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Oral History Center
The Bancroft Library

University of California
Berkeley, California

Mel Nutter
Mel Nutter: California Coastal Commission Oral History Project

Interviews conducted by
Todd Holmes
in 2017

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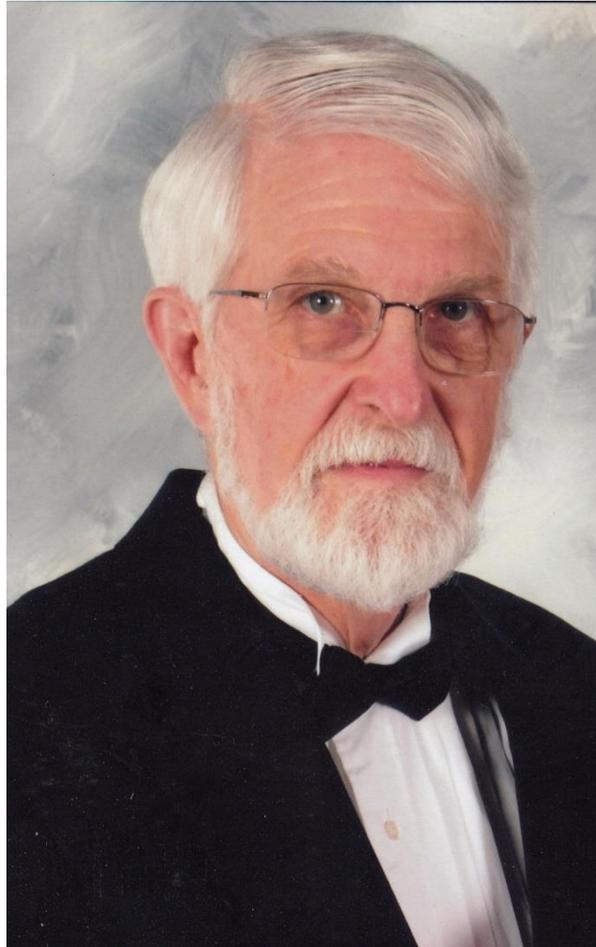
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Mel Nutter, 2008
Photo courtesy of Mel Nutter

Mel Nutter is an environmental lawyer and coastal advocate in Long Beach, California. He was active in the 1972 Proposition 20 campaign that created the California Coastal Commission, and served on both the South Coast Regional Coastal Commission and the State Coastal Commission between 1977 and 1985. Afterward, he continued to be active in an array of coastal issues that went before the commission, and has served in executive capacities on the Sierra Club Coastal Committee, the Long Beach Environmental Advisory Committee, and the Amigos de Bolsa Chica.

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Introduction by Shirley Dettloff

I have known Mel Nutter for over forty years, as both a dedicated environmentalist and as chair of the California Coastal Commission. Our careers took us in very different directions, I as a teacher and Mel as an attorney, but we shared one very important issue: the love and protection of the California coast. Both of us live in coastal communities, Mel in Long Beach and I in the neighboring city of Huntington Beach. I first became aware of Mel when I saw him in action, conducting a meeting of the California Coastal Commission in a hotel near the Los Angeles International Airport. It was a very contentious meeting with hundreds of people in the audience, voicing loud opinions. Mel kept everything in order by using a quiet, but firm control over the large audience. He did it with humor and a lawyer's understanding of how a state hearing should be conducted. Right there I became a supporter of his, knowing that anytime I had to appear before the commission it would be done professionally and legally, and my issue would be decided on its merits.

As time went on, I would have many opportunities to appear before the commission. And by the time Mel's term on the commission was up, my relationship with him was just beginning. Although I started as a teacher, politics soon got in the way and eventually won out. I was also testing my wings as a community activist and soon was a member of the League of Women Voters, the Huntington Beach Planning Commission, and later an elected representative on the Huntington Beach City Council. As a League member, the Bolsa Chica Wetlands became a vital issue, and for the next four decades a dominant factor in my life. I am a founding member of the Amigos de Bolsa Chica, a group that worked to save this important natural resource. During this time Mel was someone that you could always go to for advice. Not only did he have a legal mind, his scientific knowledge was excellent. Indeed, it was quite a combination.

When Mel had to leave the Coastal Commission, he did not leave the environmental community, as he continued to be very active throughout the state. I joined a state-wide organization formed by Mel, which had the ability and expertise to produce important legal and scientific reports that inform both policymakers and the public. Mel knew politics well, and was friends with most of the influential elected officials throughout the state. He could pick up the phone and call these friends when faced with a difficult legislative decision. In 1992, I became a member of the Huntington Beach City Council and eventually was appointed to the Coastal Commission. During this period, Mel was someone I could always call on for advice and the sharing of his thoughts and experience from his past service has often proved invaluable. Mel never gave up his environmental credentials, and he and I were both asked to be on the Amigos de Bolsa Chica Board of Directors. Today this is where we both stand, he offering legal and I political advice in the effort to protect California's coastal resources. As he has always done, he serves with grace, humor, and professionalism; his actions guided by what is right rather than what is popular. The world needs more people like Mel Nutter, someone who addresses an issue with facts, down-to-

earth reasoning, and a deep, dedicated love of California's coast. He is one in a million, and I feel privileged to call him a friend.

Interview 1: April 11, 2017

01-00:00:00

Holmes:

This is Todd Holmes with the Oral History Center at UC Berkeley and I have the privilege of sitting down today with Mel Nutter for our California Coastal Commission Oral History Project. Today's date is April 11, 2017 and we are here at Mel's house in the beautiful city of Long Beach, California. Mel, thanks so much for sitting down and being one of our first interviews in this exciting project.

01-00:00:30

Nutter:

My pleasure. And it's kind of exciting to go back and try to remember and review a number of years' worth of coastal matters.

01-00:00:41

Holmes:

Indeed. Well, why don't we start off with a little bit of your background. You were born actually in Bakersfield, California, in the valley instead of on the coast you spent so many years protecting.

01-00:00:58

Nutter:

That's right, although my time in Bakersfield was broken up by a couple of moves since my father was a petroleum engineer, which is the reason I started out in Bakersfield. And then we moved to actually Long Beach for a short stint and then back to Bakersfield for most of my earliest schooling.

01-00:01:23

Holmes:

And he was a petroleum engineer with what company?

01-00:01:26

Nutter:

Shell Oil.

01-00:01:27

Holmes:

Okay. So he worked for Shell.

01-00:01:29

Nutter:

Which made for interesting things happening as time went on in terms of my coastal career.

01-00:01:36

Holmes:

Oh, I'm sure. I'm sure. Describe a little bit, how was it growing up in Bakersfield. It is a far cry from the coast in many respects. Was it just kind of a normal childhood? Did you develop a love for the outdoors while you were there, as well?

01-00:02:00

Nutter:

My childhood, I don't know whether I can say it was normal or not since it was the only childhood I ever experienced. But I did develop a real love for the outdoors because my father would take us camping, mostly to the Sierras during the summertime. And so that was kind of an exciting thing to do, backpacking as a youngster and that sort of thing. And we'd also get to leave

Bakersfield confines to go look at the stars and see meteor showers and a variety of things that are harder to see now in the midst of a big metropolitan area. And, in addition, as I think I may have indicated, far from the ocean, not really thinking about the Pacific Ocean that became such a big part of my life later on. But my father, as a petroleum engineer, was interested in geology and we even found some very ancient sharks teeth on one of our trips, several million years old. And I don't know what ever happened to those teeth but it sort of suggests that sea level rise is not an absolutely new phenomenon.

01-00:03:40
Holmes:

[laughter] No, not at all. It's an interesting parallel of seeing that, as we'll discuss in our sessions together, how much the coast did play a large part in your career as a lawyer, as a conservationist. But even early on you were drawing those same kind of teachings and parallels from a couple hundred miles away over in the Sierras, as well.

01-00:04:10
Nutter:

Absolutely.

01-00:04:11
Holmes:

Absolutely. And then you went to Pomona College, is that correct?

01-00:04:16
Nutter:

I did. Actually, after my first year of high school we moved to Alhambra, so I've been down here in Southern California except for law school ever since then. But after high school it was off to Pomona College, where I spent four years and majored in a joint philosophy/history major.

01-00:04:45
Holmes:

Well, of course, I can only approve of that major. That's really important.

01-00:04:50
Nutter:

Especially the history part.

01-00:04:52
Holmes:

[laughter] So let's see. And you graduated in 1961, is that correct?

01-00:04:59
Nutter:

I did indeed.

01-00:05:01
Holmes:

Then you went up to my home office now and did law school at UC Berkeley?

01-00:05:11
Nutter:

Yes, then known as Boalt Hall.

01-00:05:14
Holmes:

Yes, Boalt Hall. And you got your JD in 1964?

01-00:05:21

Nutter:

That's right. I did. They later on changed the degree from a doctor of jurisprudence—I guess it was a bachelor of laws to begin with. So one of the interesting things, not that it has much to do with the current tale, but I had for many years on the wall in my office a diploma signed by the wrong governor because they issued new diplomas after graduation to reflect the doctor of jurisprudence rather than the bachelor of laws degree.

01-00:06:08

Holmes:

Oh, wow. So you had your diploma signed by Ronald Reagan then?

01-00:06:13

Nutter:

Yes.

01-00:06:14

Holmes:

Later on.

01-00:06:14

Nutter:

Although I graduated before he became—

01-00:06:17

Holmes:

Under Pat Brown still.

01-00:06:17

Nutter:

Yeah.

01-00:06:18

Holmes:

Well, there's nothing wrong with the signature of Reagan on your wall, I guess.

01-00:06:27

Nutter:

Well, it was a good test for clients trying to figure out how I could have graduated in 1964 and had Ronald Reagan sign the diploma. It must have been a forgery.

01-00:06:43

Holmes:

Were there specific fields of law that you decided to focus on during law school or was it more just kind of the general and then take the bar?

01-00:06:52

Nutter:

My experience was very general. In fact, I didn't decide to go to law school until the last year of my undergraduate work and wasn't really sure what a law career would look like. I sort of debated between doing graduate work in history or going to law school. And I thought I knew a little bit about what would be involved in a history path and I had almost no clue about the law, so decided that was what I'd try and if it worked, great, and if it didn't, I could do something that I was more familiar with.

01-00:07:34

Holmes:

So you passed the bar in 1965 and then moved here to Long Beach?

01-00:07:45

Nutter:

I did. I wasn't quite sure where I was going to land upon graduation. But I interviewed at a number of places and finally got, for me, at least, a fairly attractive offer from the oldest law firm in the city of Long Beach. It was then called Denio, Hart, Taubman & Simpson. Mr. Denio having been the one that incorporated the city.

01-00:08:19

Holmes:

That's true.

01-00:08:21

Nutter:

He was long gone by the time I arrived.

01-00:08:25

Holmes:

And the firm, it was not just the oldest but it was also considered one of the more prestigious law firms of the city, is that correct?

01-00:08:35

Nutter:

There were far fewer law firms and far fewer lawyers here when I arrived than there are now and it certainly was a highly respected law firm. It had some significant clients. Some of the old Bixby family, folks that had major landholdings here in the city were—actually, there are two branches of the family, both being major players in Long Beach when I arrived. So the firm had quite a portfolio of clients doing essentially almost anything and everything from a civil standpoint. It didn't have a criminal practice.

01-00:09:33

Holmes:

And your legal focus there at the firm, you did a lot of trusts, deeds, and probate.

01-00:09:41

Nutter:

Yeah. I did some estate planning and some trust work. I did a mishmash of civil things. And I can't say I was really specializing in anything. I was the junior associate there and so I was called upon to do a variety of things.

01-00:10:07

Holmes:

As the work came in, correct?

01-00:10:09

Nutter:

That's right.

01-00:10:12

Holmes:

Well, it was during this time, when we think about Proposition 20 and the campaign for that, beginning in late 1971 and early 1972, that your work with the Sierra Club kind of began to steer you towards thinking more about natural resource, land use, and environmental law, is that correct?

01-00:10:40

Nutter:

Well, when I came to Long Beach, one of the first things I did in order to make my acquaintance with folks here in the city was to join the local Sierra Club group. So that fit in with some of my earlier hiking and outdoor activity

and that, since Long Beach is on the coast, led to an interest in all of that. And, as a matter of fact, I now recall that the old Rainbow Pier that no longer exists was sort of out in the water in a kind of an interesting place that I would go for walks along during my lunch hour and it also happened to be, as I later learned, the place that my father had proposed marriage to my mother some years earlier.

01-00:11:46

Holmes:

Oh, wow, what a coincidence. It's interesting, on that note, when we think of the Sierra Club, most associate it with its founder John Muir and saving forests, saving mountainous regions from overdevelopment. But here it seems in Long Beach the Sierra Club was very much entwined with, of course, the ocean that's right there.

01-00:12:20

Nutter:

Well, that's right. Obviously Sierra Club folks are going to be paying attention to the environment that's near them as well as beyond their immediate range. So, sure, there was clearly a concern about the water and the coast and that sort of thing. I got involved, ultimately became the chair of the Long Beach group of the Sierra Club and that led to some other Sierra Club activities that got me involved a bit more in coastal matters.

01-00:13:05

Holmes:

Well, let's discuss Prop 20—was that one of the first kind of coastal matters, coastal issue campaigns and activities you got involved with?

01-00:13:21

Nutter:

Well, when Prop 20 was first being considered I was not really political in any major sort of sense. And yet the Sierra Club was certainly supportive of that proposition. And so one of the first kinds of things that I involved myself in was going around the neighborhood collecting signatures to try to qualify that Prop 20 initiative for the ballot. I must confess that before that had happened, I really was not very well acquainted with the earlier coastal efforts for legislation, although I certainly was aware of how the earlier oil spill in the Santa Barbara Channel had kind of triggered all kinds of environmental concerns focusing in large part on the coast.

01-00:14:32

Holmes:

How would you describe the Prop 20 campaign here in Long Beach and the South Coast? What thoughts come to mind?

01-00:14:41

Nutter:

I'm not really sure how widespread in Long Beach the efforts to push it were. I do recall that we had folks at the Sierra Club's group meeting talking a bit about it. And obviously somebody got me to carry a petition around. So there obviously was some activity there. But Long Beach was considered a fairly conservative place politically. Actually, I guess there was both a morning and an evening newspaper. One was known as the *Press Telegram* and the other the *Independent*, or maybe it was called the *Independent Press Telegram*. The

powers that be in the city, which were very hooked in to what that publication generated in terms of its focus and its editorial attitudes, were such that the paper wasn't going to be very supportive of such a radical statewide arrangement [Proposition 20], I think in large part because Long Beach ought to know what's best for Long Beach and the so-called power structure didn't want anyone interfering with its development or other plans and were very concerned about that.

01-00:16:30

Holmes:

Well, it's interesting you mention that—to think of those kind of political dynamics because even in, say, larger Orange County as a whole, this was a type of sentiment that many thought was widespread and on many other issues it was. And yet, when it comes to Prop 20, the proposition was able to squeak by just a little bit in Orange County, of all places, which a lot of people have thought that was pretty amazing.

01-00:17:04

Nutter:

Well, and if you look at public opinion polls running the gamut from way back then to very recently, you'll see there is widespread support for protecting and preserving and at least using the coast in a wise fashion. So I suppose that isn't too surprising. I don't even remember when the Beach Boys appeared on the scene but there's always been this connection, particularly in Southern California, between the ocean and the beach and the population.

01-00:17:51

Holmes:

Yeah, of course. I guess what I was meaning by surprising was that most people just look at Orange County I guess through that political lens, as the crucible of California conservatism. Your kind of Goldwaterites, later your Reaganites. But I think you're absolutely right that there is an overlap there.

01-00:18:13

Nutter:

Well, and keep in mind that an awful lot of people don't pay a whole lot of attention to politics. I think that's always been the case. And it strikes me as an unfortunate bit of the case. But it may well be that the so-called movers and shakers in Orange County and Long Beach weren't exactly mirror images of what the rest of us, the great unwashed who weren't thinking in terms of the next development we might be able to push through or the control that we might have over some issue.

01-00:18:58

Holmes:

No, certainly not. You mentioned the *Long Beach Press Telegram* and you were able to share with me the editorial that you wrote, I believe on October 12, 1972. Was that your first kind of act of political activism, if you will, or at least speaking out on an issue?

01-00:19:22

Nutter:

Well, it certainly was the most public one. It wasn't really an editorial. It was a letter to the editor in response to *Press Telegram* editorial material that let its readership either know or believe that this proposed Coastal Commission was

really a very bad thing and had a lot of assertions that I didn't think were accurate or appropriate. And since I was already involved in the cause, if you will, having circulated a petition to help get the initiative on the ballot in the first place, when I saw the really major editorial effort that the *Press Telegram* was making to try to persuade at least folks locally to vote against the proposition, it inspired me to write that letter. So I did. It was kind of fun in a sense because they didn't edit it at all. They printed it exactly as I had written it in the morning edition. And then in the evening edition of the paper they printed it again in full but they had below the editor's rebuttal to my letter. First time I had ever seen such a thing happen in that paper. Made me think I had touched a nerve.

01-00:21:09

Holmes:

I think so. Yea, for the opinion editors to put out a rebuttal against it in the evening edition certainly suggests that.

01-00:21:22

Nutter:

Well, I've certainly seen other publications from time to time doing that sort of thing. But I think, if memory serves, the rebuttal was about as long as my letter.

01-00:21:36

Holmes:

[laughter] So you certainly did touch a nerve. I know you mentioned that the power structure here in Long Beach was very much tied to the local newspaper, which is more times than not the case in any kind of city. But what were your thoughts of why not just the editors opposed Prop 20, but also then felt the need to make a comment on your letter?

01-00:22:07

Nutter:

Well, they had obviously invested a fair amount of editorial effort to indicate how terrible this proposal was. It was clear that this was more than the typical editorial. It takes, what, a quarter or less of the editorial page, although I may be mixing up when certain things happened. I do recall at some point there was two full pages of editorial analysis. And I use the term loosely because it certainly didn't seem to me to fit the real facts. So they were really invested in that. And the fact of the matter is that with the election that approved Prop 20—although I think it was, what, fifty-five to forty-five percent roughly for the statewide result—that election in Long Beach it was the flip.

01-00:23:29

Holmes:

It was.

01-00:23:30

Nutter:

We had about 55 percent of the voters voting against it. Didn't quite work out for the city the way they had hoped it would. That's what happened.

01-00:23:46

Holmes:

There was also other reactions, because your letter seemed to not only touch a nerve with some of the editors there at the *Long Beach Press Telegram*, but

also you were mentioning in some of your notes that the reaction of some of your law clients weren't overly positive in regard to your involvement in this.

01-00:24:10

Nutter:

I didn't hear from any of them directly. The partners that I was working for got a little communication. Somebody picked up the phone and wanted to know who this young whippersnapper was—they knew that I was there at the firm, otherwise they wouldn't have known who to complain to. I can't really call it blowback. It was just, "What in the world's going on here?" It did not professionally cause any problem or difficulty, at least none that I was aware of.

01-00:25:00

Holmes:

None that you were aware of.

01-00:25:01

Nutter:

I wasn't given my walking papers at that point.

01-00:25:03

Holmes:

But that someone did pick up the phone, it at least signals that you again touched a nerve.

01-00:25:09

Nutter:

Well, the good news from the paper's standpoint is somebody was reading the paper.

01-00:25:13

Holmes:

Yes, that's true, very true. And in today's world, we often see that as really good news, right?

01-00:25:20

Nutter:

[laughter] That's right.

01-00:25:23

Holmes:

I wanted to talk a little bit more about the campaign and kind of take a bird's eye view of it. Your comments about here on the South Coast of how Prop 20 was looked at on both sides, it really struck me—usually within, I guess, the kind of lore of the Coastal Commission, the origin story is often debated. Was it because of Sea Ranch up in Sonoma? And then I've also talked to those who were down here on the South Coast, who said, "Hey, we had a number of controversial projects that were also developing, a lot of new developments, a lot of angst among coastal conservationists, and others." They too were really rallying that we needed some kind of agency to at least regulate development on the coast. What is your view on that?

01-00:26:23

Nutter:

Well, my sense is that, of course, there is the predecessor, BCDC agency, so there was kind of a model framework for doing something statewide. But my impression is that folks, not so much here in Southern California, were pushing for that. But the legislative effort that several folks were engaged in

involving Alan Sieroty, for instance, who was a Southern California legislator. He was then in the assembly before he went on to the senate. You had John Dunlap up from Northern California, who was one of Alan Sieroty's colleagues. And you had Ellen Stern Harris down here, who was kind of concerned about what might be going on in terms of the larger coastal picture. She was, I believe, a consumer advocate associated with the *LA Times* at one point in time. I can't say there was a big group of folks in Southern California, for instance, that really were alert and aware of all of that. My focus was sort of narrow and in Long Beach at that point. And, of course, the Sea Ranch matter was something that Northern California people were very much concerned about. You had, of course, the 1969 oil spill in the Santa Barbara Channel, which generated interest. But in terms of a variety of specific projects down here, I suspect that they were a greater influence on the electoral effort once Prop 20 wound up on the ballot. For instance, I talked about an area in Long Beach that certainly played prominently in terms of why some folks thought there ought to be a Coastal Commission or some coastal planning scheme of things that would come into play. But I think the focus, for instance, of what happened along the Long Beach coastline was more a function of pushing Prop 20 over the top than it was anything that happened to get the proposition on the ballot in the first place.

01-00:29:27

Holmes:

I'd love to hear that story.

01-00:29:30

Nutter:

Ocean Boulevard is a stretch between downtown and the, I sometimes like to say, down coast. We're looking south when looking at the ocean, even though it's called the West Coast. The directions get a little confusing. So from downtown Long Beach to the east end of town or the south, the down coast area, there's a significant park area, Bluff Park, that's been there for many, many years. On the landward side of Ocean Boulevard the city fathers, in their "wisdom," and I put wisdom in quotation marks, had decided to, and did, create what they called an R5 zone for that entire strip across from the park, which required all new structures between the roadway and the alley. In other words, half a block in depth. All of those structures had to be at least five stories high. Most of the structures there in the 1970s were one story or two stories. They were single family. Some of them had been converted into slightly larger places. They were the old structures that had been built years ago on Long Beach and there was an effort to sort of recycle the area into this high rise scheme of things. There were a couple of buildings that had been built consistent with the R5 zone, including one called the Galaxy, which now sort of sticks up as a sore thumb. Some of the 45 percent of the folks from Long Beach, I guess, who voted against the proposition were pointing to that and citing it as an example of why the planning folks here in the City of Long Beach ought not to just create what they called then—I don't know whether it's politically correct anymore—a Chinese wall. But that's what they described as being what might happen. Of course, the neighbors on the back

side were concerned about things like being in a shadow most of the day. But it would have changed the character of that area substantially. Between lawsuits and, in fact, one that I got involved in as an attorney involving one of the developers who wanted to build one of those high rises there before I became a coastal commissioner, sort of sparked a lot of local interest.

01-00:33:14

Holmes:

Oh, that's really interesting. And, again, it's those kind of stories, one of the many reasons why we want to do these type of interviews, to try to find that back story.

