to see where we could get agreement as we went along. And, again, with the same skepticism and doubt on the part of many commissioners that this would ever work, and I would say I don't guarantee it will work, but it's got the best odds. Anything else won't work so let's see. But we'll have plenty of time at the end to hash everything out. And in this case we got as far as agreement that the agencies ought to merge and then we did not have agreement on should the board of the new agency be, A, all elected, B, all appointed, C, a mix of A and B? And things like that. Should they have this power, should they have that power? So here we are, instead of unanimity on everything, we have basic agreement and then serious dissent on several key points.

06-01:16:07

Meeker:

Which made it somewhat different, I think, than the Bay Plan or the coastal plan.

06-01:16:14

Bodovitz:

Right. But we were able to write the report in a way that made clear the agreement and then we put the other views in italics in the report—well, you've seen it.

06-01:16:31

Meeker:

Yeah, I've read it.

06-01:16:34

Bodovitz:

There was not agreement on this point and some people thought this and some people thought that. And clearly even if the commission had agreed unanimously, those were the issues that were going to get the heat in the legislature. So we weren't giving anything away by calling people's attention to those issues. So we got the report printed, everybody signed off on the report, some wanting dissents to get even bigger prominence. But at the end of it I think even the dissenters felt it was a fair process. Again, that's many years ago. But my recollection is that these clearly were going to be the toughest issues if you were going to ever get anything done. [There was strong support for the state legislation needed to merge MTC, ABAG, and the air board.] So the next questions was who do we want to do what in the legislature. Rod, I sure, had a lot to do with it and the Bay Area Council and Green Belt Alliance. And, in any event, the consensus was for Becky Morgan, the state senator from Silicon Valley at the time, a splendid woman and legislator. And the reasoning was Pete Wilson was governor and that he would be more apt to sign a bill like this with a Republican author than giving a Democrat credit for it. And we benefited hugely from the fact that Willie Brown had wanted to have a more effective regional government in the Bay Area as one of his legacies. So he signed on to this.

06-01:18:45

Meeker: And he was still speaker at the time?

06-01:18:47

Bodovitz: He was still speaker. And he got the bill through the assembly with a heavy hand. He removed a couple of people from a committee who had said they couldn't vote for it and put in a couple of others and got it through the assembly. That gave it some momentum. And then it got to the senate and it died in the last night of the senate session, defeated by a small handful of votes. I was not an insider and all that so I don't know what happened. I think it was a combination of things. It went down on the votes of people from Southern California whose ox was not being gored but who did not want to have voted for regional government anywhere lest somebody beat up on them at the next election. I think there were a couple of senators who were mad at Becky because she hadn't voted for a bill of theirs. So they weren't going to help her. And my thought always was of the agencies to be merged, MTC wanted it the least because they were the top dog. They had all the money. ABAG could do all the planning but they had the money. It was much more fun to hand out money than to tell people to turn off the smog or to just do planning. So I think the MTC people called in a few chits in the legislature, too.

06-01:20:45

Meeker: Would that have been Quentin Kopp? Is that who you're thinking about?

06-01:20:49

Bodovitz: No. Well, Quentin wouldn't have liked it. John Foran was the state senator, and I think he had been on MTC. And he's a great guy. But I was told he was one of the people who was helping to kill it. That's how things are so it isn't some great shock. I know why it didn't pass. It didn't have enough votes. I'm trying to dissect why it lost some votes it might otherwise have gotten.

06-01:21:31

Meeker: You're allowed to speculate in this interview.

06-01:21:35

Bodovitz: Well, this is a 100 percent speculation. And the people whom I'm complaining about are friends whom I respect and admire. So it isn't that I'm trying to criticize somebody. Everybody has disagreements in Sacramento. But that was a kind of high water mark because Willie Brown's efforts did get a regional bill out of the assembly and we came very close in the senate. And then the steam kind of went out of things. So the question you were going to ask next is what would have happened if that bill had passed? Would it have made a difference? Answer: Neither I nor anybody else knows. But it had the potential. If it had attracted good people, people credible far and wide, Mel Lane or Mike Heyman, it would have had a chance, I think. The practicalities of merging agencies like that are just gruesome. It's like school unification. Well, the salaries are different at three different public agencies. So does

everybody get bumped up to the highest or do some people take a cut in pay? And that's a fun issue to spend some time on.