01-00:33:27

Nutter:

I'm remembering it was David Cardinale, I think was his name, and he owned a number of the parcels there. I don't really remember the details now because we're talking about a half a century ago roughly. Lots of shoving and pushing. It worked out well ultimately.

01-00:33:58

Holmes:

I know the more these type of conversations happened up and down the coast, what I've come to realize over the last few years is that there were so many of these kind of local developments. Like the Irvine development, Avco, Sea Ranch. And then, of course, as you were talking about, even in other cities, these somewhat smaller developments. Maybe just a few buildings or more. But the threat of what this could do to these certain parts of the coast really got the people involved.

01-00:34:40

Nutter:

Well, and we've still got some of the issues here in down coast Long Beach that haven't quite been resolved that were part of the discussion back in the 1970s. Some of the development and planning issues still are very much alive.

01-00:35:03

Holmes:

Oh, I bet. On the broad level of the campaign, who do you remember as some prominent supporters of Prop 20? Politicians or maybe celebrities?

01-00:35:18

Nutter:

Well, I'm recalling that Jim Mills, I think he was the president pro tem of the senate and therefore the chair of the senate rules committee from San Diego. I seem to recall that as a publicity stunt, or a good exercise stunt, he did a bicycle trip down the coast from somewhere to San Diego.

01-00:35:52

Holmes:

Yes, I believe he went all the way from San Francisco.

01-00:35:54

Nutter:

Yeah.

01-00:35:55

Holmes:

Yeah, down to San Diego.

01-00:35:56

Nutter:

Yeah. And, of course, he's part of my story ultimately, anyway, as a coastal commissioner. But at that point he certainly was one of them. And, of course, Alan Sieroty would have been an important player. The truth of the matter is that I wasn't all that politically savvy about some of the things going on. I saw things in the newspaper, I guess. As I think I said at some point, I was just kind of feeling like I was a foot soldier dealing with some of these issues rather than even knowing exactly who the generals were.

01-00:36:50

Holmes:

Sure, sure. Others I've talked with have made the same observations, saying that during the Prop 20 campaign they could name a few of the politicians who were out in front trying to support it, getting it moving, but otherwise it was an initiative that had localized leadership and support. Essentially there was no one group of leaders that they could say that were heading up Prop 20.

01-00:37:22

Nutter:

You had some really important folks that weren't elected officials like Janet Adams who really was an important part of the scheme. And I probably didn't even know about her during that period of time. It was really a grassroots effort. As I recall the tales afterwards, the four hundred and some odd thousand signatures that were required were collected in, what, thirty-five days or so without paid signature collectors. Part of it was wonderful happenstance of having the League of Women Voters having a convention, I was told, just about that time and having a lot of those petitions sort of magically winding up there and then being scattered about the state in a fashion that allowed it to get the required number of signatures almost in the blink of an eye.

01-00:38:40

Holmes:

That's really interesting. As you said, to get that many signatures without going through a paid service, even at that point, it's funny to kind of guess that Prop. 20 might be one of the very few initiatives passed in the last forty-some odd years or fifty years that hasn't had to use paid signature gatherers as we see today, right?

01-00:39:07

Nutter:

Yeah. Paid signature gatherers is the norm at this point.

01-00:39:12

Holmes:

Oh, absolutely. And I know even in the 1970s they were beginning to use it then, as well. What were your thoughts or even some of your memories of some of the other kind of activism from that proposition?

01-00:39:27

Nutter:

Well, one of the people that I worked with and was acquainted with and still occasionally stay in touch with, although he's now living in Hawaii, is a fellow by the name of Don May. I'm not sure which hat he was wearing at the time in terms of his career at that point but he was certainly active in a variety

of ways relative to organizing and so forth. Warner Chabot, whom you may well have talked to, or if you haven't, you should, is somebody who, as a fairly young fellow, was heavily involved in the initial Prop 20 effort. He's the one that will tell the story of what happened to billboards here in Southern California, where the opponents to the proposition had put "Don't lock up the beach. Vote no on Proposition 20." Or that's pretty close to what the billboard said. And Warner and some other folks, I guess, got some high school kids and silkscreen work to run around the Southern California area putting up "Vote yes," over the no on those billboards. That was all done, as I recall, very shortly before the vote itself. I don't know how much of an actual impact it had but it was kind of a wonderful funny story.

01-00:41:31
Holmes:

Oh, that is. Especially how you didn't even have to change the advertisement around that. The wording certainly resonated with those who wanted to vote yes and were proponents, right.

01-00:41:47
Nutter:

Well, and the folks that wanted to vote no, or at least the ones promoting it, probably did want to lock up the beach. A little truth in advertising.

01-00:42:00
Holmes:

Speaking of advertising, I also came across in the research on the commission how proponents of Prop 20, the proponents of the proposition were able to go through the FCC for equal time.

01-00:42:24
Nutter:

Yes.

01-00:42:24
Holmes:

Do you remember anything about that?

01-00:42:29
Nutter:

At the time I'm not sure what I remember. It's funny. When you go back and you look at a lot of history or you try to remember things, memory can do a strange and funny things. I've certainly seen video presentations involving some of the folks that were involved and so I'm certainly well aware of the story about going to the Federal Communications Commission folks and, in effect, forcing local media outlets, TV stations, to provide air time to run commercials in favor of the proposition. And, of course, that piece of the law no longer exists. But I suspect that it did have an impact. And since there were far fewer TV stations or ways of getting your information or misinformation, it probably had a much larger impact than running a TV ad now might.

01-00:44:03
Holmes:

Absolutely. What are some of your thoughts, broadly speaking, of the coalition of support? I know, again, a lot of these were localized. So your thoughts even here in Long Beach or on the South Coast, of perhaps the diversity of support.

01-00:44:07

Nutter:

I'm not really sure how to respond to that. Some of us certainly over the course of time have become much more sensitive to issues of diversity and who is and isn't able to, for instance, access the beach. That really wasn't, I guess, a whole lot of my focus at that stage of the game. So I'm not really sure. In fact, I guess I'd have to go back and look at my notes to figure out exactly when I became the co-chair and then the chair of the Sierra Club's Angeles chapter Coastal Committee. But in working with a variety of people out of LA, primarily LA, but some Orange County, I don't seem to recall that we were paying a lot of attention to racial diversity, for instance, or that sort of thing. But on the other hand there was sort of the larger picture of the beach ought to be available to everyone.

01-00:45:55

Holmes:

To all, yes.

01-00:45:57

Nutter:

We were playing up the California provision in its constitution relative to the right to access to navigable waters and using that as part of the justification for the proposition to help implement what some of us perceived as being a right that the public had. And defining who the public was I suppose for me sort of became something I latched on to more aggressively later.

01-00:46:37

Holmes:

Yeah, sure. And of course when we think of the coalition, it's not just racial diversity but also class and generational diversity within that.

01-00:46:46

Nutter:

Oh, absolutely. The great unwashed, so to speak, couldn't get there.

01-00:46:55

Holmes:

No, which, again, it's really one of these very few issues if we think of the 1960s and 1970s and how much turmoil there was politically—that people came together.

01-00:47:11

Nutter:

Yeah. It's funny. As I think back over my life and what I was aware of from time to time, I came to Long Beach in, what, 1965.

01-00:47:27

Holmes:

1965.

01-00:47:29

Nutter:

And joined this firm that essentially everybody was a pretty conservative Republican. I was a registered Republican at that point in time and I don't even remember whether I ever was registered as a Democrat before then. It was kind of the beginning of my career and these are the people I'm dealing with and working with and I wasn't really focusing on what a whole lot of other folks in the 1970s were focusing on. I suppose the first little taste of some of that may have come right after I got out of law school and before I

had a job, when I would go over to the UC campus and listen to Mario Savio and the Free Speech folks haranguing about things. But it didn't really hit me, I suppose, until after I started dealing with environmental issues, which kind of opened my eyes to a variety of social concerns.

01-00:49:02

Holmes:

I know we touched on this a little bit but what were your thoughts on regionalism? And, again, it may be something that you weren't thinking of then. But in regards to a broad memory of how Prop 20 was perceived and kind of worked out on different places of the coast. Sometimes the California coast is discussed as almost monolithic, yet it's extremely different. The North Coast is much different than the South Coast and vice versa.

01-00:49:42

Nutter:

Oh, yeah. It's got really a variety of different environmental and political and societal and geologic and geographic issues. And as I look back on it, it's a little hard for me to sort out what I was thinking back in the 1970s because by the time I was booted off the Coastal Commission by good old Willie Brown, I sort of looked upon the entire coast as kind of my kingdom or province or dukedom, and with kind of a proprietary feeling about what was happening, whether it was up at the Oregon border or down at the San Diego border, and recognized, of course, that there were huge differences as you went up and down the coast. But trying to go back and sort of resurrect in my mind how I perceived that at the beginning is a little difficult because I was really far more parochial, I think, in my view of things. Although I'd been to San Francisco, I'd been up and down the coast, I knew where Monterey was, it really wasn't quite the same thing in terms of my experience or my view of California.

01-00:51:26

Holmes:

A lot of people go through that same thing. The California coast is 1,100 miles long. As one who lived on the East Coast for graduate school for about six years, my family jokes as we're driving to LA, say, from Sacramento, of how many states we would have driven through if we were on the East Coast and here, we're still in the same state.

01-00:51:51

Nutter:

Sure. Yeah, yeah, I know.

01-00:51:53

Holmes:

And to bring it back to Prop 20, even Peter Douglas, I think, had the same experience. A story that was related to me was how, when Peter would go up to talk to supporters in the North Coast in regard to the Prop 20 campaign, the North Coast was so vehemently against the proposition. You really had to meet out in the redwoods behind the third redwood off of this sign post. You had to go out there almost in hiding. It was pretty bad. Tensions were high.

01-00:52:37

Nutter:

Oh, yes. No. And tensions remained high.

01-00:52:44

Holmes:

Yes, yes. Which I hope we can get to. Now, again, I know you said you weren't paying that much attention to politics. Is there anything that sticks out in your mind in the structure of even party politics? You mentioned some of the Democrats that were in favor. You were, of course, one of the moderate Republicans who were also in favor. Were there other kinds of Republican supporters or opponents that kind of come to mind when thinking of that?

01-00:53:14

Nutter:

I wasn't really looking at folks in terms of party affiliation. I obviously knew that the senate rules committee was Democratic. I didn't really have much of a sense of that. I really didn't. It was more that some of the local folks here in Long Beach serving in non-partisan elected positions, I may not have even known what their party was. A city council person was a city council person. And party affiliation may have been rather important back then but I wasn't really aware of it. And when you were dealing with folks that thought the proposition either should or shouldn't be supported, it was more a matter of where they were in terms of their livelihood, their activity. Were they a developer? That sort of thing. I wasn't focusing on that in terms of party affiliation.

01-00:54:51

Holmes:

Okay. Yeah. I know the Reagan Administration wasn't a supporter of the proposition. But it's also questionable, the evidence that they were really out in opposition either.

01-00:55:07

Nutter:

Well, it's funny because, of course, the initial chair of the Coastal Commission and one of my favorite Republicans that I ultimately became acquainted with Mel Lane. Reagan is viewed through different prisms over different decades, I guess, by different sets of folks. But he made some really good original Coastal Commission appointments. I'm not a mind reader. Mel Lane was, of course, the initial chair of BCDC and so he had some kind of a track record that Reagan or his advisors would have been alert to. And I don't know what kind of financial contributions Mel Lane made to the Reagan folks. But all of that was after the proposition was in place.

01-00:56:29

Holmes:

Sure, sure. You're absolutely right. From at least the oral histories I was able to read from Mel, Mel always credits Ike Livermore within the Reagan Administration for that appointment. Which is not to say that, of course, Reagan himself wasn't attuned to trying to protect and conserve the environment either.

01-00:57:00

Nutter:

Yeah. Well, you can do your "when you've seen one tree, you've seen them all," or whatever it was he was supposed to have said. But then you have to look at action as well as rhetoric.

- 01-00:57:15
Holmes: Absolutely. And it's funny because that's really one of those realms, particularly as governor—to use Mel Lane's term, Reagan really had a darn good environmental record, in one way or another, as governor.
- 01-00:57:34
Nutter: Well, and when you compare him to some folks that have followed, sure.
- 01-00:57:41
Holmes: Yes. Usually when we talk about Prop 20, as well, we think of the business opposition. Of course, the proponents were outspent—
- 01-00:57:56
Nutter: Yeah, whatever it was.
- 01-00:57:57
Holmes: —yeah, 10 to 1, or 100 to 1. It depends on whose arithmetic we're using.
- 01-00:58:02
Nutter: And how you do your accounting.
- 01-00:58:02
Holmes: Exactly. Is there anything that comes to mind in thinking of, well, of course, the development interests that were against this, among others?
- 01-00:58:13
Nutter: Well, I was just generally aware they were throwing a lot of money at it. But beyond that I'm not sure. I would imagine that, whether it was the Irvine companies or the Avcos or whomever, folks that had development plans and were concerned about what the proposition could mean for them might well have figured that throwing money into the anti-campaign made good business sense.
- 01-00:58:54
Holmes: Yeah, that's true.
- 01-00:58:54
Nutter: But I don't have any clear recollection of how that played out beyond just sort of the general sense that that's how you're going to collect your money, by scaring lots of folks into believing or legitimately being concerned about what it was going to do to their proposals.
- 01-00:59:17
Holmes: Sure, sure. And as you were saying, it probably depends on where someone's occupation in life stood at that time.
- 01-00:59:25
Nutter: Yeah. Well, and you had Southern California Edison in the mix maybe.
- 01-00:59:33
Holmes: Oh, sure.

- 01-00:59:35
Nutter: Little place called San Onofre I seem to recall had quite a coastal history.
- 01-00:59:42
Holmes: PG&E was also involved.
- 01-00:59:43
Nutter: PG&E. Yeah, yeah.
- 01-00:59:44
Holmes: Sure. And Bank of America. It's a rather impressive list. But also for this timeframe within California it also makes sense—where business stood at that time. We're just finishing up on the proposition. Did you watch the election results as they came in and where were you? Do you remember?
- 01-01:00:13
Nutter: I remember watching some election results later. I just do not recall.
- 01-01:00:23
Holmes: And do you recall your reaction or at least the reaction of your colleagues and others?
- 01-01:00:31
Nutter: Well, having invested time and psychic energy I was obviously very pleased. But I can't at this point recreate the scene.
- 01-01:00:44
Holmes: Were you surprised? Maybe that's the kind of question to ask. When we think of the opposition against the proposition, were you feeling confident?
- 01-01:00:56
Nutter: I don't recall how I judged it was going to play. Obviously when you're very much involved in something and you're talking to some like minded folks, you—I don't know how much of an echo chamber I was experiencing—
- 01-01:01:15
Holmes: That's true.
- 01-01:01:16
Nutter: I really at this point don't recall what I thought was likely to happen.
- 01-01:01:26
Holmes: And, again, here we can finish up on Prop 20.
- 01-01:01:34
Nutter: And I may want to take a break, too.
- 01-01:01:36
Holmes: Okay. Sure. How did Prop 20 change you politically and professionally? Did it have a large impact on the rest of your career?

01-01:01:46

Nutter:

Well, during the Prop 20 days, that is from the beginning of '73 through 1976, I was not really paying a whole lot of attention to partisan politics still. I obviously was heavily involved in the Sierra Club's coastal effort. And we can talk a bit about that. But I wasn't really thinking at all much about whether I was an R or a D. It just wasn't part of the equation. Those of us who were trying to do what we could in terms of trying to protect the coast, encourage coastal commissioners to do what we thought was the right thing, it wasn't a matter of, oh, who appointed them and are they Dems or Reps and how can we influence them through the back door. It was just sort of a head-on effort of being activists and advocates. It, from my experience, wasn't a partisan focus. It was a coastal focus.

01-01:03:20

Holmes:

All right. Why don't we go ahead and take a break real quick.

01-01:03:23

Nutter:

Yeah.

[Break in recording]

01-01:03:26

Holmes:

Okay. We're back. Mel, after Prop 20, as we just finished up discussing, you had mentioned that your involvement with the Sierra Club, and also Prop 20, really kind of opened up the door for, in some ways, a second career of dealing with the environment; of dealing with conservation and land use, and also intertwining your profession of law into that. Could you tell us a little bit more about your relationship with the Sierra Club?

01-01:04:00

Nutter:

Well, it was a gradual involvement as I kept digging in, I suppose, because after Prop 20 was passed, then, of course, the Sierra Club really wanted to have a presence before the Coastal Commission. And we had coastal committees up and down the state for the Sierra Club's efforts and activities. And one of the things that Sierra Club California did was to have a couple of full-time advocates or employees. I think we started out with Joe Edmiston, who is currently, I think, still the executive director of the Santa Monica Mountains Conservancy. The longest surviving political environmental person that I know of.

01-01:05:09

Holmes:

Oh, wow.

01-01:05:10

Nutter:

And so Joe was hired by—I don't even remember quite how it all came about. But he was somebody that he jokingly used to say, "Well, Mel Nutter is my boss," or was. And, of course, there was some effort to coordinate with John Zierold, the Sierra Club representative or lobbyist in Sacramento. And so we had Joe appearing at Coastal Commission hearings and making presentations.

We also had a Los Angeles chapter coastal committee that got together and plotted out certain strategy and so forth. And I don't recall how long Edmiston was in that position but he did a pretty good job, I think. And then after he left or moved up, I forget quite what it was, then we had Norbert Dall, the Sierra Club's paid representative that I also worked with and then had some problems with over the course of time, which we can get into. But that was sort of how I was gearing up a little bit to deal with coastal matters.

Also, one of the original Prop 20 coastal commissioners was Barney Ridder, who was at the time the business manager of the *Press Telegram*, that very same newspaper that editorially didn't much care for Proposition 20. And Barney happened to be a Sierra Club member. He was very interested, for instance, in Mineral King and what would happen in terms of Sequoia National Park. So we dealt a little bit with that one on one. But when Proposition 20 was enacted, senate rules decided he ought to be one of the public members on the state original coastal commission, thanks in part, of course, to the fact that he was an important player here in Long Beach. So when he took that position he left the position of—I think he was the chair. In any event, he was a member of the city's environmental advisory committee and so he suggested that the Sierra Club ought to have a seat there to city management. And so I took his seat on the Long Beach environmental advisory committee and was there along with my effort as a Sierra Club person until my Coastal Commission career started when Barney decided he was no longer going to be a coastal commissioner at the end of the Prop 20 history. I just gradually became more and more involved in not only coastal matters but environmental matters because the city's environmental advisory committee dealt with matters non-coastal, as well. In fact, I'm now looking at the Long Beach City Hall. It's about ready to be demolished. And one of my jobs as the chair of that advisory committee was to give advice about how the thing ought to be put together almost half a century ago. And so I'm going to outlast the city hall.

01-01:09:48

Holmes:

Oh, wow. With the Sierra Club's coastal committee, which you began chairing—

01-01:09:59

Nutter:

Well, I was first the co-chair with Bruce Collier, who was a good friend of mine, as well as a Long Beach Sierra Club person who happened to work for an oil company.

01-01:10:11

Holmes:

Interesting.

01-01:10:13

Nutter:

Actually, several oil companies. He worked for THUMS, the offshore oil consortium here in Long Beach.

01-01:10:25

Holmes:

Well, two questions on that then. The coastal committee, was that formed before or after Prop 20, or was this a response by the Sierra Club?

01-01:10:36

Nutter:

I'm not even sure. I think we had to have had a coastal committee. However, it was constructed because the Los Angeles chapter historically has had a whole variety of regional and interest groups. If you're going to be in LA or Orange County, the coast is part of the equation. But I don't have a recollection as such. It had to have been.

01-01:11:11

Holmes:

Yeah, that makes sense. And then that Prop 20—

01-01:11:14

Nutter:

Neither Bruce nor I invented this committee. So yeah. It was there before and whoever was in charge or chaired it, I have no recollection.

01-01:11:30

Holmes:

In both of these situations here you have Bruce, who works for oil companies, right, but is also serving as a member of the Sierra Club and on this coastal committee. And the same thing in thinking of Barney Ridder, that here we have a business manager for a newspaper, which on the whole largely opposed Prop 20, and yet he seemed to at least show some kind of favorable posture enough that Jim Mills is going to tap him to sit on a commission.

01-01:12:10

Nutter:

If I didn't say so, Barney privately let me know he liked my letter and was glad that I had sent that in and agreed with what I had to say. But the other thing was that Joe Kennick, who was a senator from Long Beach, was on the senate rules committee. It was then, and I guess still is a five member committee. And so the fact that Joe Kennick was a Long Beach person and obviously well acquainted with Barney—part of the structure of the town, if you will—it made perfect sense for Long Beach to want to have a representative on the commission anyway. If you're in a position of power, as Joe Kennick was, and you've got somebody who you think could do a decent job and is willing to do it and is adequately politically connected, it made perfect sense. That's how Barney wound up as a coastal commissioner in the first place. And it also has something to do with my subsequent appointment, too.

01-01:13:55

Holmes:

Absolutely, I definitely want to get to that. Do you recall some of the big issues at this time in these committees that you were addressing?

01-01:14:07

Nutter:

Well, I think sort of trying to figure out the sequence of things may be a little difficult. As I'm flashing on things that were important, at least to the Coastal Commission, the commission periodically met at the Long Beach Harbor Department building. And I can recall massive numbers of hard hat folks who

were concerned about some development or construction or oil or I don't even remember what would have got them out. You had to have law enforcement around to make sure that things didn't get totally out of hand. Lots of drama and that sort of thing. I've kind of got a little of the sense of that. But how that fits into offshore oil stuff or what Avco might have been up to or what the Irvine company might have been thinking, it's all kind of a jumble in terms of trying to sort out which things were going in what order because we're talking about the 1970s. My calendar suggests that was a few years ago.

01-01:15:58
Holmes:

Oh, it was. But it's interesting when you bring up hard hats, meaning unionized labor. It's an aspect that sometimes gets lost when we think of the Coastal Commission and what really was at risk with some of these developments.

01-01:16:16
Nutter:

Well, and it's interesting to see who some of the coastal commissioners were. I think, for instance, although jumping forward a little bit, Tony Ramos, who was an executive with, I think, the carpenters union. In other words, some labor union. And yet he was a wonderful coastal commissioner during part of my time. And the balancing, if you will, of the need for employment and jobs versus how are we going to protect the coast versus are these folks going to have any access to the coast, can they live there or recreate there. There are a whole variety of concerns and balancing acts. And, of course, the responsibility of the coastal commissions, because there was, of course, the Prop 20 commission and then the subsequent legislative version where, although the responsibilities and charges were clearly related, there were some differences, as well. Yeah. An interesting mix, no question.

01-01:17:44
Holmes:

I like the word you use there, particularly transitioning here to the early Coastal Commission, of *balance*. When you read about the history of BCDC, the state agency's predecessor in many respects, in the San Francisco Bay, one of the things both Mel Lane and Joe Bodovitz really liked was that conservation and development were both in the name. It reminded development interests and business interests that, listen, we do have an environment here that needs to be conserved. But on the other hand, as they would say, it would remind many of your environmentalists too that, "Listen, we still also have an economy that needs to run." So balancing both of those.

01-01:18:40
Nutter:

Well, and I think you can legitimately be concerned about balance without eliminating respect for the various elements that go into the equation. I don't know whether the statistic is correct or not but I can recall giving some talks where I pointed out that the commission, at least at some point in time, approved 97 percent or something of the matters that it considered but also pointed out that frequently there were modifications and conditions that were attached to those approvals in order, number one, to make sure that the project

was possible but at the same time that it took into account the kind of environmental and protective considerations that were part of both Prop 20 and the subsequent Coastal Act. And, as a matter of fact, I have sometimes suggested that it's not a matter of no development versus development. It's a matter of the wise use of the coast, and wise use contemplates that it involves people. It involves a balancing act while at the same time paying attention to what the policies and the law direct you to respond to.

01-01:20:25

Holmes:

That's a great point. In referencing Mel Lane and Joe Bodovitz, I know you had mentioned that you admired both men greatly. Can you describe and discuss a little bit about that? Some of the attributes of each that you found inspiring and some of your thoughts on their tenure in that early years?

01-01:20:51

Nutter:

Well, I don't recall when the first time I met Mel Lane was because, of course, he was there as the Prop 20 chair and I think he left the commission shortly after the Coastal Act of '76 came into play. And so I undoubtedly dealt with him on some level a few times just wearing my citizen hat as a Sierra Club representative, although I wasn't doing very much presenting before the commission. We had our staff people doing most of that. But I obviously did observe how he conducted a meeting, how he treated everyone with respect, how he was able to manage folks. Early on, very early on in my regional commission experience, when I went to a number of meetings that were periodically held involving the representatives of the state commission and regional commissions, Mel would be the one presiding and Joe Bodovitz would be there, as well. It was kind of like we were almost family. That is to say we were rowing the same boat, if you will. He had a spunky personality that was just plain fun to be around. I think I've mentioned the tale of how, when there were 15 or 20 of us around a big table for lunch or dinner, he'd be the one in charge of figuring out how much each one of us needed to throw into the kitty to pay the restaurant bill and he always managed to leave himself out of the equation. I don't know how real it was. He was getting a free meal, although clearly he was contributing massive amounts of himself to the cause. It was a little bit of a joke almost. Endearing, if you will.

01-01:23:49

Holmes:

Yeah, you were telling me about that joke. Many people would say there are 15 of us, and he calculated the bill for 14.

01-01:23:57

Nutter:

Yeah.

01-01:23:58

Holmes:

And everyone would say, "Of course. Why do you think he's so successful at business?" [laughter]

01-01:24:03

Nutter:

Yeah. *Sunset* needs the money. Well, there was that. I'd also point out that the makeup of the state commission back when we had regional commissions probably tended to be a little simpler for someone to guide simply because half of the state commissioners were representatives of regional commissions. And half of the regional commissions would be made up of locally elected officials. But a lot of those elected officials didn't have the time, the ability, the resource, or so they claimed, to sit on the state commission, the regional commission, and then be their own elected representative, whether it was a full-time job or they also had to support themselves doing something else. So the folks that tended to wind up on the state commission as regional representatives were probably more attuned to, from my perspective, respecting their responsibilities and the law than some local elected officials who might figure that local government knows best and the state commission ought not to be doing quite so much dictating and controlling of what happened locally. I'm not trying to detract at all from Mel's huge ability to deal with all of that. Each time you plug in or take out a coastal commissioner over the years, some bit of the dynamic changes. He at least had that going. That can make a difference.

01-01:26:27

Holmes:

What about his negotiating skills? As a businessman, there are those who said that Mel really knew how to bring both parties together. If he was unable to find a solution that was amenable to both, at least it was a solution that one on the losing end was able to at least live with.

01-01:26:53

Nutter:

That description makes perfect sense. I can't pull out of my hat specific examples. And, of course, I didn't spend a great deal of time with him. I was never on the state commission with him at all. And as a regional commissioner, although I was on the state commission two different times, first as a regional commission's representative, that was after Mel had departed his commission career. Yeah, he had to be good at it. And, of course, as you're pointing out, it wasn't just a matter of keeping twelve state commissioners in line and happy because obviously there was a little controversy that they were having to deal with. And keeping people happy or at least willing to continue living with one another takes some talent.

01-01:28:11

Holmes:

Sure, sure. How about Joe Bodovitz? Were you able to spend more time with Joe or is it about the same?

01-01:28:24

Nutter:

It's about the same. Mel and Joe, two sort of the original gods of the operation. With huge respect that I had and have for both of them.

01-01:28:43

Holmes:

Speaking of respect, particularly Mel Lane as chair, what was the reception of that commission from the environmental community?

01-01:28:51

Nutter:

Oh, I think they rather liked it. One of the elements, of course, that we had there was this notion that the commission was designed to sunset, was allegedly to be a temporary body that was going to put together this wonderful plan for the state's coastal zone and present it to the legislature and then presumably fade into the sunset with the notion that the decision-making while that planning process went on really required the commission and the commissioners to be reasonably sure that there was a coast left to plan for by the time they finished their effort. Kind of a variation on the later local coastal program theme, which they didn't wish to prejudice the ability of the decision-makers ultimately to come up with a plan or a program consistent with the policies that were baked into the original Prop 20 scheme of things. There was, I guess, a certain advantage to being able to say, "Look, we're telling you no right now or we're going to insist on a major modification. But don't worry, we're supposed to take our cyanide pills in 1976."

01-01:30:56

Holmes:

That is an interesting point. Many people believed that the commission itself, once you put together an LCP, like a local coastal commission plan and these kind of things, that the body itself would just kind of dissolve.

01-01:31:17

Nutter:

Well, keep in mind that there was no local coastal program scheme built into—

01-01:31:24

Holmes:

Not until after '76.

01-01:31:26

Nutter:

Until the '76 Act. It was essentially to be this state body that was coming up with a plan recommendation to be sent to the legislature for its approval and enactment. I don't know who was thinking about whether it really was going to sunset or not. And, of course, ultimately the history of the Coastal Act of '76, just barely making it over the goal line, might have given some folks that didn't like it much kind of the notion, "Well, we can weather it through 1976 and then the good old legislature will come back and do what we want it to do, which is get rid of this damn thing." Didn't quite work out that way. I'm not sure which horse anybody should have been betting on until we had some hindsight to figure out what happened.

01-01:32:41

Holmes:

That's a really good point—it's very easy from today's perspective to take it for granted that the commission was there and there to stay. But you can see that there was a lot of various interests who were trying to bet on maybe in four years we can get back to something different.

01-01:32:59

Nutter:

Well, and sort of jumping forward a little bit, even the regional commissions after the Coastal Act of '76 was in place were supposed to sunset in various

times and then the legislature kept extending the sunset date because those local coastal programs weren't quite ready and some of them still aren't.
[laughter]

01-01:33:23

Holmes:

Yeah. Which is another great point. That proved a little more difficult than people thought, right?

01-01:33:30

Nutter:

Well, I don't know who was thinking. Anyway.

01-01:33:35

Holmes:

And this leads us into perhaps some discussion on a few of the early cases the commission faced. And, again, I know you weren't perhaps always directly involved with this. But your observations and memories would be helpful.

01-01:33:56

Nutter:

Well, most of my memories early on really are after I became a regional coastal commissioner. We can put our two cents in or more. But I wasn't in the process of negotiating anything with commissioners or applicants. We were just sort of making our pitch. So when it comes to whether it's the Avcos or Irvine Company or some of that, it became much more of a focus because I was actually having to engage in those areas of decision-making and conflict and so forth.

01-01:34:52

Holmes:

Well, what could you tell me? What do you recall about the Avco case? Well, there's usually three of them but this was really one of the big ones down here on the South Coast that the commission had to take on.

01-01:35:07

Nutter:

Yeah. I, once upon a time, was just collecting more and more staff reports and documents and after a while I said, "My kids are not going to want to have to get rid of all this stuff. I'll go to the Coastal Commission and check their records if I need to recreate any of that stuff." And, of course, their record keeping leaves something to be desired in terms of what originally was there. But that said, my recollection is that good old Avco, unless I'm mixing up things, thought perhaps they could avoid the Coastal Commission's coastal development permit process by sneaking under or getting under the wire by having their project far enough along that it would be exempt from the requirements of having a development permit. And so the regional commission, as well as, I guess, the state commission was often dealing with "claims of exemption" I think was the phrase that was used. And I seem to recall some pictures of earth moving equipment under klieg lights down in Orange County, working away as hard as they could. And I think Ronnie Rogers was one of their folks. At what point we're dealing with a claim of exemption versus an application for a permit is a little hazy now in my mind but my recollection is it didn't quite work the way Avco had hoped it would. Lots of shoving and pushing and so forth, and then lots of advocacy before the

Coastal Commission even at the regional level, as I recall. And I think I provided you with the tale with my son, who's going to be fifty before too long, at the age of, I think it was about ten, seeing me one weekend reviewing lots of material with slick brochures and all the rest of it. I think it was an Avco matter. And I don't know what his cynical father may have muttered under his breath a time or two but when my son Christopher looked at this and realized that was pretty expensive looking stuff he said, "Dad, wouldn't it have just been cheaper for them to buy the commission?" [laughter] We were dealing with lots of paper and paperwork and it was before things like the internet, computers, and all of that. So you could be buried in paper. The postal service must have hated several of us because of all of the paper that would show up, both the regional commission stuff and the state commission stuff, over the years. Massive amounts of boxes. And so I didn't keep all that stuff for some reason.

01-01:39:28

Holmes:

Oh yeah, I bet. It is funny to think of how much material had to be circulated for these type of proposals.

01-01:39:39

Nutter:

Oh, yeah. You didn't have PowerPoints, you didn't have DVDs, you didn't have all of the modern ways of dealing with that. So we were just inundated with stuff from the staff and stuff from applicants and opponents. I'm sure we're responsible for the removal of a huge part of the forest canopy somewhere.

01-01:40:13

Holmes:

Sure, sure. Well, also think of, for the postal service, how much business they probably lost when all of this came about. [laughter]

01-01:40:23

Nutter:

[laughter] That's right.

01-01:40:25

Holmes:

You mentioned Ronnie Rogers, which is interesting. He did come in to try to salvage the Avco case. One of the first, at least from my reading of the sources, one of the first developers here on the South Coast who learned how to craft a project that was suitable for this new commission. Did you have much interaction with Rogers?

01-01:40:58

Nutter:

I got stuff. I don't remember any major serious conversations with him. I wasn't in the business of negotiating.

01-01:41:16

Holmes:

Yeah, yeah. That's true.

01-01:41:20

Nutter:

Which is another subject matter we can get into later.

01-01:41:23

Holmes:

But on that same point of thinking, say, Avco and Irvine, the Irvine Company's project, which was almost back to back with Avco in many respects.

01-01:41:34

Nutter:

Yeah, I almost mix them up in terms of—

01-01:41:35

Holmes:

They are. Well, it's similar locations. Very similar timeframes. And I'd like to get your thoughts on this. My reading of at least some of the sources on this is how dramatic both developments changed, largely because of the commission, of what was originally proposed and what, through the commission negotiations and the type of conditions put on it, how much it shrunk. Is that your view of it, too?

01-01:42:13

Nutter:

Yeah, that is my view in terms of specifics. I'm hazy to say the least at this point.

01-01:42:18

Holmes:

Sure. No, no, that's understandable.

01-01:42:21

Nutter:

But yeah. The Irvine Company, my recollection is, had a really good and effective set of representatives and there were tours of the property. This is what we're going to do here and you'll be happy with that and so forth. I suppose some purists that figured the best use of their property was nothing wouldn't have been too happy. But my recollection is that the commission in fact made some significant changes and impacts as things went forward.

01-01:43:14

Holmes:

And then, of course, Sea Ranch, which in the history of the commission and these early years, is a very prominent case.

01-01:43:22

Nutter:

Well, that's iconic kind of thing with a whole variety of issues. And, of course, as a regional commissioner I wasn't exactly dealing with that. But nevertheless it was something we all were well aware of, whether it had to do with issues of water or access. And, of course, public access was a huge part of the issue. In fact, after I became a civilian again, I forget what year it was when Sea Ranch and the commission and the conservancy had some kind of a dedication ceremony there at Sea Ranch, dedicating their public access ways and program. I was invited up to be part of that. It's a long history of how the commission not only in part came into being because of a concern about projects, that project and other projects that would have some of the same, similar kinds of issues arise, but also a tale of how the commission, for good or for ill, made a difference in the places. Not quite what it would have been had no one taken a look.

01-01:45:01

Holmes:

Yeah. And to me that's always been striking, you know, over these past few years in looking at the history of the commission. Those three early cases really stand out to me as almost a very clear model of how the commission in many respects wanted to operate. It's not about no development, it's about wanting to take your development and perhaps size it down. Is that the way that you looked at it?

01-01:45:32

Nutter:

Well, it's more than just a matter of size it down. I think I used the phrase earlier of responsible or sensitive use, wise use of the coast rather than simply how small can we make it. Making it smaller may have been one of the factors for some projects in terms of meeting that consideration but it seems to me it was and has to be far more than just make it tiny.

01-01:46:16

Holmes:

Where we're taking other aspects of the environment and everything else into account?

01-01:46:19

Nutter:

Yeah, absolutely.

01-01:46:25

Holmes:

At least from a historian's point of view, you look at Sea Ranch as not just an iconic case study but also one that seems to encompass all three tenets of Prop 20 and the commission itself: maintaining and expanding coastal access; looking at environmental concerns and impact; as well as protecting scenic views—

01-01:47:00

Nutter:

Oh, absolutely.

01-01:47:01

Holmes:

The trees on Highway 1, for example, which we'll get to here in the next session on your work there on the commission. Were there also maybe other issues here in Long Beach on the local scale during those early years that come to mind?

01-01:47:24

Nutter:

Well, sure. And, of course, we can ultimately talk about the city of Long Beach's local coastal program after we get to the Coastal Act of '76. But when I came to town we had some very unrealistic concepts about what ought to happen or was happening to our coastline. When I arrived in '65 some not very realistic planners had decided that they ought to put massive amounts of fill out in the ocean and they were talking about building some kind of a park out there, how they were going to maintain it or have it sustain might have been sort of the notion that we've got all this oil revenue and so it'll be wonderful. But, in fact, what they had managed to do was to, in effect, build a desert between downtown Long Beach, which was kind of decaying, and its most important attribute, which was the Pacific Ocean. Whether you're going

to have a park there or not, it was crazy. Of course, one of the next things that they did was decide to build a roadway. It's almost a freeway like road right through the middle of that fill, further cutting off downtown from the water.

01-01:49:20

Holmes: Oh, wow.

01-01:49:21

Nutter: So they'd created huge, huge problems. And, of course, all the fill is below the legal mean high tide line anyway, so it raises a whole variety of planning and other issues, and then how the city's effort to try to deal with that, from my perspective, huge planning mistake, went forward. This was part of the story of our city's local coastal program during the first part of my coastal commission career.

01-01:50:01

Holmes: I know in our earlier conversations you mentioned almost jokingly how Long Beach, even before you ever stepped foot on the commission, did a great job of destroying its credibility with the new state agency.

01-01:50:19

Nutter: Oh, yeah. Ultimately we had a planning director, Ernie Mayor, and a city manager, John Mansell, whose name appears prominently in the law books because of some of the litigation having to do with tidelands and so forth, as well as a city council that were willing to sort of—and I'm thinking of one of my friends, Chuck Greenberg and Allen Tebbetts, two law partners at what turned out to be Ball, Hunt, Hart, Brown and Baerwitz, the largest law firm in town. And those two were attorneys who did land use stuff and made appearances before the Coastal Commission on a regular basis, although I guess Chuck Greenberg to start with was appearing on behalf of the Long Beach City out of the city attorney's office. They just fought tooth and nail anything that the Coastal Commission staff or commission in Prop 20 days wanted to do. "It's our property, it's our territory. Get out of our way. You don't have any business." It was just kind of a continuation of the attitude that the *Press Telegram* and its editorial positions before the proposition passed had enunciated. Fortunately for the city, unlike the editorial positions which suggested this evil commission might be able to control land uses up to the San Gabriel Mountains and certainly going to muck around in Lakewood and the Virginia Country Club and things miles from the ocean, it wasn't quite the case. But nevertheless, obviously, the city had thoughts. And, in fact, probably some of the development that I mentioned across the street from Bluff Park, the R5 zone, which the city had approved some developments and the Coastal Commission said, "No. We have to do this planning first and we're not going to let you go forward." And I suppose somebody was thinking, "Oh, no. We're going to lose some property tax revenue." And I'm now trying to think of when Prop 13 passed.

01-01:53:36

Holmes: 1978.

01-01:53:39

Nutter: Yeah. So we were pre-Prop 13. We can talk about what Prop 13 has done to land use planning all over the state, which is another whole story. But it's certainly effected what local jurisdictions wanted to do before Prop 13 and then after in an even more draconian kind of fashion.

01-01:54:14

Holmes: You had mentioned in your notes that not only did the city destroyed its credibility but also, fortunately, the legacy that left behind. There was new city management that came around by the time that you stepped onto the commission.

01-01:54:35

Nutter: Well, that's right. At the beginning of 1977 Ernie Mayor had been arrested and convicted of bribery in connection with some development issues. And the city manager had been arrested a couple or three times for drunk driving and I think the cops had set him up. They knew where he went and so forth. It was the old regime, in effect. During the Prop 20 days, Ernie Mayor in fact went to a reception for the original Coastal Commission party in downtown Long Beach where my wife got to meet Ernie Mayor and came back with a wonderful description of him, which turned out to be absolutely correct at the end as he became a convicted felon. So we had this new planning director who, interestingly enough, right now lives right across the street from me.

01-01:55:57

Holmes: Oh, wow.

01-01:55:57

Nutter: I saw him earlier today. He's not been the planning director for many years. That's another story which has some coastal aspects to it. And then John Dever was the new city manager. And they both came in knowing next to nothing about Long Beach, I think. Bob Paternoster was from the East Coast, Philadelphia somewhere. I don't remember exactly. And so I got together with Bob Paternoster right after he arrived in town. I was kind of the new coastal commissioner, regional coastal commissioner, and Bob was new on the job. And so I sat down with him and tried to explain, with maybe some success, I think, how we'd had this city hall and city operation with all the windows closed and there wasn't any fresh air blowing in or out. It really would make a whole lot of sense if the city representatives could do something very different about its connection and reputation with the Coastal Commission because they were getting worse results than they might be getting if they were willing to be respectful and were able to deal professionally with the commission, recognizing that there were different points of view and so forth. That, of course, ultimately led to the way in which the city became the first major jurisdiction in the State of California to have a completely certified local coastal program. I think I gave you a copy of a paper that I wrote with a little

factual help from a friend of mine who was on the city's coastal committee that helped put together the plan. But the point is that that arrest and that scandal turned out to be one of the best things that, from my perspective, ever happened to the City of Long Beach because it in effect forced them to take a new look at where they were and involve the citizenry in a way that hadn't happened before. Even when I was the chair of the city's environmental advisory committee, which they invented because of some rabble rousing by somebody else who actually was a professor at Cal State Long Beach and they figured a little window dressing wouldn't hurt, our committee—I forget how frequently we met—but Ernie Mayor, the planning director, sat in with us every single time to make sure that we didn't go off the track that he wanted us on, so I slowly woke up to realizing what was happening. Yeah. Sometimes scandal is healthy, assuming that it doesn't just get buried or you throw out one set of rascals and put in a new set.

01-01:59:54

Holmes: Very true. When was Ernie convicted?

01-01:59:57

Nutter: I think he probably pled.

01-02:00:02

Holmes: Yeah. He pled.

01-02:00:26

Nutter: The new planning director came in at, I think, January of 1977, at the beginning of the act. So it was probably '76.

01-02:00:20

Holmes: 1976—that makes sense. Well, speaking of the Coastal Commission—

01-02:00:26

Nutter: And I should say I later on discovered the guy, the cop that made the bust, who's a friend of mine that I work with sometimes on projects. [laughter]

01-02:00:40

Holmes: Oh, wow. Small world.

01-02:00:42

Nutter: Yeah.

01-02:00:44

Holmes: Well, speaking of the Coastal Act of '76, which I think is a good place to end our first session today, do you have any stories or thoughts about its passage? I know Jerry Brown gets a lot of kudos in regards to its passage.

01-02:01:11

Nutter: The passage of the Act of '76?

01-02:01:14

Holmes: Yeah, yeah.

01-02:01:15

Nutter: Well, he signed it, which was kind of important.

01-02:01:19

Holmes: Indeed. Because I know some say that at times it squeaked by in the eleventh hour.

01-02:01:32

Nutter: Yeah. There was a whole crazy legislative history about efforts in a couple of the legislative sessions or years before it finally squeaked by. I've heard details. In fact, you've probably even seen the video of one or more of my colleagues or friends talking about the legislator that had to go deal with new horses rather than showing up at a committee meeting and all kind of crazy things that happened over the course of not quite getting there. But I don't recall. I really do not recall Jerry Brown weighing in one way or another in terms of the legislative process. Now, he may well have. I just don't have any kind of a recollection. And I don't remember any particular controversy, although there had to be one given the players involved, and whether or not he was going to be persuaded to sign the bill. But Jerry—Governor Moonbeam, as he was then referred to—may have seen a little moonlight on this one. For whatever his virtues and vices were, I think he was sometimes kind of aware of public opinion. Public opinion polling certainly would have suggested that after all of the effort of going through the torturous legislative process, killing the bill by vetoing it would not have been a very popular move. Now, I don't know what he really was thinking.

01-02:03:54

Holmes: Because I know some stories say that he helped get the final votes.

01-02:04:00

Nutter: Maybe.

01-02:04:01

Holmes: But yeah, maybe.

01-02:04:03

Nutter: I don't know.

01-02:04:04

Holmes: I haven't been able to really confirm any of that. In the few histories that are out there in highlighting the role of Jerry Brown, I wonder if we overlook perhaps the more instrumental role of someone like Mel Lane or Joe Bodovitz? We were getting a prototype for four years. They had to make sure that it actually ran.

01-02:04:29

Nutter: Well, not only did it run but they got the plan to the legislature in time, which is not something government always manages. You can quibble about what the plan did or didn't do, and I've still got a dog-eared copy of it. It was a rather remarkable bill. And having invested that much in terms of time, effort,

money, involvement of folks from one end of the state to the other, to just have said, “Thanks, see you later,” would have—I don’t know what his involvement really was. Subsequently, of course, his action hasn’t always indicated that he’s the biggest fan or booster of the commission. But on the other hand he never, as I once described George Deukmejian as “George—if I had the votes I’d kill it—Deukmejian”.

01-02:05:54

Holmes:

Yes, yes. Exactly. Jerry Brown was much different than that.

01-02:05:59

Nutter:

Oh, yeah.

01-02:06:01

Holmes:

In regards to the drafting, I know Joe Bodovitz helped a lot in that. Was Peter Douglas also involved in putting that together for the ’76 Act?