06-01:23:03

Meeker:

[laughter] There's a lot of interesting content in the report. It is a more modest looking report than the Bay Plan or the coastal plan. Like you said, there was just a year of work that went into it. To me the centerpiece is this idea of managed growth. I'm wondering if you can explain that term for us, for me, a little bit and what did it mean for a region wide agency to call for managed growth? Because that could mean a lot of different things to a lot of different people.

06-01:23:46

Bodovitz:

Yes. Well, partly because of my time in Modesto. I had spent a lot of time seeing urban sprawl affect Modesto. Turlock, Stockton—

06-01:23:13

Meeker:

Manteca.

06-01:24:13

Bodovitz:

Yes. Just all that whole area. And similarly, on Bay Vision there had been a guy who was the new plant manager of the IBM plant in south San Jose, and I can't remember his name. But one of the first things I did on Bay Vision was spend time with each of the people on the commission and especially the ones I didn't know. So I said, "Give me a lunch hour. I'll come down and explain. You're a busy guy; you're new at this job. I'm intrigued that you're willing to be on this commission." So I went down and had my lunch with him. And he said, "This is what I need to be involved in, and this is super important to me." And I said, "Oh?" And he said, "Well, I'm a guy from IBM. IBM has plants all over the country. This is the first plant I've ever been at where employees come in in car pools in the morning having gotten up at 2:00 or 3:00. They have breakfast in the cafeteria here and then they go to work." And he said, "Who are these people and why are they getting up at 2:00 and 3:00 in the morning and what's going on?" And they, of course, were the people in Modesto who were getting up and driving in carpools to the IBM plant in San Jose. So I thought, to me, managed growth meant is that the way we want to live and can't we do better? And on the one hand we're making life miserable for commuters. On the other hand we're taking prime farmland, which is one of the sins of the modern generation of Californians, and paving it over for tract houses and freeways and what are we going to do for food when all that's gone? And, of course, Silicon Valley, which is wonderful, is where all the cherry orchards and apricots and all that used to be in Santa Clara County. So I thought it meant doing a much better job than we're doing now of both protecting agriculture and getting more cohesive, less land intensive development for inevitable population growth. Whether we could have done that, whether the agency would have had enough clout, legal authority to make any of that happen, I have no idea. It would have had an opportunity.

06-01:27:01

Meeker:

To solve that problem or at least address it, there's sort of two extreme positions that are often taken and the report alluded to those. One was limit population expansion in the Bay Area. I assume it would be possible through some means. I don't know. Another one is greater density. But you can imagine both of those approaches are going to have really, really strong polarizing responses. Did you kind of develop your own thought about what the appropriate path would be and how an agency like what Bay Vision was planning would achieve something like that?

06-01:27:50

Bodovitz:

I thought it had a chance. There were people who said, "You'll never stop filling the bay." I don't know and we'll never know. The answer to your other question is I did some consulting on growth issues in Seattle years and years ago and ran into a guy there whose name I can't remember whose comment was one that has guided me ever since: "The two things people hate the most are density and sprawl."

06-01:28:29

Meeker:

It's true. That's exactly what I was getting at. Right.

06-01:28:33

Bodovitz:

So, yeah, that's what the problem is. Is there enough ingenuity in the world to make something like that work? The optimist in me says if you started some momentum who knows where it might have gone. People would have said gay marriage is impossible at one point.

06-01:29:02

Meeker:

Yes, they did.

06-01:29:04

Bodovitz:

People would have said you can never stop using the bay to put garbage in. Where are the people going to put garbage? It goes to the wetlands in the bay. Of course, that's just how things are. You can't stop that. And yet all of a sudden it stopped and the world went on. Would land developers have gone quietly and meekly away and said, "Do what you want with our land?" No. Of course not. But gradually you could have worked more density into things. Who knows, if the drought continues nobody's going to have a big wide lawn. Who knows what else might have happened that would have affected this. But the opportunity would have been there in a way it wouldn't have been before. I could see why it may be that the land developers like MTC just the way it is and were behind not letting somebody else get their hands on the money and therefore wanted sympathetic people to dole out transportation money. MTC would say it's doing a great job of transit oriented development and the densities around BART stations are indeed large and all that. So I don't mean to paint a picture of just total failure versus spectacular success. It could be worse. But just watching all that farmland go in Modesto really got me.