01-02:06:12

Nutter:

He had to be. Part of the tales you hear with different people telling slightly different versions is how instrumental Peter was in terms of the Prop 20 drafting. I don’t know who all you’re contacting, and this isn’t quite like a lawsuit where you have to be totally careful, but I suspect, for instance, if you talk to Joe Petrillo, that you might get a slightly different version of the Peter Douglas tale. And I don’t know whether you’ve talked to—

01-02:07:00

Holmes:

I haven’t yet. No.

01-02:07:01

Nutter:

I don’t know whether he’s on the list or not but he, of course, was chief counsel to the commission for a number of years, as well as actually the executive officer of the Coastal Conservancy when I was chair of the commission and therefore sat on the Coastal Conservancy. And I think he would probably tell tales that are less flattering of Peter Douglas than probably some of Peter’s biggest fans, and probably that would include me, would tell. But we’re getting ready for history not next week’s trial. [laughter]

01-02:07:50

Holmes:

That’s very true. Well, it’s also during this time, too, that you decided to start up your sole practice.

01-02:08:02

Nutter:

The timing was incredibly strange for me because I’d left what was then called Taubman, Simpson, Young and Eckert I guess—the names changed a few times. I’d left the firm. We’d come to a mutual parting of the ways and I was sort of thinking about the next aspect of my life. I was essentially unemployed for over half a year and thank goodness my foolish wife was teaching school so we weren’t starving to death, although after I became a regional and state commissioner and tried to conduct a law practice, if it weren’t for her it wouldn’t have worked at all. This is sort of a sidebar, I

guess. I was every Monday all day at a regional commission meeting. Every other week, or twice a month, Coastal Commission meeting, usually four days in Southern California and three days in Northern California, which starts to sound like a full-time job. When people would ask me how I could juggle or manage all of that I'd just say, "Well, I'm independently poor," which was reasonably close to the truth actually. The sidebar took me too far.

01-02:09:58

Holmes:

Oh, in regards to your parting of ways. Yeah.

01-02:10:01

Nutter:

Yeah, I parted ways. And then Barney Ridder had decided that he was no longer able or willing or capable, for whatever reason. Prop 20 had been enough for him. And called me up one day and asked me whether I was willing to be a coastal commissioner because, of course, he still had a good in with senate rules and Joe Kennick. And I said, "Well, Barney, I'm planning to open up my own law firm in October and I've got no income and this kind of sounds like a big deal. Let me think about it." And I thought about it a day or two and then I called him back having decided that this was one of those kinds of things that was never going to strike again. If it didn't work I could always bail and if it did work, it would work. So I said, "Yeah, I'd be happy to do that." The next question was, "You're a Democrat, of course?" to which I said, "No, I'm a registered Republican." So I didn't wind up replacing Barney on the state commission. Long Beach still wanted, I guess, somebody on the commission system looking after its alleged interests. But I wound up getting the appointment to the regional commission. And two thoughts about that. One is I am so thankful that I wound up on the regional commission first because otherwise this wouldn't have worked for me at all. I needed to learn how to dog paddle before I could swim.

01-02:12:20

Holmes:

Oh, sure, sure.

01-02:12:22

Nutter:

And, as I think I said, my first regional commission meeting I wasn't even sure when I said here or present that my voice would come out of my mouth. It was a whole new scary world. And the second thing is that Joe Petrillo, whom I just mentioned, was the teller of the tale after I was appointed, that there were inquiries made in Sacramento about who this Mel Nutter was that nobody had heard of up there. As I told you, I wasn't involved in partisan politics. But in their snooping around they discovered that city hall thought I'd be a good fit. Probably hadn't done much damage to them as the reasonably reasonable chair of their environmental advisory committee. I hadn't given them heartburn. And the Sierra Club—of course, I was involved in that process—had said, "Yeah, we'd like to see him there." Well, the reputation of City Hall Long Beach and the Sierra Club were far apart. And so Joe Petrillo, who was politically savvy and one of the folks I guess that we're talking about told me this story. He said, "I don't have any idea who this Mel Nutter is but

if the City of Long Beach and the Sierra Club are both in favor of him, take him.” [laughter]

01-02:14:21

Holmes: [laughter] Well, that’s a great story. In a sense, that’s how this unknowing lawyer by the name of Mel Nutter got on the regional commission.

01-02:14:30

Nutter: There was the other little bit of Joe Kennick being on the sixth floor of the old security bank building. And I, and the old law firm before I’d left, was on the fifth floor. The men’s room was on the stairwell halfway between the fifth and sixth floor. I kept running into Joe, sometimes on the elevator, I guess. But when he wasn’t in Sacramento he was—

01-02:15:02

Holmes: There in Long Beach, yeah.

01-02:15:04

Nutter: —frequently up there one floor above me and I’d jokingly say, “Well, we must be on the same coffee cycle,” because we’d keep running into one another. What do they say? Location, location, location. Well, I was well located. So Joe at least knew who I was and he was on the senate rules committee.

01-02:15:28

Holmes: Well, that’s great. And then you were sworn in in January of 1977—

01-02:15:32

Nutter: 1977, yeah.

01-02:15:33

Holmes: Well, Mel, this is a great place to stop for our first session and we’ll pick back up this conversation in session two.

01-02:15:42

Nutter: Okay, good.

01-02:15:43

Holmes: Thank you.

Interview 2: April 11, 2017

02-00:00:00

Holmes:

All right. Well, this is Todd Holmes again with Mel Nutter. This is our second session on April 11, 2017 and we are still here in Long Beach, California. Mel, thank you for lunch and thanks for sitting down with me again. We left off last time discussing how you got onto the South Coast Regional Commission starting in January of 1977. To start, can you talk a little bit about the structure of the Coastal Commission as put in place by Prop 20 and afterwards of the state and regional commissions?

02-00:00:57

Nutter:

Yes. The Prop 20 Commission, as well as the commission that followed it, that is the commission created by the Coastal Act of 1976 was structured in much the same fashion, although there are some minor variations on the scheme. Basically the state coastal zone was broken up into six regions. San Diego had its own region, and Orange County and LA County were the South Coast Regional Commission, and then just kept going up the coast with other regional commissions until you got to the Oregon border. And each one of those regional commissions had folks who were so-called public members, some of whom were appointed by the governor, some by the speaker of the assembly, and some by technically the senate rules committee, although frequently the short-hand version of that is the president pro tem of the senate since the political truth of the matter is the pro tem is in a position to really make those decisions and call that shot. And when I say some, I mean the governor had two appointees, senate rules two appointees, and the speaker two appointees. When we were in regions with three counties I think there was a slightly different mix and I can't off the top of my head recall quite how they managed that, but the point is that half of the members of each regional commission were so-called public members. That is people that were there by direct appointment without having served as an elected official.

The other half of the regional commissioners were selected how the statute indicated or the Prop 20 indicated they ought to be and you'd have to look at a particular region to figure out how that worked. In the South Coast region, for instance, you had the board of supervisors of each, LA and Orange County. Each had a seat. And I should say that the member of the board could be the commissioner or that commissioner could have an alternate. In fact, each commissioner was entitled to have an alternate. And then the so-called city selection committees, if you will, the local league of cities for each of those two counties each also selected one. And the city of Los Angeles had its own seat. I'm not sure I've done the math right. But the point I'm making is that half of the members of each regional commission would be an elected official. The only exception to what I've just said is after some legal question, and I forget whether there was litigation involving it, there was the issue of whether or not someone who was a locally elected official could be appointed as a public member. And I think there was an occasion in the South Coast

Commissions history where that in fact occurred. Now, that was the Prop 20 scheme.

Under the Coastal Act of 1976 the program was continued forward, although in the legislation that created the 1976 commission, the contemplation was that, in the original legislation, that the regional commissions would sunset after a period of time and so then all of the members of the state commission would be direct appointees of those three appointing powers. And if I haven't said so, as long as there were regional commissions, both at Prop 20 and Coastal Act of '76 periods, each regional commission was responsible for selecting one of its own members to be on the state commission. So that half of the state commission would be made up of regional commission representatives and the other half of directly appointed public members. A little complex and a little complicated but that's how the scheme was supposed to work and did work. The only other thing I would add is that because frequently you had elected members, that is members of regional commissions who were there by virtue of their locally elected positions, serving on regional commissions and also serving on board of supervisors or city council, and many of them also having to make a living on top of that. Most of the time when we had regional commissioners a majority of the state commissioners were not elected officials and that might well have affected to some extent the play that occurred at the state level.

02-00:07:22
Holmes:

That's really interesting. And in the 1976 Act, too, what we also get, which I know in some of your notes you talked about the goal of a partnership, the partnership between regional and state, and the goal that these regional commissions would be replaced with local coastal programs, right, the LCPs.

02-00:07:50
Nutter:

Well, the idea essentially was that both the regional commissions would be the first stop for local governments to submit so-called local coastal programs to the Coastal Commission system. If it's useful to describe briefly what a local coastal program is, I can do that.

02-00:08:16
Holmes:

Sure.

02-00:08:17
Nutter:

Basically the '76 Act provided that each jurisdiction having an area within the coastal zone was to prepare a land use plan for its coastal zone and implementing ordinances, which roughly translated into zoning ordinances. And that those local coastal programs were required to be consistent with the policies that are set forth in the state law or state act. The notion was that local government ought to be, if you will, a partner with the Coastal Commission in creating these plans but that the initial work ought to be conducted by the local jurisdictions using money, grant money provided by the state of California. The land use plan was usually submitted to the regional

commission for its review and determination as to whether or not the regional commission thought that the land use plan was or was not consistent with the requirements of the law and whatever their judgment was it would then go on up to the state commission, as I recall. And then the state commission could approve or certify the land use plan as consistent with the legal requirements. Initially what the commission did with the land use plans that were submitted is almost always conclude that there was some problem or defect that needed to be remedied and so the commission would propose or actually try to adopt conditions of approval. And thanks to some litigation it ultimately was determined that that was not appropriate or proper legally and that the Coastal Commission could not condition the approval of a land use plan or for that matter the ultimate implementing ordinances. Instead the commission could either accept or reject, that is certify or deny, and clever staff and commissioners figured out that there was a way of dealing with this, which is to deny and then approve a resolution saying if you were to modify your land use plan in the following fashion, in the form of suggested modifications, then we can sign off on it. The process was a little more complicated than I'm describing and that may sound complicated enough. But that was the land use plan scheme. And then implementing ordinances usually were submitted at a later date and they were designed to implement the land use plan. And just to make it thoroughly confusing the Coastal Commission was not supposed to look to see whether the implementing ordinances were or were not consistent with the Coastal Act. They were instead to determine whether or not the implementing ordinances were sufficient and adequate to effectively implement the land use plan policies that had already been approved or adopted or certified. So it was a rather complicated scheme but ultimately it all had to go up to the state commission for their final sign off.

02-00:12:31

Holmes:

Wow. And I know we're going to talk a little bit about LCPs later because it's not only a complicated aspect of what begins to take shape after 1976, but as we were joking about, I believe last session, that we have LCPs that are still not completely certified and that has created tension. But we'll get there in a little bit. Speaking of tension, and this is something that in a state agency that's supposed to regulate California's coast and that has so many moving parts, tension is almost inherent in many ways of that structure. I was wondering if you could talk maybe a little bit about your time at the regional level, your observations of staff relations between the state and regional. Did you observe a fair amount of tension?

02-00:13:32

Nutter:

There are several levels of tension, of course. There's the regional commissioners versus state commissioners. There's the regional staff and the state staff. And then just to make life even more interesting, each regional commission was responsible for finding and employing an executive director for their own regional commission. And part of the tension occurred because the executive directors of each regional commission served at the pleasure of

the regional commission but the executive director's staff were state employees who ultimately were responsible to the state agency that had to report to the state commission's executive director. That, of course, was a scheme that involved the state commission, indicating what its staff, at least in a large point of view, had to be up to. So there certainly were circumstances that I was involved in where the question of whether or not, for instance, the South Coast Commission ought to fire our executive director Mel Carpenter, who was an old retired Navy captain and probably came into the commission business without knowing a whole lot about land use planning and had to rely very heavily upon some professional planners that were essentially assigned to the South Coast Commission by the state system. I guess the good news is since Mel Carpenter wasn't a planner by profession and had to rely a great deal on the staff, that allowed the staff to do a fair amount of the recommended decision-making in spite of the fact that the law contemplated that it was the executive director's duty and responsibility to make the recommendations that the law required had to be made before a coastal commission could in fact make a decision. On top of that, we had some regional coastal commissioners from time-to-time who were extremely unhappy with our executive director Mel Carpenter because he wasn't directing his staff to do what they thought ought to happen or he wasn't making the recommendations that they wanted to see. Some of the nitty-gritty details I probably have to go back to some of the notes I kept to reconstruct for you. But the system, from a sort of a larger governance historical state, was in one way kind of imperfect and in another way maybe a really good idea if you wanted to have a state agency where nobody out of Sacramento, for instance, could call all the shots.

02-00:17:21

Holmes:

That is true. It's one of the things that I was struck with when we look at the structure of the commission itself, that even over time it's very, dare I say, decentralized. This was not going to be one of the state agencies like we would see in Sacramento, where those sitting in the big white building off of 10th Street, were able to kind of control in some ways. There was no capture there—

02-00:17:52

Nutter:

Well, that's right. And there were some ex officio non-voting members, at least at the state level, that had and still have seats there representing various other sources of power in Sacramento, like the State Lands Commission or the resources agency. The Coastal Commission being, at least in an organizational chart sense, one of the resource agencies that you would see somewhere below the resource agency secretary. And yet the resources secretary had not a whole lot of control over what his Coastal Commission agency was doing. For instance, I can recall one of the ex officio members from the resources agency, I think his name was Gordon Snow, who sat there representing the Deukmejian administration, whose job, it seemed to me, was to create as much difficulty and trouble as possible. Wasn't able to do a very good job of

it. And sometimes his own Republican colleagues, appointees of the governor, would kind of chuckle because he couldn't quite pull it off. I suppose somebody would have some kind of chaos theory scheme of things to explain some of this and frequently it sort of worked out better than if one benevolent dictator or another were in charge.

02-00:19:57

Holmes:

Certainly. And in thinking about tension, you also mentioned the regional and state commissions, the tension there. In a regional perspective, a regional commission may be a bit more inclined to defer to local government and some of those decisions, such as a city councilman or supervisors who were also on the commission versus the state commission, which is much less inclined to accept local government decisions. I guess part of that question is taking in mind the local interests that are involved.

02-00:20:47

Nutter:

Oh, I think that's absolutely right. Obviously locally elected officials come to their positions with a certain mindset. I suppose most people like to think they make decent decisions. And if your focus is a local focus and you're used to calling your shots locally, there's a tendency to think that regional or state governments ought to, at least to some extent, defer to your more detailed knowledge of a circumstance or situation. And certainly that not only played out, actually a bit of that had something to do with how I lost my seat on the state Coastal Commission the first time around in terms of some of that concern.

02-00:21:48

Holmes:

And I want to get to that here in a minute. But it's funny, as you were discussing that, a thought came to my mind about a theory Joe Bodovitz mentioned—"Salami Logic." The theory came about during the early part of his career with BCDC, in looking at these local interests. In a regional commission we could look at one project and say, "Hey, it's just this one exception. If we go and we just build this one little piece next to the wetlands, that's just one." And he came up with the idea of, or at least he discussed the idea, of "Salami Logic," meaning if we look at one slice, that's one thing. If you look at the whole loaf, meaning that one little project multiplied up and down the coast or around the San Francisco Bay, we're talking total disaster.

02-00:22:54

Nutter:

Oh, and I saw that in several different contexts. Part of the theory, of course, the Coastal Commission in the first instance was that if each individual local jurisdiction did whatever was perceived by them as best economically or whatever factors they were playing, that there would be a failure to see the whole and you might have some really incompatible or inappropriate uses of resource that really ought to be looked at in a more comprehensive fashion. So in a general sense that's true. And I saw that play out in strange ways, which goes right, I think, to the point you're making. As a state commissioner or even as a regional commissioner, and afterwards while I was being an

advocate, back being a civilian, as I like to say, once again it was fascinating to me to watch, for instance, a coastal commissioner out of San Diego County who had a particular project that he was interested in promoting going to somebody from the North Coast, one of his colleagues, and they'd both be talking about wetland issues and how, "I need your help here and we've got to help one another out." And one of the advantages of voting with a particular point of view in mind on this one and ignoring some of the potential precedential consequences elsewhere is that we had regional staffs that were, for instance, mostly looking at San Diego or mostly looking at Humboldt County. And they weren't communicating very well as they were in the process of putting staff reports and recommendations together, frequently having to do it under very tight time limitations. And so they wouldn't always recognize how their respective recommendations might play off against one another. But you had commissioners who, in a funny sort of way, could see the bigger picture but still wanted to slice that sausage or salami up in inconsistent ways to benefit their own districts. So yeah.

02-00:25:59

Holmes:

I wanted to get on to, as you mentioned, political pressure. There was a lot of pressure, as I imagine, on the state and regional commissions.

02-00:26:12

Nutter:

Well, again, the amount of pressure, I suppose, has varied over the course of time, partly depending on who was there making appointments. One of the things to make a note of is the Coastal Commission as originally constituted, under Prop 20, it wasn't quite clear as to whether commissioners were there for the duration of the life of the commission, because it was a limited sunsetted agency, or whether the appointing powers were in a position to yank people and replace them with other people. And, in fact, there was a lawsuit, as I recall, and it was the only piece of litigation I've ever been involved in that was heard by the California Supreme Court. I did a friend of the court brief on behalf of one of the regional commissioners on the South Coast Commission because that was the issue, whether or not commissioners could be replaced. Some of us weren't so concerned as to what the outcome was. What we were concerned about was everybody being treated the same. In other words, they all were subject or not subject to removal. And the California Supreme Court, as I recall, concluded that they were all at pleasure appointees.

So that continued through the 1976 Act until there was some more litigation. What was it called? The Marine Forests case [Marine Forest Society v. California Coastal Commission, 2002], where a fellow had decided to build an artificial reef off the Orange County coast. I think it was Orange County. And he was using lots of old abandoned tires and such and figured he was entitled to do that and the Coastal Commission could go jump in a lake or wherever it could jump. And the Pacific Legal Foundation took up his cause and decided that the Coastal Commission as then constructed violated the California

constitution because it violated the California rules relative to separation of powers. We can get into that if you're interested but the result was that eventually the Coastal Act was modified, amended by the legislature because the separation of powers argument. Since the governor had some appointees and the legislators had other appointees, and any of them could yank anybody anytime they wanted to, this separation of powers doctrine was all screwed up. And so the legislation to correct that, assuming it was a problem, and the courts ultimately didn't have to deal with the issue, was that the legislative appointees—that is two-thirds of the appointees—would be appointed and serve for fixed terms so they couldn't be removed during the course of their fixed terms. The governor's appointees were left as at pleasure appointments because they wanted the governor to sign the legislation and they figured Gray Davis, who was then governor, wouldn't want to give up his ability to change commissioners if he wanted to do so. And so we've now got this two animal sort of commission system where we've got the governor's appointees can come and go as the governor likes and it's even more complicated than that because of the way in which at least elected officials become eligible to be appointed. But that's another bit of detail.

02-00:31:05

Holmes:

But it sounds like before that was corrected with the Marine Forests case, that there was a lot of political pressure on those serving there in the commission. If it's at will, there's pressure for you to be voting by proxy for your appointed power—

02-00:31:24

Nutter:

Well, my sense is that most of the time commissioners were not being subjected to huge pressures. Occasionally someone was and, of course, different commissioners over the course of time had different kinds of political and planning policy positions anyway, and so you don't always have to push somebody to do something that they're inclined to do anyway. But there certainly were situations where they brought to bear real pressures. In terms of my own experience, I am under the impression, although one ought to be careful about deciding what the outside world's perception of you happens to be, but my sense was an awful lot of folks felt they weren't really going to be able to tug and pull at me in terms of the usual kind of your appointing power really needs you to do this, that, or the other thing. But there was one occasion, I do recall, when Willie Brown called me up. And he didn't tell me what to do. He just wanted me to give a certain individual a really fair hearing on a particular matter. I don't really remember how it played out. I think the application ultimately never came before us at all. And, of course, Willie was smart enough to be Willie and so he didn't ask me to do anything other than to do what I would have said I wanted to do anyway, which is to give everybody a good, fair hearing. Now, I suspect there were other commissioners who had other experiences. More problematic frequently, I think, was the question or issue of ex parte communications between applicants and commissioners about what they thought ought to or ought not

to be done and we can talk about that. That was also dealt with in some alleged corrective legislation eventually.

02-00:34:20

Holmes:

Well, let's talk a little bit about your experience on that regional commission, and the different pressures there, which, of course, led up to a corruption scandal, I believe, in about 1979, 1980.

02-00:34:39

Nutter:

Yeah, I think so. Actually, I can think of two corruption matters on that commission. But I think the one you're probably referring to is one that the *LA Times* spent a fair amount of time dealing with. There's corruption and there's corruption and I don't know always when it ought to be spelled with a capital C and with a small c, just like I'm not always sure that the word political nevertheless means the same thing to different people. Two things to be said. One is we had no rules relative to ex parte communications between applicants or, for that matter, opponents of projects and commissioners. We were always, at least at the South Coast level, advised that there weren't any such rules but the better rule or better practice was that if there was a communication from an applicant that we ought to disclose it, put it on the public record, in order to protect the integrity of the decision-making because our function was, by and large, for most purposes supposed to be a quasi-judicial function and our decision-making supposed to be based on the public record. And, of course, ex parte communications aren't always visible until and unless somebody makes them visible.

Well, I'm not quite sure how much nonsense or quiet communication was going on at the South Coast level, but keeping in mind that half of the officials were in fact elected and they kept running for reelection, there was this need for campaign money to leave them in place or to run for the next election. And although I'd have to go back and either look at the newspaper accounts or even my notes if I've got some—basically it turned out that the *LA Times*, with a little help from wherever, figured out that applicants had figured out that one of the smartest things they could do if they had projects before the commission was to make sure that elected officials knew that they were having their campaign coffers filled and they were being filled by folks that cared very much about what they did as coastal commissioners. If memory serves correctly, over about a six-week period we lost about half of our regional coastal commissioners by virtue of resignations or determination by elected bodies that they were going to have somebody else sit, keeping in mind that back in those days all commissioners served at the pleasure of whomever it was that appointed them.

This was also at a time when Hank Doerfling, who was our regional representative to the state commission, had decided that he was not going to continue serving as the state representative, I think because his life was too full and too busy. And so he had indicated to me that he would support me as

his replacement. And I was under the impression that I could put together enough regional commission votes to be elected. I sort of had mixed feelings when half of my colleagues, after the *LA Times* did a big splash about how they were all sort of being legally paid off, if that's what it was, influenced—half of them were gone. So my election as the representative to the state commission in 1980, I guess it was, was a whole lot easier than otherwise it might have been. And I was a little disappointed because I was hoping to do this really good political thing. But anyway, I wound up as a state representative. And I cannot tell you whether that change in commissioners was important or not in terms of my selection. But that was basically one of the scandals that struck me as hard and difficult. Talk about corruption.