06-01:30:57

Meeker:

There's something so intractable here. I live in San Francisco and all of these really passionate debates around growth are raging, it goes to what you said about how people hate sprawl and people hate density. But I think that even if the legislation passed there's this other quandary which centers on change. Or like NIMBYism, that people, once they're here, they don't want San Francisco to change because they like it how it is. But people elsewhere also like San Francisco. They like its weather, they like its cultural attributes, they like its sort of freedom of lifestyle, they like the good jobs that are available there. So they want to go there too. And then you have competition for space, which will entail some substantial changes. And the people who are currently living there, one, don't want greater density and, two, don't want to pay anymore. It's not the sprawl versus density, it's density versus expense. You're going to have to build up to accommodate the people that want to live there, otherwise apartment rent is going to continue to go up unless you install some sort of extreme state planning solution whereby a lottery determines who gets to live there or something.

06-01:32:27

Bodovitz:

Correct. And San Francisco is just the greatest example maybe anywhere in the country right now of population going up, new housing units being tiny, and expensive. All kinds of people being priced out. And yet that's the capitalist economy in which we live. Price is supposed to drive behavior and it does, painful as it is. I've got a couple of artist friends in the city who are being priced out. It's just curdling them to think about moving.

06-01:33:07

Meeker:

What would the entity have been called?

06-01:33:15

Bodovitz:

I can't remember. I'd have to go back and look at the report.

06-01:33:20

Meeker:

Okay. Yeah. I don't remember it being said in the report, actually.

06-01:33:23

Bodovitz:

I don't think we gave it a name.

06-01:33:26

Meeker:

All right. So let's say this entity was created. This is counterfactual but how do you think it would have dealt with a situation like we see in San Francisco today, with no good options and an unwilling populace to make hard decisions in some ways.

06-01:33:49

Bodovitz:

You could look at San Francisco in several ways. One, that what is happening now is the least bad of all the options. You can't shut down economic growth and development in a capitalist economy. The wealth that's being created, the great restaurants that are there now.

06-01:34:13

Meeker:

I think David Campos, the supervisor, wants to do just that.

06-01:34:17

Bodovitz:

Yes, I think he does, too, and keep the Mission just as it is. Well, that ship has sailed in a way and I feel terrible for the people that are getting priced out. So we dealt with all this stuff on the Coastal Commission. Who's the coast for? Are you just protecting it for rich people who can play by these rules? It's a God-awful quandary. And the one other piece that never gets talked about, and I'm proposing to teach a course largely on the subject next winter, is population growth. You can't talk about the drought without talking about thirty-eight million people in the state. Is isn't that there's no water. It's there may not be enough water to support anything like thirty-eight million people with a standard of living that people come to California to get, if the drought is going to continue.

06-01:35:27

Meeker:

Well, and as soon as you start talking about population growth, you're not only talking about natural population growth, you're also talking about emigration and immigration.

06-01:35:35

Bodovitz:

Right. On the Bay Vision 2020 commission there was a woman from Napa in the agriculture establishment in Napa, and I can't remember her name. And she, every time a subject came up in which population levels were part of it, she would say, "Well, why don't we find ways to let these people live in Cleveland and Detroit, which want more people and more growth, and shunt them away from California?" And people would nod and say, "Yes, that's a great idea. Next topic." And she just wouldn't let go. And as a result there's something in the Bay Vision 2020 report that talks about population levels. I can't remember the occasion but I was testifying about something in the legislature. Maybe it was on the bill. I can't remember. But a Hispanic legislator from Los Angeles just reamed me out about how could I stand up here and defend racist crap like that? But he thought he knew what that meant: keep his people out of California. And when you're talking about population levels to him, that's all that means. "That's totally racist. And don't ask me to vote for anything like that." And so then you're left saying, "No, it isn't. No, it isn't. We don't mean it that way." "I don't care what you mean. That's what it is."

06-01:37:24

Meeker:

How did you feel when he said that?

06-01:37:30

Bodovitz:

Maybe that's how many people feel, but the commission certainly did not intend it to be anti-immigrant, anti-any of that. It's a hot potato not a lot of people are going to want to pick up. And that's why it doesn't get any discussion at all. Is there a good rational answer to that? I don't know. The Chinese have this to deal with and they tried one approach and don't do it

anymore. And yet no one would say if China had another 400 million people, which it would have if it had not had its one-child policy, everything would be better in China. It's really a conundrum.

06-01:38:39

Meeker:

There is a question, a very good question that I heard recently on the radio that says, and I think it was about China, and the question was we're not going to have jobs for all these people.

06-01:38:49

Bodovitz:

Well, we don't have enough jobs here, enough jobs there. But there are also natural resource issues. So apparently, and I'm far from an expert on this, but a great deal of the unrest in Africa and in other parts of the world is resource shortages. Farmers were driven off their land by a drought and invade herder's lands and so they are at war, at least by one reading of this. When the drought sets in people move because there's no water and where do they go? They go to somebody else's land or they go into the cities and upset things in the cities. And we're not immune from that sort of stuff.

06-01:39:54

Meeker:

Do you have faith that maybe not a commission that Bay Vision would have created, but government in general can deal with these problems, even in the United States?

06-01:40:12

Bodovitz:

Yes, because I don't know what the alternative is. Given, again, that we want a free market capitalist society—a dictator could deal with it in a hurry but we're not interested in that. But in a democratic capitalist free market society, I don't see what the choice is except democratically elected or appointed institutions that try to balance things as best they can, which is probably not very perfectly.

06-01:40:51

Meeker:

But in your years of public service do you feel like our leaders have the courage to make hard decisions that might need to be made?

06-01:41:05

Bodovitz:

Well, watching Congress right now it's kind of hard to say yes. I guess the answer is sometimes. Well, since this transcript will last for all eternity and people will not know the exact moment we're talking about, but in the middle of the year 2015 it sort of looks like the country's splitting into irreconcilable blocks and can't do anything and can't figure out how it wants to relate to the rest of the world and how it wants to deal with things at home. And can a democratically elected government put the pieces back together? I don't know. I think it's a really interesting, for want of a better term, time in American history because you just can't see which way we're going. And you have a potential rival, China, that isn't spending any money in the Middle East. It's not trying to put that part of the world together and therefore has resources to spend on challenging us in the Pacific. And Obama's trying to

respond to that with a trade agreement that's, I gather, political as well as economic. And the union pressure has gotten Democrats not to support it. And it may be bad. I haven't read it. Nobody has. I have faith that he knows what he's doing. So I don't know where it goes. Clearly if it fails it strengthens China. If it passes maybe it's bad for the American economy. I don't know. If China gets stronger and stronger, people forget that China hold a lot of our debt. China can do bad things to us whenever it wants to, which I'm sure a president has to remember even if nobody else does.

06-01:43:30
Meeker:

Yeah. It's intractable, isn't it?

06-01:43:32
Bodovitz:

Well, it's interesting for sure.

06-01:43:37
Meeker:

I think that your opinion on this is interesting and germane because you have spent the majority of your adult life working in government and seeing both the possibilities and limitations of what a government can accomplish.

06-01:43:56
Bodovitz:

And much of it depends on the luck of timing. What we did at BCDC you could do in California in the sixties. I don't know that you could do it now because I don't think the political support—I'm not saying it was easy and it happened as it happened in the sixties. But I just don't know that you could do that now. And I don't know that if you got diverse groups together now, they would see as much common ground as we were able to find in those things. I guess to say that another way, in however many years this may all seem like a wildly wonderful period in California when you could do things like that.

06-01:44:57
Meeker:

It just seems like there's not a lot of people out there anymore like a Mel Lane or an Ike Livermore. People who don't bring a real ax to grind, I think, to the work that they've been asked to do.