Both places where the regional commission met we had back rooms and coffee and stuff, so we could go back and you could hear the proceedings over the loudspeaker. And I do recall one such incident at the Torrance City Hall, where city councilman from LA and Coastal Commissioner Art Snyder—an interesting character, a colorful character—was overheard indicating that some particular applicant hadn't come to his fundraiser or hadn't paid, made a contribution. Of course, Art was usually somebody who voted for projects. The likes of Rim Fay or Mel Nutter or whomever might well be going the other direction depending on our perception of the issues. And this poor applicant, as I recall, walked away totally stunned because several of us voted for the project. Art and his buddies, colleagues, on the other side of the political spectrum all voted against this guy. And the fellow apparently didn't know what had hit him. Reading the tea leaves, it was clear that he was being punished, not having anything to do with the merits or demerits of his project. And I can tell you all of that because not only has the statute run, Art Snyder's dead, but that was one sort of example of something that left a really, really bad taste in my mouth for obvious reasons.

And then there was the yearlong criminal investigation that the AG, both counties, district attorneys, and the FBI had dealing with some stuff having to do with Art Snyder and a project in Malibu.

02-00:43:00

Holmes:

Those are great examples of that kind of regional influence and pressure. And I know in some of your notes you were even mentioning how the regional commission met on Mondays and that you could always see the split within the commission of the public members who would go grab coffee and they'd be left to themselves, and the elected members who would go off with developers and have lunch.

02-00:43:29

Nutter:

It wasn't quite that clear at the very beginning of my career. I have to work hard to come up with some of those old names. For instance, there was a union guy, not an elected official, who was in the "if they want to build it they ought to be able to build it" school. To oversimplify, because we mostly were

approving things, but the “build it at all cost” school versus the “let’s take a look at this and see how it fits into the rules we’re supposed to be applying” school. That’s my slant on things. I don’t think it was that anybody was really hating anybody else but it was we’ve got to go off to lunch to figure out how we’re going to handle this particular subject matter or this issue and we don’t want Ruth Galanter or Mel Nutter or whoever. My sense is, for instance, Hank Doerfling from, what was it, Hermosa Beach, elected official, he wouldn’t have been part of that group. He would have been more part of our group.

02-00:45:09
Holmes:

It wasn’t that clearly defined then?

02-00:45:12
Nutter:

It wasn’t so clearly defined in terms of are you elected or not. It was more in terms of which camp are you in.

02-00:45:24
Holmes:

With this shakeup and certainly with a few of the scandals, as you were saying, this kind of almost ensured you being tapped to be a representative on the state commission from the regional commission, correct?

02-00:45:40
Nutter:

Right, right.

02-00:45:44
Holmes:

And that happened in 1980, 1981?

02-00:45:47
Nutter:

1980. See, I was the regional commission’s representative for I think about a year and then I was off the commission for several months and then was put back on directly just before the regional commissions sunsetted in the summer of 1981, if I have my dates down correct. It was essentially all of 1980 that I would have been serving on the state commission and the regional commission at the same time.

02-00:46:22
Holmes:

At the same time. That’s a busy schedule.

02-00:46:26
Nutter:

Well, it was crazy. I would go into my law office at 5:00 in the morning or something on a Monday and try to get a couple or three hours’ worth of work and then drive over to Huntington Beach or Torrance at 9:00—or whenever we started—and then go all day long. And then sometimes, I’d have to catch a plane on Tuesday morning to get up to San Francisco, although now that I think about it, was it Tuesday? Maybe it was Wednesday, Thursday. And, of course, when the commission, state commission, was meeting in Southern California, that could have meant San Diego or Huntington Beach—still a commute. So I was continuing to practice law, such as I was. And fortunately, when I ultimately became chair of the state commission, I didn’t have to deal any longer with the regional commission. But I was spending a lot more time

dealing with the press, as well as having to deal with the executive director and all the other kinds of things that go with being the ostensible chair of a state agency.

02-00:48:09

Holmes:

Yeah. And so you entered the state commission at a time when they've already had a bit of a changing of the guard. Mel Lane had retired by then. Joe Bodovitz had retired by then.

02-00:48:24

Nutter:

Correct.

02-00:48:26

Holmes:

What were your thoughts and reactions? Did you see a change in the state commission as they were leaving or did they leave a legacy behind that was still followed?

02-00:48:38

Nutter:

I think it was largely a legacy still followed. Keep in mind, for instance, that the fellow that followed Joe Bodovitz was Mike Fischer. Mike Fischer had been an executive director of the regional commission that had handled Marin and Sonoma and whatever counties up there. And so he was already really a part of the program, if you will, and had been dealing with not only actual state employee staff like I described earlier. It was pretty clear that since the state commissioners decided to hire Michael that they had somewhat of a sense of what his track record had been as a regional executive director and were reasonably pleased with what they saw.

02-00:49:54

Holmes:

I always get the dates mixed up when Joe Bodovitz retired but I thought it was always around '78 or '79, if I have my dates correct.

02-00:50:05

Nutter:

Yeah. It was before I became a state commissioner, that's for sure.

02-00:50:14

Holmes:

Sure, sure. I think that's a good juncture—

02-00:50:23

Nutter:

And if you want to check that out, the chart I gave you will give you the date of Mel Lane's departure.

02-00:50:29

Holmes:

Oh, yeah. That's great. And sticking with Michael Fischer, since we are discussing him—he had big shoes to fill. What was your perception of his style of being executive director?

02-00:50:48

Nutter:

I got along very well with him. Well, to begin with, of course, he was the executive director when I became a state commissioner for the second time. Actually, when I became a state commissioner for the first time, as well.

02-00:51:09

Holmes:

First time. Yeah.

02-00:51:11

Nutter:

So I'd had some experience watching him. Especially during my initial commission experience, we had a very compatible group of state commissioners. It would sound almost corrupt to describe it as one big conspiracy. But we were all there to try to do the right thing in terms of our perception of what the Coastal Commission and the Coastal Act was supposed to be about. And so there was a lot more camaraderie amongst commissioners and between commissioners and staff. And I think from the outside, particularly from what could be the development community, I think there was a perception that everybody was a little too close. That may well go back to the Prop 20 days, as well. In other words, not enough distance between the staff and commissioners. But in defense of all of that, my perception always was that the commission staff attempted, tried, and by and large did a good professional job. And they weren't busily tapping commissioners on the shoulder and saying, "What do you think we ought to do with this project?" That wasn't the role. But the flavor of things when Michael Fischer became the executive director, a certain compatibility, I think. And certainly when I became chair, and Michael was the executive director through most of that, Peter only having been in that position for a number of months before I was gone. Of course, Peter is the second in command in terms of the staff structure, as well. I can't think of huge issues and problems. About the most I can say in terms of trying to deal with commissioners, and this would be when I was chair—and of course, keep in mind then we had no regional commissions any longer and so you had a somewhat more local government oriented set of commissioners than before.

One of the things that I was very aware of was it made a real difference who was sitting where on the commission line-up. I would, of course as an honest politician, suggest to whoever was putting up the nameplates where they ought to go because I knew that certain people like to whisper in certain other people's ears and it could make a difference up there. And sometimes nameplates got changed again after they were put there. But it really could make a difference. Just as I also figured out that there's a certain rhythm psychologically to decision-making. One of the things I discovered, and I don't know when I woke up to all of this—I'm sure it was a gradual awakening—was that if commissioners had a really hard decision to make and from my perspective made the wrong decision, then the next couple of decisions that might also be kind of difficult, they would sort of swing the other way because they didn't want to be—I mean, I'm reading their minds but there was a flavor. The sequence to which decisions were agendaized and

when they were heard, it got to the point where I would tell people after I was off the commission, "Look, you should show up the day before. You should see how that goes. And then if you've got a right to pull a matter or somehow effect how it's being handled, you'll be in a better sense to know what the day's dynamic will be." In short, commissioners, like almost everybody else, are human beings. And whether they were concerned about somebody with a voting chart where you can manipulate how good or bad you appear to be, it can make a difference.

02-00:57:00

Holmes:

It's not a very apt metaphor but in a similar kind of vein it's like the professor with the large stack of papers to grade. Where you fall in that stack can very well determine where on the grading spectrum you're going to land.

02-00:57:19

Nutter:

Well, I always loved it, especially at the regional commission. Some little guy from Venice wanted to open a restaurant and he'd have his matter come up about 5:30 in the afternoon and he'd sure as heck have his menus ready to pass out to all of the commissioners.

02-00:57:41

Holmes:

Oh, sure. [laughter] Not a bad bit of politicking.

02-00:57:46

Nutter:

Just like the huge developers who would have the eight-and-a-half-month pregnant woman whose life savings was going to be either destroyed or saved by allowing or rejecting her little piece of a very large project.

02-00:58:10

Holmes:

Oh, interesting. I want to come back to Mike Fischer. But first of all, before we get to that, I wanted to ask could we clarify the years? So you were also vice-chair before you were chair? Is that correct?

02-00:58:32

Nutter:

I'd have to really go back. But I was vice-chair. I was vice-chair of the regional commission, I believe, for a while. But never chair. My co-conspirator and colleague, Ruth Galanter, was the chair, and we can talk a little bit about that, of the regional commission. But I was the vice-chair for Naomi Schwartz before I became the chair. That's right.

02-00:59:04

Holmes:

Okay. And then for the state commission you became the chair. In what year would that have been?

02-00:59:10

Nutter:

It would have been in 1982. Let's see. George Deukmejian was elected in '92, right?

02-00:59:25

Holmes:

1982.

02-00:59:27

Nutter:

I mean '82. What's a decade? '82. And so he took office in, what, January of '83.

02-00:59:34

Holmes:

January of '83.

02-00:59:36

Nutter:

And Naomi was the chair and was a governor's appointee and knew that she was not going to be left in place by the governor because Deukmejian was not going to have her there. And so she resigned before he could act. And I immediately became the chair. We didn't have fixed chair terms. There are a number of things that are done significantly different in terms of how things are handled in 2017 than they were back then. So I became chair effectively in January of '83, although it could have been the last meeting of December of '82. I'm not sure.

02-01:00:39

Holmes:

Okay. Well, that's good. It gives us a ballpark. And then I wanted to touch on Jerry Brown before we get to Deukmejian. How would you describe his interactions with the Coastal Commission?

02-01:00:55

Nutter:

Well, for most purposes, I wasn't really aware that he was doing a whole lot of interaction. But there were a few occasions when he seemed to notice the commission. For instance, there was a fire in Malibu that either substantially damaged or destroyed his then girlfriend's home on the Malibu coastline—Linda Ronstadt. I believe then I was a regional commissioner. The press, of course, wanted to know what the commission was going to do since they had been in a habit of extracting or requiring a public access of one sort or another when issuing coastal development permits for projects right on the beach. Of course, this was a disaster, a fire. It wasn't a new proposal. And almost immediately, my recollection is the press asked the staff, "Well, what are you going to do? Is the commission going to insist that Ms. Ronstadt provide public access, which she didn't have to do before?" And I'm not quite sure what the staff said. I have a feeling the staff probably mumbled and said, "Well, we'll just have to make a recommendation to the commission and see what they think's appropriate." That may not have been at all what they said. And there are probably some news clippings in the archives that quote folks. From this distance I can't really tell you. Jerry Brown, whatever was said, reacted almost instantly and indicated that if the Coastal Commission required anything of Ms. Ronstadt they would be nothing but a bunch of bureaucratic thugs. I don't know why I was in Sacramento for the occasion or for an occasion. But I found myself on somebody's radio station being interviewed about that very subject matter. I no longer remember anything about what I said other than I was busy defending the commission, suggesting, of course, they were going to be rational and reasonable or whatever I said. But almost instantly after that, the Coastal Commission staff folks went to their local t-

shirt outlet or sporting goods place and put together some t-shirts and baseball caps with a “Coastal Bureaucratic Thug” logo on the front, with a little tiny disclaimer at the bottom indicating not printed at state expense.

02-01:04:27

Holmes: Not at state expense, yes.

02-01:04:30

Nutter: And those were wildly popular suddenly and I wound up with a couple of those shirts and still have two of the shirts. I don't know what happened to the cap. But the commission did not require Linda Ronstadt to do anything other than rebuild.

02-01:04:52

Holmes: But it is an interesting opportunity there when we think about that one incident. Malibu had been, and still is, such a very tough nut to crack, if we want to use that metaphor.

02-01:05:07

Nutter: Absolutely.

02-01:05:08

Holmes: That coastal access has been fought tooth and nail by the commission over decades, to get in there.

02-01:05:15

Nutter: Yeah. And it's still—yeah.

02-01:05:16

Holmes: It still is.

02-01:05:17

Nutter: Still is.

02-01:05:19

Holmes: Some have said that fire could have been the great opportunity to really open up Malibu. But, as you were suggesting on the flip side, we have people who just lost their homes. Do we really want to—

02-01:05:30

Nutter: Well, and there's something else. And that is, although I was no longer on the commission, the US Supreme Court *Nollan* decision [*Nollan v California Coastal Commission*, 1987] came down. I don't know whether I'd feel good or bad about the fact that I was presiding at the Coastal Commission when we made the decision that was challenged in *Nollan*. That decision, of course, and I paraphrase—perhaps inaccurately—in order for the commission or any other agency of government to extract by way of a condition on something, there needed to be a reasonable connection or nexus between the extraction and the burden that the development will create. Of course, in Linda Ronstadt's case, I suppose putting something back that had already been there wouldn't have

increased the burden. And so under *Nollan* there wouldn't and shouldn't have been any kind of requirement anyway, although I'd point out that the commission in its wisdom didn't require anything.

I also remember years later, Peter Douglas and I were walking the beach where the *Nollan* property was. I don't even remember what the occasion was. But we looked over and there were a couple of people standing out in front of the house but on the property. They waved to us and we waved back. And I am absolutely totally certain they had no idea they were looking at the people that had got them all the way to the US Supreme Court. [laughter]

02-01:07:25

Holmes:

[laughter] Oh, man, that's interesting. But before we move on from Jerry Brown, I wanted to ask about Sea Ranch. Because at the same time that we have the Malibu fires we also see the settlement finally coming about through the legislature dealing with Sea Ranch.

02-01:07:51

Nutter:

Oh, Sea Ranch. Okay. I thought you were going to talk about Malibu and legislation and its local coastal program, which is another tale.

02-01:08:00

Holmes:

Yes, yes. Well, I want to get to that in a minute. But in thinking of Sea Ranch—not really getting into the details of the settlement—it did seem that in some ways support for the commission was beginning to wane in political circles. Meaning largely your elected officials in Sacramento. That the idea in regulating and protecting the coast was good, yet when it really gets down to the fine print of what the commission's going to do, I guess to be very blunt, this could start affecting our vacation homes. This is going to start affecting the beach houses of our donors, right?

02-01:08:46

Nutter:

Oh, yeah. Sure, absolutely. Or the people I count on to provide me with support so I can stay up here and continue to do what I'm doing. That's right.

02-01:09:02

Holmes:

Indeed. Was it a gradual wane in support?

02-01:09:07

Nutter:

I think it was gradual. Things come and go. I'm thinking, for instance, about how the Coastal Act of 1976 was crafted in part to satisfy a particular legislator who was very important in the scheme of things, namely David Roberti, who was the president pro tem of the senate. And one of the things that was included in the 1976 Act, which has since been removed and now there's some talk about putting it back in, is the provision that low and moderate income housing opportunities shall be protected and where feasible provided. That, as I understand it, I wasn't involved in the drafting or the lobbying on this particular bill, but it's my understanding that because David Roberti cared so much about providing for persons who were not so affluent

and wealthy, that he wanted to have some kind of a provision there that went beyond simply letting people from the San Fernando Valley or wherever spend a few hours at the beach. He wanted the beach or the coast to be more than just an enclave for the rich. And so that provision was put in there and there are obviously a bunch of folks that didn't like it. And that's one of the reasons, I suspect, why at least some legislators, particularly some along the coast, didn't much care for that provision. Yeah, you can see why, even though the public at large might like something, that the folks that are more equal than anybody else would weigh in.

02-01:11:31

Holmes:

You did bring up the LCP issue in Malibu.

02-01:11:39

Nutter:

Yeah. Some of the details I'm not absolutely clear on. But we had a situation where Malibu was probably never going to do a certifiable LCP. And so what do you do? You finally say, "Let's talk to some legislators and create a scheme where the Coastal Commission is going to put together what, for most places, ought to be put together by local government and we'll just kind of impose it upon the city." I don't remember quite the details because, of course, ultimately for it to be part of their local coastal program there's got to be land use and zoning ordinances and the state of California can't create the zoning ordinances. But in effect I guess it was sort of like, "Here, we've done it. And if you want to have local control and make some decisions yourself within the framework we've created, you're going to have to salute it. Otherwise we're just going to continue to be your planning commission and you may not like that." I'm not sure how accurate I'm being in describing it but that's kind of the flavor of it.

02-01:13:04

Holmes:

Interesting. And whatever came about of that?

02-01:13:10

Nutter:

Yeah. Well, there's now an LCP—

02-01:13:12

Holmes:

There's an LCP. Yeah, yeah.

02-01:13:13

Nutter:

Yeah. Well, and you're reminding me of another tale in terms of the tension between local government and the rest of it. The fellow I mentioned quite a while ago, Chuck Greenberg, who was one of the folks that appeared before the commission first as a deputy city council person and then as a partner in the local law firm that handled developers when not doing other things, he and I were invited up to USC law school to a class, advanced class. George Lefcoe was the professor's name. I don't know whether he's still there or not. But he was at the time also on the county's regional planning commission, whatever the county planning commission is called. So he had the law school and legal focus as well as this planning focus. And Chuck and I played off one another

and I think we did reasonably well. I'm sure nobody in the class will remember either one of us.

But the thing I do remember is afterwards George, Chuck, and I went out to dinner to talk about real things, including the Coastal Commission. And I can still recall Lefcoe explaining how the county of LA was never, ever going to have a certified local coastal program in the Malibu area of the Santa Monica mountains. It just wasn't going to happen. And then he proceeded to explain why local elected officials couldn't have that. It didn't have anything to do with the substance of anything. What it had to do with was each member of the board of supervisors perceived his—and I guess it was all “his” then anyway, there's some “hers” now—district as their fiefdom and they wanted to be in control of essentially anything and everything that went on there. A good part of the reason why they wanted that had to do with how important it was for them to be able to solve their constituents' problems. Like, “I've got this problem because I've got this development that I'm working on. Can you help me?” And, of course, what they really wanted to do is keep getting reelected and that takes money as well as support from folks. The beauty of the local ordinances was they were fuzzy and vague enough that they could mean almost anything, which allowed the supervisor to work with the applicants to solve their problems. And what they didn't like about local coastal programs having seen what the law suggested was there's all of this definitive guidance. It wasn't, “Here's the target. Shoot wherever you like.” It's, “Here's the narrow target and you may be able to do some stuff but you've still got to factor all of this stuff in.” And so we said, “They're never going to.” He said, “I take that back.” He said, “Maybe if you could come up with a plan for Lake Los Angeles,” which is, what, seventeen miles east of Mojave or wherever it is, “they might be able to come up with that.” Well, George was saying that back in the 1970s or early 1980s. Early '80s, I'll bet. And, of course, the Santa Monica Mountains, now the county has a certified local coastal program which happened, what, three years ago as Zev was finally leaving office, having been termed out, and wanted to leave a legacy. So my point is that sometimes there's a political dynamic here that you just don't see by looking at black and white figures on the page.

02-01:18:26

Holmes:

No, absolutely.

02-01:18:26

Nutter:

I had some conversations with more than one local city council person saying, “Thank God there's a Coastal Commission. I can do what I have to do politically in my city and then you can do the right thing and I don't have to take the heat.”

02-01:18:47

Holmes:

That's another factor of looking at it, speaking of those political dynamics you were discussing. Well, also speaking of political dynamics, by 1981, if I have

my dates correct, you were dismissed from your seat by the regional commission.

02-01:19:09

Nutter: Correct. Correct. I was.

02-01:19:12

Holmes: Could you tell us a little bit of the politics involved there?

02-01:19:17

Nutter: Sure. Again, keep in mind that half of my regional commissioners were elected, locally elected officials. We had a new representative, relatively new, on the regional commission sitting in the seat that Art Snyder had occupied as the one owned by the city of Los Angeles. And that was Councilman Bernardi, who was a wonderful old character. Most of his professional life I think he was a jazz musician.

02-01:20:01

Holmes: Oh, wow.

02-01:20:04

Nutter: He was in his eighties, I think. He represented the San Fernando Valley. So unless sea level rise is coming real fast it wasn't anything he was going to have to worry about. And, in fact, I don't think I'd even heard the term sea level rise back then. The one thing he cared about was the one thing that we had—or the legislature had—put into the law to accommodate David Roberti. And that was he cared about accommodations for persons of low and moderate income. As far as I could tell, that's really the only reason he was even interested in being on the Coastal Commission. But there he was. And at the same time we had some other people like Bob Ryan, who was then on the city council of Rancho Palos Verdes. And he and some of his colleagues hated that provision in the law because they didn't want any of those unwashed dirty folks living in their upscale community. We had marine land there and some conversations about what was to happen to it when it folded and redevelopment and that was long before we had somebody named Trump putting in a golf course in that part of the coast.

In any event, at the time I was the representative on the state commission and my friend and colleague Ruth Galanter, who went on to have her throat slit and then be elected to the LA City Council for three terms, but that's not really a coastal story, I guess. That's how we both got our start in doing things political. She was the chair. I, of course, was in the position I just indicated. Anyway, I got a call from one of my colleagues by the name of Fred Johnson, who was also a senate rules appointee. And I should mention that originally when I was appointed to the regional commission, Jim Mills was the president pro tem. Technically we had two-year terms but served at the pleasure and unless replaced we could go on indefinitely. When David Roberti became the president pro tem and therefore chair of the senate rules committee,

considering reappointing or appointing new commissioners, the question was what was my party affiliation. Well, my experience on the regional commission had driven me from one party registration to the other because it had become very clear to me that the issues I cared about and the people I was dealing with and working with, folks that were on the same page I was on, were all registered Democrats. So I had changed my party registration, which was kind of handy when asked about it.

02-01:23:40

Holmes:

Oh, sure. But I got to ask, was it also that you being a registered Republican in this business also bit you once before? Even though it turned out to be a blessing in disguise. When you were first appointed to the regional commission, there was a seat on the state commission?

02-01:24:03

Nutter:

Right.

02-01:24:04

Holmes:

Because you were a registered Republican, so—

02-01:24:07

Nutter:

I wound up on the regional. Right.

02-01:24:08

Holmes:

Yeah, yeah. So the second time around did you—

02-01:24:11

Nutter:

The second time around I reregistered without really thinking about—

02-01:24:15

Holmes:

Thinking about that. It was just a natural kind of transition.

02-01:24:18

Nutter:

I just did it.