06-01:45:12
Bodovitz:

Well, there's a theory that California was made a great state because of moderate Republicans of the Earl Warren, Claire Engle, Ike Livermore, Mel Lane sort who just don't—Claire Engle was a senator for a long time. That just don't exist anymore. The lines are harder. When I was working in the legislature, when I was working on bills that were in the legislature, it wasn't that everybody was honest and farsighted. There were plenty of skullduggery. But, as many other people have commented, it wasn't one of these things where you, like Congress is now, where you breeze in on Tuesday and cast a few votes and sleep in your office and go home. Everybody knew everybody, everybody drank with everybody.

06-01:46:15
Meeker:

Their kids played soccer together.

06-01:46:17
Bodovitz:

Yeah, played volleyball in the gym. Knew each other's wives and kids because they went to school. So there was just a kind of personal camaraderie that doesn't exist when all these people are strangers. And how you restore that kind of camaraderie I don't know.

06-01:46:40
Meeker:

Speaking of politics and moderate Republicans, I think when I was doing a background interview or talking to Trav about starting your interview, he said that he doesn't even know if you're a Democrat or Republican and that's just fine with him.

06-01:46:57
Bodovitz:

I have strong views but they're not partisan. I don't think the Democrats are right about everything and the Republicans are wrong about everything. I think the Republican Party recently has lost its way considerably. The notion that the super rich really control everything now I think is partly what unnerves people so much. That you don't run for president on twenty-five dollar donations. You find a zillionaire. Again, I hope when this is read as a piece of history it's a time of despair among people like me about that. But maybe it'll all be straightened out by our—

06-01:48:01
Meeker:

Well, there have been great times of despair in the past and we've reached moments of optimism, right, so—

06-01:48:08
Bodovitz:

Yes, yes. Well, as I hope I said when we started out, the fifties and sixties were a time of optimism in California because the population was young, a whole bunch of people who had been in the Army or Navy or Air Force or whatever during World War II and Korea and had liked California and settled here. So they wanted to help build the state and that was the success of Pat Brown with a first-rate university system first-rate freeway system, first-rate water system. And those were enormous accomplishments but they were of their time. So that when you talk about water development now it was plenty controversial when Pat Brown was doing it but now we just talk forever. And whether anything will come of the Jerry Brown water stuff, who knows. Well, I'll leave this for history, as well. If I were teaching a class in planning at Berkeley I can tell you what the final exam question would be.

06-01:49:29
Meeker:

What is that?

06-01:49:31
Bodovitz:

If the drought lasts five more years, A, what will the population of California be, and B, what will the value of my house be?

06-01:49:41
Meeker:

Good question. I think a lot of people are asking themselves that right now.

- 06-01:49:48
Bodovitz: I know people now who need to move but don't want to give up a rent-controlled apartment and buy a house.
- 06-01:49:056
Meeker: Because?
- 06-01:49:57
Bodovitz: Because of the uncertainty about water. And if there's a mass exodus then what's your property going to be worth? To which I say but suppose there's a drought in the rest of the country and California has a little bit of water. Maybe the population will be greater.
- 06-01:50:16
Meeker: And there'll be greater pressure.
- 06-01:50:19
Bodovitz: And greater pressure. Who knows? Well, it'll be fun to be around to try to figure out what to do under those conditions.
- 06-01:50:26
Meeker: Hopefully it'll be fun to be around. [laughter]
- 06-01:50:31
Bodovitz: Yeah, hopefully.
- 06-01:50:31
Meeker: One of the last sessions I did with Trav was about the climate change sea level rise report that he did at BCDC and there's so much—well, I was going to say there's so much unknown. It's more like there's something known but the unknown is how as a society we're actually going to respond. Are we going to be able to step up and meet the challenges?
- 06-01:50:57
Bodovitz: Well, and California's probably more enlightened than about anybody, except that even Florida, which is hardly a hotbed of liberal or radicalism, the people in Miami built a big system of pumps to try to get them through the next thirty years. One thing climate change thing is doing, I think, among the people who think about it, is it's changed planning horizons. Instead of saying, "I'm going to build a house and it'll be here for a hundred years and my heirs and assigns will live there happily after I'm long gone." You now think, "Well, I can get a thirty-year loan to build a house." So if it lasts thirty years I pay off the loan, then our kids can figure out what they want to do next. And inevitably, I think, it's brought about a kind of short-term focus. I have a friend who talks about climate change and sea level rise in Florida and he says the first question people ask when they come up to him after the talks was, "Can I wait ten more years before I sell? Do I have ten more good years here?"
- 06-01:52:18
Meeker: And what was his answer?

06-01:52:20
Bodovitz:

The guy says, "I wish I knew." You can read projections that the scientists are being too conservative and sea level rise going to happen faster than we think and you can read other people who say, "No, it's going to be slower." Nobody knows for sure. You have a lot of people who are making predictions with great certainty on the basis of their reading and computer projections. But we're not even in the ballgame, it seems to me, with what's going to come with sea level rise. And I'm curious about why the Brown administration hasn't done more about that visibly. Maybe because it just scares everybody and that's not what elected people like to do. I tend to think I would have had the resources agency really trying to say what should the state's response be. What's the relationship between state and local government that's going to make a difference? Are we going to leave it all up to each city council to decide when to build dikes and where?

06-01:53:41
Meeker:

Well, I'm surprised that Brown hasn't taken a bigger role on this, especially because I would think that this has got to be his last term in office and that why not take some risk.

06-01:53:58
Bodovitz:

Well, that's what I think. And if he's worried about his legacy I'd rather be the guy who said these are the things my successor needs to do than the guy whose only focus is on cutting greenhouse gas emissions, which is essential, and the leadership in that is really wonderful. But meantime the seas will be rising at home and it won't happen until he's long out of office. In Mill Valley, our county supervisor has taken the lead in one very low lying area in trying to get everybody who puts in a new development of any kind to either build or I guess contribute to a fund for an ultimate dike. Because if you've got a thirty or forty year loan on your new building or that expectation of it lasting that long, you can't count on not being flooded out repeatedly. And the interesting thing about building dikes around areas like that—I think it was Balboa Island but one of the islands in Southern California, Newport Beach, homeowners wanted to build dikes around their island. And a couple of homeowners said, "No, it would ruin my view and I'm not going to do that." If one guy doesn't build the dikes something's wrong with this picture. So do the others compel him or her in some way? Those are the questions of the near-term, it would appear, and so who's working on those?

06-01:55:53
Meeker:

And then also the BCDC report put some uncertainty into those ameliorative measures because in some ways they would constitute bay fill or something along those lines and so there's a lot of hard decisions that need to be made.

06-01:56:15
Bodovitz:

Well, and people need to be at least thinking about them. If there's any good aspect to the climate change stuff, is it's not going to happen tomorrow. It isn't the sky's going to fall in before we can even gear up to think about it.

But it's not something people want to be reminded of and think about. But the drought is obviously, coincidentally or otherwise, all the stuff I read, is the drought is made worse by climate change and the resulting effect on agriculture, wildlife, people. There are very plausible connections between heavy rain in the east and the drought here and different air currents. There are explanations for it, that the climate change is affecting, if that is in fact what's happening. I would guess that the two institutions that are thinking the most about it are the CIA and the armed forces and insurance companies. Because it may be that the action will come in the form of insurance companies not willing to insure property, as they sometimes do now in hurricane areas and areas of flooding. I wouldn't want to own stock in a company that had a big exposure to an area that was going to be flooded out repeatedly over the next thirty years. [Still, its going to be costly, and we should be doing a lot more to be prepared than we are now.]

06-01:58:02

Meeker: Should we wrap up?

06-01:58:06

Bodovitz: Yeah, if you think we're—

06-01:58:06

Meeker: I think so but I want to give you an opportunity to say any final thoughts if you have anything that you'd like to add or felt like we didn't cover that you'd want to touch on.

06-01:58:17

Bodovitz: Well, as you've made me reflect on the distant past, really my whole working life, it's been a really interesting time. But I am very mindful of the things that I was able to work on and enjoy working on and I think were of value happened because it was a particular period and a particular piece of geography and probably are not universally applicable to anything. I have kids and grandkids in California and spend a lot of time wondering what their lives are going to be like, what the tech world is going to bring to the table to help solve things like this, if anything. And I don't think moving everybody to Mars is what it's going to take but who knows.

06-01:59:20

Meeker: Okay. All right. Thank you very much.

06-01:59:22

Bodovitz: Thank you very much.

[End of Interview]