02-01:24:21

Holmes:

Well, the Republican Party, you can even testify to this, it began to change. Party politics was changing dramatically during this time.

02-01:24:30

Nutter:

Oh, yeah. Well, it was changing, I was changing.

02-01:24:34

Holmes:

Yeah, absolutely.

02-01:24:34

Nutter:

The world was turning.

02-01:24:35

Holmes:

Yeah. [laughter] Go ahead. I'm sorry.

02-01:24:38

Nutter:

It was back in the days before we had a ballot where you could vote for anybody except for, what, central committee members or whatever the remnant left on the ballot is. Anyway, so I was then a Democrat, which worked out just nicely. But that didn't have anything to do with what next played. So Fred Johnson calls me up and he tells me that a majority of the commissioners have gotten together and they really care about this housing issue. They don't like it. Do I like being on the state commission? And here's the only way I can stay, because they have concluded—and I don't know whether there's any Brown Act* problem here or not—that my friend Ruth Galanter is losing her seat as the regional commission chair. It's a done deal. Nothing to be negotiated. But as far as I'm concerned, I can keep my seat on the state commission, because all these other folks have decided it's the deal, if I appoint Fred Johnson, him, the guy on the phone, to be my alternate and agree to step aside and let him sit in my seat anytime there is a matter before the state commission involving an issue of low and moderate income housing.

It was December. And fortunately it was about the first time I can ever recall that the regional commission was going to take a couple weeks' vacation. And why that was I'm not sure. But I said, "Fred, that's a lot to swallow. Let me think about it and I'll get back to you." The next time I was on the phone, probably thirty seconds later, was to Ruth Galanter. And so we decided that there were things we needed to think about and do. Number one, it became very clear to me that in spite of the fact that I do know something about what I care about and what I don't care about, and sometimes it makes sense to keep your powder dry and sometimes it's beyond my red line. I should also mention, this is really a sidebar, the way in which both the regional and the state commissions voted, anytime I, during my entire commission career, was calling the roll, so commissioners one at a time would vote—they don't do that very much anymore. Now they only call the roll—anybody have an objection to a unanimous roll call, which improves the voting record of some folks who keep their powder dry, in spite of the fact if they had to actually vote they would have gone the other way. That's kind of a sidebar.

I figured I was not going to agree to that condition. I'd rather lose my seat than my—I don't know whether it was my integrity or what. But I felt that the Coastal Act had this provision in it and I wasn't about to let somebody ignore the law just so I could keep my seat. And I don't know how much of that was an awareness that the regional commissions only had a half-a-year of life left. I don't think that was any part of it at all, to tell you the truth. So I don't recall who started making communications with Roberti's shop but the word got back to him very quickly that one of his appointees, namely Fred Johnson, was out to get one of his other appointees, Mel Nutter. Well, there were two changes made on the regional commission before we met next. Fred was no

* The Ralph M. Brown Act, passed by the California Legislature in 1953, guarantees the public's right to attend and participate in meetings of local legislative bodies.

longer on the commission. There was somebody else that got removed and I remember he was replaced by somebody that turned out to be a good friend of mine, John Hisserich, who is a wonderful fellow and served as an alternate to another state commissioner for some years thereafter. So I got to know John quite well over the years.

But we had a slightly different commission setup. While the meeting again was in Torrance and the commission voted to get rid of me, Bernardi voted to oust me in spite of what I've just told you about the only thing he cared about. And I found out why afterwards. It was that the other elected officials had gone to him and said, "Take a look at the state commission. There are almost no elected officials on that. That's not right. It's not balanced. And we ought to put one of our own locally elected people on the state board." And it was Bob Ryan, one of the ones who didn't like the housing provision. I can remember that day more clearly than some others because I was just wiped out. I knew Bernardi cared about an issue which ultimately didn't matter. And they got rid of Ruth. Well, I guess the prediction of getting rid of me if I didn't play occurred and then Ruth picked me up by the scruff of the neck and we went off to somewhere. Another story. I wandered home eventually.

Well, I had a colleague who had an office that he just rarely used in my office building or the building in which my office was located whose main office was Laguna Beach. And I discovered when I was chatting with him that he had a client who was a very close ally of somebody named Willie Brown and who had some deals going with Willie in Africa, or so I was told, and was also looking at Malibu as a wonderful place to do some oil drilling. Well, I may be ahead chronologically of when I learned what. So my friend—I'd always been nice with him and when he had a client before the commission and said, "I'd like to know something about the procedures or how we should present things." I'd say, "Well, you have x-number of minutes and this is how we vote and so forth." I don't even recall any matter that he actually had, although he must have. His main client was this fellow. He said, "I'd like you to get together with Mr. Ross." For the three months while I was off the commission, the state commission, I don't think I practiced any law at all. Something was churning. I just didn't want it to end that way. I never said anything to anybody about what I would or wouldn't do as a coastal commissioner. But I met with this fellow a couple of times. And, of course, the fact that I came from an oil industry family certainly sparked nice with him. Ultimately what happened is I get a call from, oh, gees, Bob Moretti, who I guess had been speaker at some point, whom I did not know.

02-01:34:40

Holmes:

They dedicated a bench to him in Capital Park. He got a bench. [laughter]

02-01:34:46

Nutter:

Somebody once offered to dedicate a rock to me. [laughter] So Moretti called me up to tell me that Willie had just decided to appoint me. I'd never talked to

Willie in my life. And he said, "I think you ought to call Willie and thank him for the appointment." Okay. I probably did but I was still in an altered state, I guess. And I had to leave the regional commission to take my new seat in whenever it was that the chart says it was, before the regional commissions disappeared. *Dirt Bike* magazine had done an article about the Coastal Commission and mentioned me by name as a tree hugger. Their quote was something about me being a tree hugger. "And good riddance we say." And my "friend" Bob Ryan, who was now on the state commission because he'd taken my seat when I was thrown off, called me up. I forget now whether it was before or after I was back on the commission. "You ought to see this *Dirt Bike* magazine thing." And I can show it to you if you like. But my state colleagues had put together a little framed thing with pictures of almost all of them thanking me for my service on the commission, which they didn't have ready for me until I reappeared. [laughter]

02-01:36:47

Holmes:

Oh, wow. [laughter] Did you tell them that they started off on the retirement and the goodbyes a little too soon? You weren't done just yet.

02-01:36:57

Nutter:

I don't know what I told them but they knew I was back. [laughter] Which I think surprised everybody, including me. I tell that story to various folks. There's a moral there. If I had folded and decided that keeping the seat was that important I never would have gotten back on the commission. I never would have become its chair. I would have hardly ever really known Peter Douglas in the way I got to. It was life changing, if you will.

02-01:37:32

Holmes:

So a lot of those twists and turns when you look back on it.

02-01:37:36

Nutter:

Yeah. And sometimes the biggest disappointments turn out very different. But the lesson isn't, I guess, the disappointment so much as don't cross a red line if you really believe that's what it is. And I just wasn't willing to play. It was refreshing in a sense to know I had a bottom-line.

02-01:38:08

Holmes:

Yeah, absolutely. When you came back onto the commission and eventually become its chair by 1983, of course you're also entering a new time politically.

02-01:38:23

Nutter:

Oh, yeah.

02-01:38:25

Holmes:

What we would call the Age of Deukmejian.

02-01:38:28

Nutter:

Well, and I was challenged as commission chair once unsuccessfully.

02-01:38:32

Holmes:

Well, I want to get to that story. But before we do that, let's talk a little bit about Deukmejian. Governor George Deukmejian, who, of course, came into office in January 1983. He pretty much had campaigned on almost declaring war on the Coastal Commission itself.

02-01:38:56

Nutter:

Well, that certainly was consistent with his attitude about things. I've got to give this to him. He was the Attorney General of the State of California up until the time I became the chair of the commission. And so he was the Coastal Commission's attorney. At the regional commission we had one of his deputy attorney generals always sitting with us, a guy I still see at commission meetings occasionally who now is making a fine living representing developers. We kid one another occasionally. And then there was Rich Jacobs. I think he was one of the assistant deputy attorney generals. He was not just one of the attorney general's troopers. And he sat with us. I've got to say that as long as George Deukmejian was the attorney general we had good quality representation out of his office, both in terms of the advice we got and in terms of litigation and lawsuits. I think it was a state bar journal with a cover picture of Peter Douglas on it. I may be mixing it up with another publication. Actually, I think it was a different publication. It probably was a state bar publication, and it discussed how the Coastal Commission's court record was essentially perfect. I think they had a baseball analogy or something, of somebody pitching a perfect game. I could be wrong. It's been thirty plus years. But there was that thing about how well the Coastal Commission was doing legally in defending its posture and positions. So I don't have any complaints at all about the legal representation that the commission received through the years up until George became governor. And, of course, I don't have any complaints about George's legal representation afterwards because he wasn't our attorney. But I do recall the commission meeting at which—I think it was Rich Jacobs. It could have been another. Maybe Tony Summers. I don't remember. One of the deputy AGs that sat with us came in one morning and wanted us to know as he was doing his AGs report that the guy that some of us might have seen on the six o'clock news the night before, that candidate for governor, George Deukmejian, who was calling for the abolition of the Coastal Commission, was George Deukmejian, candidate, not George Deukmejian, our attorney. I've had my differences with Deukmejian but that's not one of them.

02-01:42:58

Holmes:

But as governor, I think one of the first things that he did was cut the commission's budget in half?

02-01:43:10

Nutter:

Yeah. Well, it wasn't one-half, I don't think. I think it was about one-third. But it was a sizable cut. I don't remember the numbers at this point. It wasn't one of those death by a thousand cuts. It was let's do a big huge chop. Now, of course, I was the commission chair suddenly. Part of what he wanted to do

was to close the Eureka office. We had several offices up and down the state and the whole North Coast was—actually, I guess there was no office between Eureka and San Francisco. For the far north, that was the commission's presence in terms of an office and a facility. Mike Fischer and I tried for I don't know how long to get a meeting with the governor. And we finally managed to arrange a meeting in the capitol and I don't remember what day it was except it was George Deukmejian's birthday. So a little research can dig that one out. [June 6] It was probably '84 because he had to have been governor for a bit. I don't remember the time of year or anything. He had several of his staff people there, Mike Fischer, and I. I don't recall whether we had any other commission representatives. I think it was just the two of us. And I jokingly afterwards said, "Well, we were served up before the ice cream and cake," because it was a strained and strange meeting. Actually, I hadn't remembered this until just now.

By then I had joined the downtown Long Beach Lions Club. George was a Long Beach lawyer, and still lives in town. So one of our mutual friends, who was a big Lions Club promoter and responsible for parties or programs, asked me if I would take up to George this letter request to have him come down and do a program for our Lions Club. So I said, "Sure, Vito, I'll be happy to do that." We did have him a couple of times thereafter. I don't know what the letter had to do with it. So that was sort of an icebreaker kind of a thing, our mutual friends from Long Beach.

But he explained to Mike and me that he was closing or had closed, I forget which it was, the Eureka office because all of the North Coast, local coastal programs, had already been approved and certified and there was absolutely no reason whatsoever to have a state expense or office up there in the North Coast. I knew, and Mike knew, that none of those counties or cities had ever even submitted the land use plan portion of their local coastal programs. So I don't know whether it was Mike or me, one of us tried to explain to him that the information he had, it wasn't out of date, it was premature. And, in fact, they hadn't even submitted any of those. He conferred with his aides for a moment or two, and then his response was, "Well, it really needs to be closed under any set of circumstances because the Coastal Commission and its staff up there are just so antagonistic and unfriendly to the local people up there. Nothing can happen because of all your bad acts and horrible attitudes and inability to get along with people that have needs up there. So there's no point in having commission presence there," which was kind of a slightly different version of excuse. And, of course, I don't remember whether we pointed out to him, I'm sure we didn't at that point, but certainly made the argument afterwards that the folks he was hurting the most were the people that were up there because now applicants, local government, anybody that wanted to deal with the commission had to find out where San Francisco was and fly or make the, what, five-hour trip down to San Francisco. So eliminating that office, in my opinion, was not a very wise move. But it was done. And, of course, after George was gone the office came back.

02-01:49:28

Holmes:

It's funny to listen to the different reasons given by Deukmejian because I actually have here in my notes that at one time Deukmejian cited the lack of LCPs.

02-01:49:42

Nutter:

That would have been after he found out there weren't any.

02-01:49:45

Holmes:

Yeah, yeah. So now he's citing the lack of LCPs as the reason why he's cutting the commission's budget.

02-01:49:51

Nutter:

Yeah. The fact of the matter, of course, is that the Coastal Act, the Act of '76, contemplated that all of the LCPs would be completed by certain dates that were clearly unrealistic. And, in fact, one of the reasons the legislature kept extending the life of the regional commissions for two times, three times, I forget what, was they were supposed to be there helping the state commission get these LCPs all massaged and through. Ultimately everybody threw up their hands in terms of deadlines and said, "Regional commissions are going no matter what." But I think the '76 Act, I don't know whether '79 they were supposed to be done. I think it was amended twice. In any event, that's been an issue.

02-01:50:588

Holmes:

No, absolutely. In Michael Fischer's oral history he discusses that same meeting.

02-01:51:08

Nutter:

I don't know whether there's any resemblance between my memory and his.

02-01:51:11

Holmes:

His account focused more on just the sitting down and trying to argue a bit with Deukmejian about "What are your plans to do with our agency? You've drastically cut the budget." And as he recalls—and not just in the oral history, but I think he's also recalled it in newspaper accounts—Deukmejian saying, "Mr. Fischer, trust me. If I had the votes you wouldn't have an agency right now."

02-01:51:40

Nutter:

Yes. That's part of what the conversation was. Yeah. No, he was very clear. But he didn't have the votes.

02-01:51:52

Holmes:

But also, speaking of votes, there was also talk that Michael Fischer himself, before he resigned in 1985, was feeling pressure to resign. That there had to be a change.

02-01:52:15

Nutter:

I was chair then and I think he probably was feeling frustration. There's so many good years before it's time, even if you're doing a good job, to move on. But I do not recall, although I spent a lot of time with him, dealing with commission business. I don't recall talking to him about feeling that he needed to flee. And maybe he told you or somebody that he did discuss it with me. But I don't have a recollection of that.

02-01:53:02

Holmes:

Yeah. I don't know of any statement where he was saying such directly but it was at least the acknowledgement that he, too, was feeling the shift of the political pressure in Sacramento—

02-01:53:14

Nutter:

Well, and that's understandable, for crying out loud. When you've got a governor who's got that attitude and I don't even remember the makeup of, for instance, the assembly at that point. But there came a time, I guess it was during the Wilson Administration, where we, at least for a time, had a Republican speaker.

02-01:53:37

Holmes:

Oh, yeah.

02-01:53:43

Nutter:

But that was later.

02-01:53:44

Holmes:

Yeah. And the appointments were a bit skewed. There was never any discussion, at least among commissioners, that you're aware of?

02-01:53:51

Nutter:

I don't recall that there was any movement by commissioners to say go. As a matter of fact, if there was, it may have been from the quarter of folks that were also preferring to find somebody other than Peter. And they might not have been the ones that were confiding in me.

02-01:54:20

Holmes:

True, true. Were there any other thoughts that came to mind during those years you served with Deukmejian as governor? I know you shared with me a 1983 political cartoon that featured both you as chair and Deukmejian as governor.

02-01:54:43

Nutter:

Well, it was no state secret that he didn't much care for the commission. And I don't think it was much of a state secret that I was busily trying to defend the commission. So the cartoon is—

02-01:55:00

Holmes:

Is just speaking to that.

02-01:55:02

Nutter:

Speaking to that. I think there's no particular thing about it. We can talk about some of the other craziness like what happened down in Chula Vista and David Malcolm and some other—

02-01:55:22

Holmes:

Yeah, I wanted to get to that here in a minute. But I guess before we move on to some of those important case studies, I'd love for you to talk about challenges as chair. You did mention that you were challenged as chair.

02-01:55:37

Nutter:

Yeah. I was once. Let's see. Steve McElvaine was one of Deukmejian's appointees. And I like Steve but he was a San Luis Obispo county supervisor, as I recall. Again, you'll see his name in the list of former commissioners. I may be mixing up two stories. I probably am. But they kind of had the same flavor of jockeying. He had the courtesy one morning of letting me know that they were going to seek to replace me with him. But it wasn't like the time when Rim Fay was thrown off the regional commission in my presence with no warning at all.

02-01:56:58

Holmes:

Oh, wow.

02-01:56:57

Nutter:

To get back to my regional commission experience. In fact, you've just triggered a number of other regional commission tales of politics and so forth. After Rim Fay was removed from the state commission by the regional commission without notice, the rule concerning notice was changed so that notice was required before a regional commissioner could be removed from the state commission. Notice that is part of the public hearing notice. But to select a chair of the state commission didn't require any kind of agendaing. And the chair served at the pleasure then. Now I think they still actually serve at the pleasure but they pretend—what, it's an annual term. You only serve for two terms and then you have to give it up or whatever their tradition is. But then that wasn't the case. And so I think Steve told me as a matter of courtesy ahead of time that they were going to take a run at me. I just don't quite recall what brilliant political move I may or may not have made. I'm sure whatever happened was just mostly dumb luck. Now you'd have to go back to the meeting transcript, because then we had a court reporter always taking everything down before they moved on to recording these things. And I don't even recall if it came up for a vote or not. But yeah. I was about ready to be removed and replaced and it didn't happen, which again sort of made me feel better than otherwise would have been the case. [laughter]

02-01:59:06

Holmes:

Well, you mentioned some of the issues. Oh, go ahead.

02-01:59:10

Nutter:

I may be mixing up the dates because the mayor of Half Moon Bay at the time, Helen Bedesem, must have been the regional commission's representative to the state commission. So this had to be back in Prop 20 times. No, no. No, it wasn't. I'm mixing things up. It was before the regional commissions disappeared. And so there she was. And she was the representative from the region that represents Monterey Bay and Half Moon Bay and south of San Francisco. Therefore she happened to be the speaker's appointee. I trust you've figured out that each region, sort of by historical accident, has been assigned to go with a particular appointing power. And how that happened is another interesting tale, I'm sure. She was quietly telling some of her more conservative colleagues that Willie Brown had just decided to appoint her directly to the new state Coastal Commission. And she was a terrible—from my perspective—a terrible commissioner and a terrible representative and would vote the wrong way anytime she had a chance. Knowing something about Willie, I made very sure that as soon as I was able, Willie's shop got the word that there was a crazy woman over here in San Francisco at a Coastal Commission meeting by the name of Helen Bedesem who was announcing that Willie was just about ready to appoint her. As anyone who knows Willie very well, that didn't sit very well. And so somebody else was appointed who was, from my perspective, a whole lot better. Namely Bob Franco.

02-02:02:18

Holmes:

Oh, that's interesting.

02-02:02:21

Nutter:

But I kept my ears open and played a little politics, I guess. Because otherwise she would have been appointed, I suspect.

02-02:02:31

Holmes:

That's really interesting. Well, they do say that you and your political style is very much a type of Teddy Roosevelt, of speaking softly but carrying a big stick.

02-02:02:45

Nutter:

Well, I don't know how big a stick I had. But you're right. I think I can only remember one time in my entire commission career I lost my temper.
[laughter]

02-02:03:00

Holmes:

Well, with our remaining time today, I wanted to talk about some of the issues you confronted on the state commission. First of which would be in Monterey, the Cannery Row. You list that as probably up there with some of your great accomplishments that you were proud of.

02-02:03:27

Nutter:

Certainly not of my personal great accomplishments but one of the—

02-02:03:29

Holmes: Yes, as a commissioner.

02-02:03:29

Nutter: But one of the things the commission did reasonably well and ultimately got credit for doing, which doesn't, of course, always happen.

02-02:03:41

Holmes: Can you discuss that one a little bit?

02-02:03:43

Nutter: Well, again, some of the details are a little fuzzy. But basically there was a real intense redevelopment proposal to redo Cannery Row in a fashion that would have made it far less accessible to the public and they wouldn't even have been able probably to see the water. I don't remember. Was there a residential component? I don't even remember the details of the project per se, although I can still picture what Cannery Row looked like the last time I was there. But it raised a whole variety of coastal issues in terms of public access, in terms of scenic issues, because, of course, the views to and along the coast are one of the things the Coastal Act and the Coastal Commission tried to address. Again, without really remembering much of the detail, I know there was a huge negotiation and struggle between our staff on one side and the developers' interest on the other side. And I don't really recall how much of what ultimately we did as a commission was done as a result of hanging tough or changing anything in the course of a commission hearing. But the result was that we as a commission thought we had done a pretty darn good job of addressing Coastal Act issues in a way that initially the developers thought had been a huge detriment to their notion of profitability and what their vision for the development was going to be. And then a couple of years or so later, it was really nice and refreshing to hear these same folks say, "You know, you were right after all. It's a much better project than we were pushing for it to be." And they were telling us at a time when the fight was over. As far as I know, they weren't buttering us up for the next something. Just like I rather enjoyed getting some praise from some oil company representatives after I was no longer a coastal commissioner, saying how well and wonderful they thought I had done as chair of the commission in spite of the fact that I wasn't going along with everything they wanted. It's kind of nice to hear things when you're not still negotiating.

02-02:07:20

Holmes: Yeah, that's true. And there was also numerous proposals, I think, or at least a few proposals that came before you while you were on the state commission dealing with Big Sur. The Big Sur area of the Central Coast, which is still in amazing shape. It's pretty wondrous to think of how we as a state, as a people, were able to protect a very rare landscape.

02-02:07:57

Nutter: Well, I think that's right. And some of it comes just because of its geography. Just like I thought sometimes the economics of a circumstance has been our

saving grace. When reality finally strikes and someone realizes that their grandiose plan isn't going to pencil out anyway. I had some stuff in Orange County like that. But in terms of Big Sur, part of it, I think, is it's sort of this iconic—it's California's coast as people from all over the world perceive it, on one hand. On the other hand, there are some landowners but it's not full of the LA County / Orange County property owners or the Malibu property owners. I'm not sure what the landownership grid really looks like. It's a unique place and it's not going to be the kind of a place where you put down your home and then commute four hours to get to work.

02-02:09:40

Holmes: No, absolutely.

02-02:09:41

Nutter: Its isolation helps, I think, in part to protect it and in part to make it politically possible for folks that want to protect it to have some political capital behind them to allow that to occur. When you look at Prop 20 and then the Coastal Act, which talks about views, talks about what ought to happen from a first major coastal road, talks about urban versus rural issues and how they ought to be addressed. And you've got a unique set of folks living there, in fact, some of whom I gather don't want it to become something completely different. Obviously the commission made some tough calls in terms of where you can put your house and how you've got to design it so that you're not affecting the view shed. And then there was Allen Funt's project that—

02-02:11:08

Holmes: Oh, yeah. Right by the iconic bridge—Bixby Bridge.

02-02:11:13

Nutter: Yeah. Yeah, well—

02-02:11:14

Holmes: He was the host of *Candid Camera*.

02-02:11:15

Nutter: Yeah. We certainly, over the course of time I was there, had some well-known folks and players that came in pitching for one thing or another. Sometimes they got it and sometimes they didn't, and sometimes they got something less than what they were hoping for. But whether it was Whoopi Goldberg showing up to a Coastal Commission meeting for God knows what, I don't recall, to all kinds of celebrities who have had an interest in the California coast. And what the dynamic is at Big Sur that has allowed it to stay that way, I think, is probably a combination of a lot of things. And most of the elected officials and public members haven't had to answer to the folks in Big Sur, at least in terms of where they live. Kind of the joke that some folks had about commissioners, about how it's nice to be able to make a decision and then get on a plane and get the heck out of there. [laughter]

02-02:12:36

Holmes:

[laughter] That is true. I really like what you were saying, underscoring the importance, and in some ways overlooked importance, of geography. Not just the isolation, I think, of the Central Coast, which has helped it be conserved but also when I think of their geography, the geography's also similar, in some respects, to the North Coast, where the type of developments that we would see advocated for when we think of Orange County or Los Angeles County, San Diego, just aren't feasible. It would be impossible to try to build some of those developments there.

02-02:13:20

Nutter:

No, I was delighted to be able to do backpacking on the Lost Coast.

02-02:13:28

Holmes:

We only have a few other issues that we can fold into our next session. But I did want to end with a little bit of discussion on Chula Vista because I know this was also a development and a project that eventually turned out for the best, but that you also fought tooth and nail over.

02-02:13:53

Nutter:

Yeah. And talk about political pressure. It really, really had a whole lot. Even before we got to that Chula Vista project, one of the things I was told by somebody was that the reason Willie Brown had appointed a Republican by the name of David Malcolm to the commission, then a city council person in Chula Vista, as San Diego's locally elected representative, was to keep an eye on me and make sure I didn't go too far off whatever reservation the powers that be, whoever they might be, want. I don't know how true that is. I had another colleague of mine at one point talking about some of Mr. Malcolm's acquaintances and how I better watch my back. And I realize that David Malcolm is still around and maybe I still need to watch my back. I don't know. He's had quite a career after both of us left the commission, including a little conviction which I think was overturned. But presumably not directly involving the Coastal Commission.

He was one of the people promoting this huge convention center at Gunpowder Point, as were apparently every elected official south of Orange County, as far as I could tell. We had all of the assembly representatives and the senators from San Diego County pushing very, very hard for this convention center. Nobody was making a state secret about their support. It was very, very clear. And I don't know who was whispering what to who as the process went on, but, as you may well know, in order to get to Gunpowder Point you've got to go through a wetland area. And in order to make a really decent and going convention center, we're not just talking about a little swinging bridge as part of your Disneyland experience. We're talking about major infrastructure and roadways and all of that. It seemed to some of us that doing that to a wetland, quite aside from what you're going to do to the Gunpowder Point area, raised some real serious issues. The Sierra Club was very much involved in opposing the scheme of things, as well. And

ultimately, of course, there was some litigation after the commission did its action. But I do recall being there for that hearing. It went on for a good long while. Again, it wasn't, "Does anybody have an objection to a unanimous roll call?" or what. Called the roll, which I think is a much better way to go for essentially anything except a consent calendar. But I'm not in charge of the world anymore. I remember John Hisserich voted with me. He was sitting in for Marshall Grossman. And, of course, I voted to deny. The commission staff had to have recommended a denial. I don't remember what the final vote in fact was. But the political pressure was more than enough to push that over the brink. It was one of those few losses where I really felt badly about it because it was clear to me that under the law we were supposed to be administering, quite aside from how many legislators and folks talking to the speaker or the pro tem, that it just wasn't approvable. Certainly not that project in that location.

I can still recall John and I, after we finished that, he said, "Let's go to Tijuana." He's a reserve deputy sheriff and I didn't know until we got back over the border he had a gun strapped to his ankle. I'm glad nobody was checking us. We just wandered around for a bit and commiserated and then came back. But that was quite a day in my career. But then, as I recall, the Sierra Club sued, claiming that the approval was inconsistent with the legal requirements of the law. I think I got mentioned in some depositions. I forget. Norbert Dall was involved in some fashion. I don't even remember how, why, or what. I mention Norbert. I don't know whether you've talked to him or not. But he's somebody that, every time I run into him about once every five years or something, tells me he's still working on his Coastal Commission history book.

02-02:20:40

Holmes:

Oh, nice.

02-02:20:44

Nutter:

I have no idea how any of that's going or whether it's real.

02-02:20:55

Holmes:

Well, I hope so. We need more of them.

02-02:20:56

Nutter:

Well, I'm sure his perspective on things would be somewhat different since his leaving of the Sierra Club was apparently after he'd already lined up some development clients.

02-02:21:12

Holmes:

Interesting.

02-02:21:13

Nutter:

And that's another tale.

02-02:21:16

Holmes:

Well, so the good news with Chula Vista was—

02-02:21:18

Nutter:

Finally what happened, of course, is the whole thing was rejected by the legal system and now, of course, Chula Vista's very proud of its nature center or whatever it's called. And I've yet to get there. I've got to do that one of these days.

02-02:21:38

Holmes:

Oh, you should.

02-02:21:39

Nutter:

Have you seen it?

02-02:21:40

Holmes:

No, I haven't. I need to get there, too.

02-02:21:42

Nutter:

Yeah. Well, we can carpool.

02-02:21:44

Holmes:

There we go. Well, Mel, this has been great. A few other items here and we can follow that up with our agenda tomorrow. That'll work out great. I think that's probably enough for today.

02-02:21:59

Nutter:

We probably left a bunch of things. But you can't do 45 years or whatever it's been—

02-02:22:06

Holmes:

In four hours.

02-02:22:07

Nutter:

Especially as I'm remembering things that I hadn't thought about for a while.

02-02:22:11

Holmes:

Well, that's why we can also do another follow-up session, as well. That'll work well. All right. Thanks, Mel.

02-02:22:17

Nutter:

Okay.

Interview 3: April 12, 2017

03-00:00:00

Holmes: OK, this is Todd Holmes with the Oral History Center at UC Berkeley. Today is April 12, 2017 and I am here once again with Mel Nutter for the California Coastal Commission Oral History Project. This is our third session. And we are here in his house in the beautiful city of Long Beach. Mel, thanks for sitting down with me one more time.

03-00:00:28

Nutter: Well, we'll get to the other end of it, I'm sure.

03-00:00:31

Holmes: [laughter] Yes, we will.

03-00:00:33

Nutter: I'm enjoying this.

03-00:00:34

Holmes: Absolutely. It's been great. And so helpful. Last time we left off we were still talking a little bit about your time at the state commission and we were finishing up talking about some of the issues that you addressed while on the state commission. We talked about Cannery Row at Monterey Bay, Big Sur, and I believe we ended with Chula Vista. I wanted to start us off finishing up those kind of discussions before moving forward. I'd actually like to start with the offshore oil issues that you addressed. I know there was a lot of that going on, particularly during the early part of the 1980s, and that there was a lot of pressure from the Reagan Administration, as well as Deukmejian.

03-00:01:27

Nutter: That's right. We were dealing with Interior Secretary James Watt, as I recall.

03-00:01:35

Holmes: Oh, yes.

03-00:01:36

Nutter: He was not a fan of whatever it was we were up to. That's for absolute sure. And we were dealing with the Minerals Management Service folks, who had all kinds of leasing and development and exploration proposals to deal with. Oil was both a state issue and a federal issue because, of course, the state waters go out three miles and so we had the state lands commission with its own set of issues and concerns about potential leases in state waters. Then under the federal Coastal Zone Management Act we were dealing with responsibilities and a bit of power that the commission had in terms of the review of federal activity and federally permitted activity on the outer continental shelf. Of course, all of that occurred quite a while ago. So my memory may be a little hazy.

That was back during a period of time when the coastal commissioners were much freer to talk to and negotiate, if you will, with applicants and

participants before the commission. That was before the ex parte disclosure rules were in place for coastal commissioners, although we were still supposed to at least disclose a good portion of those communications. But as the chair of the commission, I had the opportunity of getting together a number of times with Leo McCarthy, who was the lieutenant governor and who was deemed to be the good cop, if you will, on the state lands commission. He talked to me as the Coastal Commission representative as state lands was considering offshore oil activity and leasing, and, as I recall, mostly off the Santa Barbara coastline. That was kind of an interesting experience, I think, for both of us because, of course, Leo was able to explain to me how he was only one-third of the voting members of that body and so we had to work something out in spite of all his sympathy with our more strict view of what ought to happen in terms of oil activity within state waters. I do remember this secret meeting we were supposed to have at a local hotel here in Los Angeles. We rented a room somewhere to get together to do some negotiation only to arrive at the hotel to see the big banner that the hotel puts up indicating who's meeting where.

03-00:05:21

Holmes:

Oh, no.

03-00:05:22

Nutter:

So much for secrecy.

03-00:05:24

Holmes:

Yeah, the cat was out of the bag by that time.

03-00:05:27

Nutter:

That's right. But in any event, the ultimate result was, I guess, it sort of petered out because we weren't having to come to serious grips with what state lands was talking about doing. The more problematic area was federal leasing programs. As a coastal commission our concern that there ought to be some comprehensive approach to what ought to be happening rather than simply having the feds involve themselves in a lot of leases without really any comprehensive approach to what that might mean to the coast. The notion seemed to be let's just let oil companies lease areas and let them poke holes wherever they like to see what they could find. We did have this consistency responsibility where we could indicate that we thought that a particular lease or some drilling operation was arguably inconsistent with California's certified coastal zone management program. I mention that because the federal law allowed states who had approval from the feds to do some control or have some control over federally permitted activities that might have a significant impact on the coastal zone of a particular state. And California did have that. I suspect that if Mr. Watt and some of the administration folks had been in place when that was approved, we probably never would have had a certification. It allowed us to at least weigh in, in spite of the fact that ultimately we could be overruled or overturned by the federal government for some of that down the road.

03-00:08:04

Holmes:

Well, and what's interesting, too, is that federal consistency was put in place in 1972 and put in place by Richard Nixon. First of all, for the business community, particularly the western business community, that was like the last straw they had, I think, with the Nixon Administration for doing something like that. But you could tell its part of his environmental policy and putting it back on the states.

03-00:08:38

Nutter:

Well, very few people think he ought to be up for sainthood but he certainly had an interesting environmental record that I guess a lot of current Republicans would like to see go away.

03-00:08:55

Holmes:

Sure. And what's also interesting, too, when you think about it, some eight years later, the difference of the oil economy at that time for the United States. After going through the oil crisis in 1978 and going into the 1980s.

03-00:09:16

Nutter:

I can remember being in a long line to get gasoline. Yeah.

03-00:09:19

Holmes:

And so it seems that what you were facing is then the Reagan Administration's kind of reaction to trying to solve that, which, of course, they thought was more oil.

03-00:09:32

Nutter:

And part of what we thought—obviously we were a state agency with somewhat limited powers in terms of national energy concerns. But it seemed to a number of us that what the nation really needed was a comprehensive energy policy and we weren't sensing that that was in play, that it was not really being dealt with in a responsible overall way that looked at all the elements and pieces and how things ought to be put together.

03-00:10:21

Holmes:

Also what we see is the legacy of the Santa Barbara oil spill in 1969. Was that fresh in everyone else's minds about how they wanted to greet new discussions of more drilling in the channel?

03-00:10:41

Nutter:

Absolutely. From a California standpoint it had been a huge story and really impacted the public view. In fact, as I think we'd already indicated, that was kind of the trigger for a lot of the environmental movement. And without that, one could argue the emphasis for putting together a Coastal Commission and a Coastal Act and a whole coastal program might not have happened.

03-00:11:20

Holmes:

Yes. That's very true. By the time you joined the Coastal Commission, it had somewhat enacted or agreed upon a type of moratorium on new oil rigs, new oil drilling along the coast. Is that correct?

03-00:11:45

Nutter:

I think that's correct. The sense was we shouldn't really be going forward with that kind of activity until somebody knew what it meant and what it was doing, and in the absence of any real coordinated and sensible policy, there ought to be a pause. That really fits in with the whole philosophy, I suppose, of the original Prop 20 initiative anyway, which was let's not approve things just off the top of our heads. Let's do some serious planning for the California coast. And that may mean saying no to a number of things while we're doing the planning so there will be something left to plan for. That general attitude, I think, played both offshore and onshore as far as the Coastal Commission—both Proposition 20 and Coastal Act of 1976—was concerned.

03-00:13:00

Holmes:

I wanted to drill down a little bit, pardon the pun. Just maybe talk about one or two of the more specific cases dealing with that and get your thoughts. In 1982 Union Oil was proposing to drill and create a new platform in the Santa Barbara Channel, is that correct?

03-00:13:25

Nutter:

That sounds right. Was that Gail?

03-00:13:28

Holmes:

I believe so.

03-00:13:35

Nutter:

Unlike some examinations where I study hard the night before, this is a memory of many years ago.

03-00:13:41

Holmes:

Oh, sure, sure.

03-00:13:42

Nutter:

But I think that's right. And, of course, I guess it was Union Oil and Fred Hartley sort of putting a spin on things back in the original major oil spill that kind of inspired the commission to say, "Hey, wait a minute. Let's go slow about all of this." We did have this consistency responsibility. I'm a little unclear in my mind, in my memory at this point, as to how some of that was handled in a specific way. But certainly we had concerns and objections. I seem to recall, and I may be mixing up things, that there were sometimes a variety of proposed conditions, if you will, that we wanted to place upon the approval of some of these projects. And some of those proposals involved significant sums of money. But I'm a little unclear in my mind at this point as to some of the details of that.

03-00:15:18

Holmes:

Yeah. I know there was two, which I guess we could correct for the record. In 1982 Union Oil was proposing to drill in the Santa Barbara channel and in 1986 the Chevron Project, which was Platform Gail.

03-00:15:35

Nutter: Oh, okay. Okay.

03-00:15:35

Holmes: Yeah, that was it.

03-00:15:37

Nutter: Well, in '86 I was a civilian again. I was no longer on the commission.

03-00:15:43

Holmes: I know not all oil companies are the same. And that's something that becomes clear when talking to other commissioners, at least how they viewed Chevron versus Union versus a few others—

03-00:16:04

Nutter: I think that's right. They were all obviously oil companies represented by oil personnel and Union Oil had, of course, besmirched its reputation by the way in which they'd handled things. I think we saw a fair amount of Chevron and kind of got to know some of the players there. In fact, I talked to a number of them over the course of time. Clearly they had an agenda and so forth but they didn't have horns that I noticed growing out of their heads. Probably in some crazy sort of way, they were easier to deal with than some of the mineral management folks. One of my recollections is that when we were dealing with oil issues, we'd frequently have staff presentations and we'd have perhaps minerals management folks say something and we'd have opponents to various proposals. But it was often the case that the representatives of the oil companies simply kept their mouths shut, didn't say anything, sat there and kind of watched and probably took notes. My sense was that because they didn't appear to be participating in a public fashion, that from a political—with a small p—point of view they were probably harming themselves because it looked like whatever they were up to was in dark rooms, smoke filled rooms, and they weren't giving commissioners the thoughts and arguments they might well have as to why what they were doing made sense, was responsible, was, to the extent that they could describe it, consistent with some of our responsibilities. So the theater of public hearings sometimes was not as favorable from the perspective of the oil industry as it might have been. But then I wasn't in a position to advise them as to their strategies.

03-00:19:05

Holmes: I know even by the mid-1980s that the oil companies were already a bit beleaguered. And particularly the Valdez spill in 1989 didn't help things at all. If we could, I guess, broadly describe what were some of the kinds of political theater or pressuring or even lobbying? Did you observe any of that from the oil companies? And I don't mean that in a negative way.

03-00:19:43

Nutter: Making their pitch.

03-00:19:44

Holmes: Yeah, their modus operandi, right?

03-00:19:48

Nutter:

I didn't have the sense that, at least when I was there, that my fellow commissioners were feeling a whole lot of pressure from oil companies. I think in a sense there might have been the larger pressure of what's our responsibility in part because it's legitimate for us to take in the national interest and nobody's really doing a very good job of articulating it. That's a pretty diffuse kind of pressure that folks felt they were up against. I remember one of my colleagues, and I don't remember the particular matter, but the company involved suggested that they would—and my numbers are probably off—but would be willing to donate \$3 million to some sort of mitigation program in connection with whatever it was that they were proposing to do. I recall, I think it was Leo King, one of my colleagues, thought that was just an obscenely large amount of money. He came from a fairly small town. One's attitude about what's real money and what isn't can change. But when you compare that against what it was costing to just have their platform and the rig sitting idle for 30 or 60 days, there was a somewhat different perspective. Some of the pressures I suppose some of us felt were more the kind of pressures you bring from your life experience and your sense of perspective. Others may have a different slant on it, but I think, at least during my time, the Coastal Commission was reasonably comfortable with the notion that they ought to try to do whatever the right thing was in terms of those issues, although it was sometimes kind of difficult to figure out what the right thing was.

03-00:22:36

Holmes:

And how about pressure from the Reagan Administration?

03-00:22:52

Nutter:

There are different pieces of it. I don't quite recall who it was that came as representatives of the Reagan Administration, but at some point I think the commission had set up, if not a workshop, some kind of public conversation with representatives of the Reagan Administration relative to that general subject matter. Time can do funny things to your memory. It seemed clear to us that the Reagan Administration had ideas that were inconsistent with where we thought things ought to go. It was more a matter of are we going to overreach and therefore lose everything? And, of course, part of what we always had to deal with were federal funds that were coming in connection with the Coastal Zone Management Act. I'm not at this point quite clear whether that was anything of concern or threat. But as I say that, I think there were sometimes some issues about maintaining our certification.

03-00:24:46

Holmes:

Yeah, some threats. In the newspapers during this time there was a lot of talk on that.

03-00:24:56

Nutter:

Well, that's why you're a historian. [laughter]

03-00:24:59

Holmes:

[laughter] Indeed. I was just seeing if you recalled any of that. As politicians sometimes do, a lot of it seemed like we're going to voice our displeasure through the press and through threats, but not much materializes beyond that. Before we leave oil I wanted to just get some of your thoughts on how you've seen the issue evolve, both oil politics and also the public sentiment. And this is really that kind of balance, which we see that the Coastal Commission tries to do, between energy needs but also the environment.

03-00:25:42

Nutter:

Well, I think for a good long while the sense has been that neither the Coastal Commission nor a good portion of the segment of California's population much likes the idea of offshore oil activity. I certainly haven't sensed that that's been something that has been terribly controversial in terms of California politics. Now, there obviously has been some shoving and pushing about moratorium provisions and I guess as we are now into the Trump Administration, some suggest that there may be a far more aggressive offshore oil activity set of proposals. But for many, many years I think California has felt relatively protected from all of that, although at the same time there is oil production and occasionally some concern having to do with spills and pipelines versus other ways of transporting the product, and where it goes and all that sort of thing. But it seems like it has more to do with transportation, or has for a good period of time, than with actually knocking more holes in the outer continental shelf.

03-00:27:39

Holmes:

Yeah, I think that's true. I know in some of the writings and speeches that you've shared with me, you cited a 1985 poll that was showing how much chatter and talk we could have about this, both on the state and national level. The vast majority of Californians who live here, right next to these resources, aren't in favor of just pulling it out of the ground that way.

03-00:28:08

Nutter:

Well, whether accurate or not, some statistical analysis about how many days of energy could be supplied to the nation if you drained the known pools offshore and so forth.

03-00:28:25

Holmes:

Sure. My last question on this is did the Coastal Commission help develop some of the safeguards and training to better deal with the transportation of oil? And meaning the movement from largely tanker through pipeline to refinery?

03-00:28:46

Nutter:

I think the answer to that is yes. There have been, as I recall, some joint activities of one sort or another. The commission has had, in effect, some folks assigned to energy issues throughout its career. You're reminding me of things I'd done with the Coast Guard, for instance, to try to deal with where tanker ships might go or might not go, and some of the rules relative to being

a bit more protective in terms of some of the transportation issues. But obviously the commission is not the primary player when it comes to that until you're dealing with an actual development that triggers a coastal permit or similar issues. I think that's right. And, of course, we still talk about the difference between putting oil on the rail tracks versus pipelines and so forth. So they continue to play a role when the subject comes before them, although obviously I've not been personally involved in that for a good long while.

03-00:30:35

Holmes:

Yeah, yeah. Of course, one of your other most memorable acts as chair of the commission was confirming Peter Douglas as executive director following Mike Fischer's resignation.

03-00:30:55

Nutter:

That was quite an experience. Of course, I had come to know and respect Peter because he was the second-in-command of the staff, the deputy director there at the commission. And so I worked with him as well as Mike Fischer during all of my time as a state commissioner. When Michael decided to resign and go on to do other things, the commission was faced with having to come up with the third executive director in its history. This was, what, 1984? 1984 or 1985.

03-00:31:55

Holmes:

I think it might be early 1985.

03-00:31:57

Nutter:

Yeah, 1985. I get lost sometimes in the last century. Yeah, it was 1985. We had as a commission agendized the subject matter of what we ought to do in terms of replacing Mike Fischer. We had agendized that subject matter for a meeting at actually Burton Chase Park here in Los Angeles. I can still see the meeting room and the way the tables were set up there. The basic issue we were dealing with was whether or not we were going to hire a national search outfit to do some head hunting, find someone to become the new executive director, or whether we would make a decision to hire one right then and there without having a search effort forward.

I remember that day very clearly because it was pretty clear to me that the commission was relatively divided in terms of what it thought ought to happen. And keep in mind, now we had no regional commissions any longer and so half of the commissioners were locally elected officials with a somewhat different background and attitude perhaps than some of the public members. The subject, after commission reports, was going to be the first item on our agenda before we went on to matters for the balance of the day. Only eleven of us were present when the meeting started. Michael Wornum, who was a colorful character, a former member of the state assembly, and in fact to his credit, one of the authors of the bill that created the Coastal Conservancy, was missing. I figured he was going to show up and I figured we might well need his vote and participation in whatever we did. I don't remember quite

how I made the meeting drag and drag as I kept hoping to see Michael. And finally he hobbled in to the meeting room. I think he had one of his arms in a sling and he looked all banged up. It had turned out that the previous evening he'd decided to go for a drive, I believe with a young lady, somewhere in the Santa Monica Mountains and had managed to roll his car and wound up either in the hospital or in an emergency room. They had patched him up and he just limped into the meeting, I gather, knowing that important things were afoot.

So then we proceeded to have a discussion about whether we were going to hire—I think it was Korn Ferry, if that's the name of the search outfit or some other headhunting outfit or not. Although one would have to go back and look at the actual records, my recollection is that the initial motion that was made by one of us was to hire the search firm and then go through probably a several month effort at finding a new executive director. My recollection is that the vote on that motion was six-to-six, and therefore the motion failed. And then, of course, the only real other possibility was hiring somebody without going through the search process. And David Malcolm, who was one of my colleagues who had pitched for the search process on the motion to hire Peter Douglas, went from search to let's hire Peter Douglas, recognizing, I suspect, that there really were no other viable alternatives. I'm not a mind reader but that certainly seemed to be the case. And I think the final vote was seven-to-five to hire Peter. So Peter's memory later on, I think, was, "No, I wasn't chosen with no votes to spare," but my reading was that effectively he was. As I think all of us who pay any attention to politics, the final vote sometimes doesn't tell the underlying tale. We voted to have Peter become the executive director. And I can still remember with some clarity after we were having a lunch break or at the end of the meeting, I'm not sure quite when—this was back in the days before cellphones—Peter went to the payphone outside of the meeting room to make a phone call. I can still see David Malcolm walking right behind him saying, "Peter, you owe me one." And so thus began Peter's coastal executive director career in 1985, which continued on through a lot of speed bumps until, what was it, 2011 when he finally, for health reasons, resigned.

03-00:39:07

Holmes:

Stepped down, yeah.

03-00:39:08

Nutter:

But that was, to my way of thinking, a very close call. And I was the commission chair at that time so I feel pretty good about what I had, along with my colleagues, managed to accomplish. Of course, my career as a coastal commission ended later that year so I only had Peter as my executive director for a few months. He certainly had a career that went long after mine.

03-00:39:46

Holmes:

Well, I want to get to that here. You did bring it up and I wanted to touch on the unfortunate ending of your career there on the state commission in 1985, a few months later.

03-00:40:01

Nutter:

Well, it's interesting. As I think I may have mentioned to you before we started the session this morning, I'm going to be going up to Santa Barbara to help honor one of my former colleagues, and former coastal commission chair, Naomi Schwartz, who died in 2012 and is having a county building with her name on it and a big plaque being put up there. So I was asked to make a few comments. And so as I was looking at some of my old notes, I saw a note about a phone conversation I'd had with Naomi. Of course she was then no longer on the commission, but I was chairing it. The year I lost my seat it was, I think, April of that year, 1985, in which she called to let me know that she'd been at some meeting, I think it was probably a Democratic meeting of some sort, where Willie Brown had let some folks know that he was very unhappy with the vote that I had cast on a particular matter, and that Sam Farr was passing around a petition asking for my reappointment. Well, other folks over the course of that year told me that Willie Brown was letting various campaign contributors and other supporters know that he was intending to remove me and my vice chair, Caroline McNeil, and the sense was that he was using me as a campaign finance bait, promising to get rid of me as the money rolled in. And, of course, that cuts both ways. If he'd got rid of me, I no longer would have been an attractive thing to dangle before people. And so I knew that my time on the commission was not going to last forever, but the thing that finally happened was that I was sitting in my office near the end of the year doing some legal work and the phone rang, and it was Mike Fischer, who was I think then the executive director of the Sierra Club. He'd done a couple of things after leaving his job as executive director. And he said, "Mel, I wanted to call and congratulate you," to which I said, "Congratulate me for what?" And he said, "You don't know?" Well, it turned out that apparently Willie Brown had about a week before removed me from the commission and replaced me with Charlie Warren and no one had told me.

03-00:43:42

Holmes:

Oh, wow.

03-00:43:46

Nutter:

Michael later on told me he quickly called Willie's office and suggested to somebody there that, as a matter of courtesy, they really ought to let me know I was not a commissioner any longer. So it was kind of a strange way to end my career as a coastal commissioner but that's how it played.

03-00:44:13

Holmes:

If you don't mind talking about it, what were your initial reactions and feelings about that?

03-00:44:20

Nutter:

Well, I can tell you I was far more disturbed the first time I left the commission, having been removed by my own regional commissioners back in the regional commission days. That was truly, truly disturbing. This time around I was really enjoying what I was doing. It was meaningful. It was

important to me. And obviously my ego was wound up in all of that. I was disappointed but I don't recall deciding to jump out the window.

03-00:45:08

Holmes:

Yeah. [laughter] Your dismissal by Willie Brown is a good example, in some ways, of the type of political pressure many commissioners face, that you were sitting at the pleasure of the appointing powers until that rule was changed.

03-00:45:33

Nutter:

That's right. And I can think of, what, three other coastal commissioners who were removed during meetings. The first one that I think of was Sam Farr's father, Fred Farr, who was kind of a giant in terms of California politics once upon a time. And, in fact, I don't even remember what the case was exactly about but in law school Fred Farr's name was on some major piece of litigation having to do with something or other. He was removed, as I recall—I wasn't on the state commission at that point. But he was simply removed and I think he was very unhappy and disappointed.

03-00:46:41

Holmes:

Do you remember who removed him?

03-00:46:46

Nutter:

I don't remember. I don't know. But it will be easy enough to figure it out by looking at the list that indicates who the appointments were made by.

03-00:47:01

Holmes:

The List. Absolutely. Oh, yeah, that's great.

03-00:47:03

Nutter:

It probably was the speaker of the assembly.* And I say that because, number one, senate rules would have had to have a meeting to get rid of him. Not that they can't instantly hold a meeting, but it's a lot easier for the speaker to take action unilaterally without consulting with anybody. But I'm not sure. So that happened. Let's see. Christine Minnehan, who was a senate employee, replaced a coastal commissioner in the middle of a meeting. And then, although I guess it wasn't the replacement in the middle of a meeting, he may have been an alternate instead of the primary commissioner, but Robert Garcia, not the current mayor of the city of Long Beach and not the Robert Garcia who's been involved in coastal matters for an organization that has sometimes weighed in on Coastal Commission matters. But the Bob or Robert Garcia who was from—gosh, I can't even remember what community, a little south of San Francisco—showed up at a Coastal Commission hearing, flew down from the Monterey Bay area, I think, to see that somebody else was sitting in the seat he expected to be occupying. And they hadn't communicated with him that he was gone, as well.

* Fred Farr was appointed in January 1973 by Senate Pro Tem James Mills. Mills still headed the California Senate when Farr was replaced in May 1979.

03-00:49:21

Holmes: Oh, wow.

03-00:49:21

Nutter: And then there was my own experience of some folks trying to get rid of me in the middle of a meeting. Bernard Teitelbaum was a really influential lobbyist in Sacramento years ago. This had to do with a matter involving Bolsa Chica. And I don't know whether you want to talk about Bolsa Chica at some point or not.

03-00:49:52

Holmes: Oh, sure. Yeah.

03-00:49:54

Nutter: But we had a Bolsa Chica hearing. The general plans for the Bolsa Chica lowlands initially had to do with essentially creating either something you could describe as a Huntington Harbor extension or almost more likely a Marina Del Ray kind of development. There was to be an open ocean, a navigable entrance, a huge marina, and all kinds of commercial and other development around the periphery. Very controversial. I played a number of roles in terms of the history of that place. This was before I became the chair, while Naomi Schwartz was still the chair.

I kept being asked by the representatives of the primary landowner down there—in fact, their attorney was a fellow by the name of Lindell Marsh. We sometimes jokingly behind his back suggested that the whole Bolsa Chica ought to be renamed Lindell Marsh. But he was a very aggressive attorney on behalf of his client. And I don't fault him for that at all. But he kept saying, "We've got to meet with you. We've got to meet with you. We need to show you what we're planning to do." And I kept putting them off and putting them off—finally I said, "I'm spending more time telling you no than I'm going to spend if we finally get together and you do your spiel." But I also told them ahead of time, "If you tell or your colleagues tell me anything that I think is important and not otherwise already on the record or not going to be available to the public, that our attorneys have indicated that ex parte communications, in order to protect the record, ought to be revealed on the public record at a hearing. So if you tell me anything that falls into that category I'm going to report it to my fellow commissioners at the public hearing." Well, he and one of his clients, corporate representatives, came to my law office and we sat down and talked. I now no longer really remember very much of the detail but there were some things that were said that I thought were absolutely significant. And they were the kind of things that they were unlikely to be saying on the microphone at the public hearing. So before the public hearing started, and this was where we probably had 600 people in the audience. It was a huge hearing with a lot of interest. I said, "Naomi, I think I should disclose this ex parte communication before the hearing gets started." And I did.

Bernard Teitelbaum and crew were busily in the back room on—I don't think people had cellphones back in that day but he had some big instrument. It took almost no time for me to discover that the calls were going to the speaker, Willie Brown, asking Willie to get rid of me right away because clearly I had done something absolutely horrible and terrible, unconscionable. I think it was Steve Kaufmann who currently represents folks before the commission, usually huge developments, who was sitting there as one of the deputy attorney generals who let me know that those calls were going on and they'd do whatever they could to protect me and so forth. Well, I wasn't removed. That was before I even became the chair. But there were some folks that were trying to work the system and we all served at the pleasure of our appointing powers. The political education of Mel Nutter proceeded. [laughter]

03-00:55:34

Holmes:

Well, to finish up on this section, you've also joked about how being dismissed by Willie Brown raised your political stock in places like Long Beach and other sectors.

03-00:55:51

Nutter:

Well, that's mostly a joke. I don't know how much political stock I really ever had here. I think I told you I was, and still am, a member of the Long Beach downtown Lions Club and so I was asked if I'd run for the board of directors after my coastal career was over. And so I said sure, and each one of us had to give a short talk to the membership. I tried to be reasonably amusing by explaining that after Willie had fired me my political stock in Long Beach had gone way up, and that triggered one of the new members that I didn't know to come up to me and ask if I really knew Willie. And it turned out to be one of Willie's relatives, a cousin of his who had grown up in the same West Texas town with Willie and still got together with him from time to time. So that was kind of fun.

03-00:57:10

Holmes:

Small world. Well, I thought we'd transition now to your post-commission experience with the Coastal Commission and then certainly get your thoughts on the era that I like to call the era of Peter Douglas, his style of executive directorship, these kinds of things. And well, maybe that's a good question to start with. What were your thoughts on the style of Peter Douglas as executive director versus his predecessors that you were able to observe, Joe Bodovitz and Mike Fischer?

03-00:57:55

Nutter:

Well, each executive director, as is the case with each coastal commissioner, brings their own personality and their own style of operation with them. Peter certainly was fully engaged in the coastal issue situation from before there was a Coastal Commission or commissioners. He certainly had a lot invested in the enterprise. Really took it very seriously. We had a commission that I observed both as a commissioner with him for a short period of time, but then I got to see him function as the executive director afterwards, although clearly

I was no longer sitting down with him and talking about how we might handle a meeting and what issues would be coming up and so forth. Let me put it this way: it seemed to me that he was a little bit more of a true believer than Mike Fischer in a sense. And that's not really fair to Mike Fischer because they had a slightly different style. But Peter would throw his whole psyche, it seemed to me, into the enterprise, which is kind of a risky and dangerous thing to do because when you do that and then things don't come out well it costs you psychologically a great deal.

And so one of the things I observed more than once was after a particularly difficult three or four day commission meeting, where not only had things not gone as well or as smoothly as one would have hoped but perhaps the David Malcolm wing of the Coastal Commission party had managed to prevail on a particular matter or two. Then on top of that, some commissioners had taken personal swipes at Peter on the microphone in public. As I headed for the airport to go home, I was sort of thinking, "Well, he's going to turn in his resignation. How much can a body take?" And what amazed me was by the following Monday, he sort of had experienced a resurrection. He was up and at it and ready to go. He was apparently capable of getting all of that poison out of his system far more quickly than a normal mortal would. That's something I observed Peter doing and I never really had the sense that Michael was having to go through those kind of machinations. So a different person.

03-01:01:54

Holmes:

It's interesting you say that—a true believer that would throw himself into it. A question I always had about Peter Douglas was if there was a sense of ownership on his end toward the commission? I know we're not mind readers, but—

03-01:02:13

Nutter:

Yeah, absolutely. Just like by the time I finished my coastal career as a commissioner, I sort of had the feeling that the California coast was part of my fiefdom and I continued to care about it. Well, while Peter was involved in all of that I think he had much the same sort of attitude in his own way. Having used the term "true believer," I suppose we ought to round off some corners because he wasn't a true believer in the sense that you see some folks who embrace their extreme position and are going to go down with the ship because that's what you do when you truly believe and the consequences be damned. Peter, on the other hand, was someone who sometimes had a tin ear when it came to the politics of things. And I can think of some circumstances in Sacramento where that was the case. But, by and large, he did have a political sense. If he hadn't had it, he wouldn't have survived as executive director for the period of time that he did, which was rather amazing when you think about it. He recognized that sometimes half a loaf or three-quarters of a loaf was all that was possible, and I think recognized that that was part of the program. He recognized that there were several constituencies out there

that had to be dealt with, and some of them were out of Sacramento, some of them were the development community, some of them were the Sierra Club kind of folks. I didn't always agree with every decision he made obviously. No one should. But he did have a sense of perspective that some folks labeled as "true believer." When I say that, what I'm really saying is he knew what he cared about, what his values were, and he wasn't going to abandon them.

One of the other things that was remarkable was how he protected his staff. If somebody was going to take a hit it was going to be him. He recognized that the winds, political or otherwise, were running in a certain direction, and he wasn't going to let his staff come up with recommendations that were going to destroy their credibility or their careers. I've never been the staff person so I'm talking about it from the outside. But I've certainly talked to staff folks. In terms of how he functioned and how he handled his staff, I think it was probably unique. And I have a feeling that part of the reason he was able to continue on as long as he did was because he had a staff that supported him. It was a two-way street.

03-01:06:28

Holmes:

A team. Yeah.

03-01:06:30

Nutter:

Yeah.

03-01:06:31

Holmes:

I like the rounding off the corners because it's the one thing that I think is often overlooked. A lot of people can focus on Peter Douglas's passion. But sometimes, certainly in seeing how vibrant that passion could be, they also overlook how pragmatic he was at times.

03-01:06:58

Nutter:

As I'm saying that about him I'm thinking about losing my seat the first time around, where I discovered that although I can't say that I had the level of passion that Peter sometimes exhibited, I found out that there were certain things I simply wouldn't do. Both of us, I guess, had bottom lines, although they might have hit different places.

03-01:07:34

Holmes:

You talked about how he would protect his staff. What are your thoughts on his impact, both within the staff but also within that larger culture of the commission?

03-01:07:49

Nutter:

Well, one of the things that I suppose there's sort of a semi-conventional wisdom about in terms of any state agency that has a regulatory responsibility is that after its been around for seven or eight years, the folks that are being regulated in effect take control of the agency, which probably overstates it a bit. But that the whole dynamic changes with the notion that the agency is now a captive of those that it regulates.

03-01:08:39

Holmes: Regulatory capture. Yeah.

03-01:08:41

Nutter:

That's right. And I think this Coastal Commission over most of its history has avoided that to a great extent, partly because of that dynamic I've mentioned between Peter and his staff, figuring that they had a real mission and that they were supportive of one another. And partly, of course, it's the happenstance of how the commissioners are appointed, who appoints them, and how frustrated the folks that usually want to be in charge of a state agency can't quite get their hands all the way around it because there are three appointing sources of power. You'd have to ask Peter—which would be a little difficult at this point—“Did anybody really think through the notion that not only were you going to have a variety of power sources but that they were going to help to protect the agency in terms of its core mission over the years?”

03-01:10:07

Holmes:

I've asked a few people about that. That three-source dynamic, when we think about it, can be easily overlooked. On one hand, yes these are appointees. But on the other hand, they're appointees from three different sources, three different branches, or three different houses if you wanted to look at it that way. And there are a few who say that was part of the brilliance.

03-01:10:35

Nutter:

I think whether it was consciously done that way or not, it was certainly part of the brilliance. And then if you think about the crazy way even the locally elected folks get appointed, it's not simply a matter of the speaker reaching down into San Diego County, for instance, and picking the one that he wants. You have to be nominated by the local government mechanism, either by the board of supervisors or the so-called city selection committees of the various counties in which these folks come from. And so sometimes there have been interesting squabbles and fights about whether somebody can become eligible by getting a nomination.

03-01:11:29

Holmes:

Oh, I bet. From your observation, how would you describe Peter Douglas's strategy towards Governor Deukmejian? We know that, of course, Mike Fischer had a hard run at it with the changing of administrations; changing of political culture, too. As you were describing, I believe in our last session, it was a very pointed meeting, the meeting you and Mike Fischer had with George Deukmejian, which didn't really seem to offer anything positive for the commission. How would you describe how Peter dealt with that?

03-01:12:16

Nutter:

I'm not sure he dealt very much with Deukmejian. He was far more concerned about dealing with the legislature because, of course, that's where the budgetary decisions were made and that had an awful lot to do with what he was going to be able to do or not to do. And, of course, it was in Mike Fischer's time that we had a severe cut to the budget under Deukmejian. I'm

not quite sure. I don't recall that we kept getting hit worse and worse as time went on. It is true that the governor does have this pencil that he can use to line out pieces of budgetary legislative indications as to what the total budget ultimately ought to look like. The assembly and the senate finance committees, as well as the—

03-01:13:39

Holmes:

Budgetary committees. Yeah, they have to vote on that.

03-01:13:41

Nutter:

Budgetary committees, as well as whatever the resource agency, the resource committees, the ones responsible for Coastal Commission stuff, were doing probably would have been far more important as long as Deukmejian didn't try to zero out the Coastal Commission's budget. I suppose that there probably was a recognition that too severe a set of budget cuts could hurt the very folks that the governor might want to help. It would be a problem because if the commission didn't have the resources to process coastal development permits, for instance, or at least do it in a responsible and comprehensive way, therefore the commission wouldn't have been able to make the kind of findings the law required in order to approve a project. And then there well might have been more denials or more sloppy decisions that would have come back to haunt and bite developers and property owners and project proponents. Now, I don't know whether that's anything that went into anybody's consciousness in the governor's office, but I do recall that for the Ballona area—I can't remember dates exactly—but we had a proposal by the property interests, Howard Hughes or related interests, proposing to provide a substantial contribution financially to the Coastal Commission in order for it to expedite and process some of its applications for approval of its proposed projects. Now, my recollection is that never ultimately happened for a variety of legal and other reasons. But that could well have been part of the equation that went into whatever the governor's office decided to do. I don't know. I'm just speculating. I recall the big hit because, of course, I was chairing the commission at that time. But I don't recall if things got worse in terms of finances.

03-01:16:57

Holmes:

I think they just stayed at that low point.

03-01:16:57

Nutter:

I think that's right.

03-01:16:58

Holmes:

But, you know, Mel, you brought up a really important point that sometimes gets lost in that discussion. There's always been so much discussion, "George Deukmejian—look what he did to the Coastal Commission budget." But he couldn't do that alone. He could propose the cut but that cut had to be approved and voted on by the legislature for it to pass. And that raises important questions, particularly during that time—

03-01:17:30

Nutter: Well, he did have the ability to use, what, a blue pencil, red pencil, whatever—

03-01:17:36

Holmes: Your line item veto, yeah, yeah.

03-01:17:37

Nutter: Line item veto. But first he had to have the legislation that contained those elements. And, of course, it wasn't simply one figure for the commission's operation. It was broken down into various pieces of its program and also, of course, there was still the federal financial component, as well, that should be factored into whatever the total ability of the commission to function would be.

03-01:18:22

Holmes: Continuing on Peter Douglas. I know we talked a little bit about his strategy. Did he display more of a strategic political side in some respects than maybe his predecessors and others? I'm just thinking about his experience as a senior staff member in the legislature before coming to the Coastal Commission.

03-01:18:51

Nutter: Well, hard for me to say because, of course, his primary constituency were coastal commissioners.

03-01:19:02

Holmes: Yeah, that's true. That's true.

03-01:19:04

Nutter: Of course, during the time that I was chair we would go over various matters that were scheduled to come before the commission, and talk a little bit about their merits and substance, and maybe someone would figure that was a little blurring of the lines between staff and commissioner responsibility. But I never found myself suggesting to him that he or his staff ought to be doing or recommending anything other than what they were. It was far more a matter of we're on this team and here's what I'm going to be suggesting. And, of course, we had staff reports ahead of time always. In fact, the rule always was, and I think still is, that the commission is not even entitled to make a decision in the absence of an executive director recommendation. So we had to have a staff report and recommendation out before we could vote on a matter.

03-01:20:27

Holmes: Yeah, but it's interesting because there's so many different issues where we could look back and see Peter Douglas holding a press conference—

03-01:20:40

Nutter: Well, he knew how to deal with the press, no question about it. And that, of course, contrasted mightily with his immediate successor who, wonderful though Charles Lester may have been as an executive director, was not someone who enjoyed being in the spotlight. I think Peter, in fact, did enjoy

that. He did love to have positive press. He saw that as part of what kept the commission and its program before the public, and increased its influence and value as a political player in the state. That worked both, I think, in terms of the commission's prominence as well as ultimately Peter's ability to survive several attempts to fire him.

03-01:21:50

Holmes:

Well, and also to be able to stick around for, what was it, 26 years?

03-01:21:55

Nutter:

Oh, it's incredible. I can only think of one other environmentally oriented state employee who's got a record longer than his. So that's amazing. Joe Edmiston is the executive director of the Santa Monica Mountains Conservancy. And when I was Coastal Commission chair and up in Sacramento with some regularity, I kept running into Joe Edmiston working the halls there in the capital back in the early 1980s. He must still be doing it.

03-01:22:44

Holmes:

[laughter] Peter Douglas also saw a changing of administrations with Governor Pete Wilson.

03-01:22:53

Nutter:

Oh, absolutely.

03-01:22:55

Holmes:

What is your take on that? Because Pete Wilson, he's a bit of a complicated figure if you look at the totality of his career. He is a Republican from San Diego, and yet I believe he was involved in one of those early attempts at coastal legislation, in one form or another.

03-01:23:19

Nutter:

I think that's right. He was perceived to be a coastal protector, if you will, in his early days—Pete Wilson 1.0. He truly was considered one of the good guys, I think, by Sierra Club types early in his career. And by early I mean before he became governor. On the other hand, his time as governor was a very different experience, at least from a coastal protection standpoint.

03-01:24:12

Holmes:

Some have argued that the impetus of that kind of change, what you're describing there, was when he was mayor of San Diego. But, again, that's really hard to pinpoint.

03-01:24:26

Nutter:

Well, it is hard and yet I can't in the abstract fault people for evolving as they go along. I have sometimes suggested that folks that are just advocates, for instance, before the Coastal Commission don't really have as clear a sense as they might of what it means to be a public official or a decision-maker. And it, I think, has helped me over the course of my time—although never having been in elected office—I have a far easier time understanding that there are different hats one can wear, and it helps to inform your sense of things and

sometimes people may or may not go off the rails as they get older. Certainly, your experience is going to affect how you see the world going forward. And I don't know how much of that fits into the Pete Wilson scheme of things.

Of course, one of the other things I suppose about people with political ambitions is sometimes they're influenced by trying to influence other people who have points of view. Who you hang out with can effect what you think. The Coastal Commission certainly has had that element, too. Because if you look at the alumni association, if you will, of coastal commissioners and see how many of them have become members of boards of supervisors or members of the assembly or the senate or have gone on to Congress, it's a rather amazing group. I'm not sure I'd call it a joke, but one of the descriptions of the Coastal Commission, because of its power and influence as a regulatory body, is it's the most powerful and significant juice committee that's not attached to the California legislature. There have been coastal commissioners that have been accused of using their Coastal Commission position to help raise massive amounts of campaign dollars for races that aren't directly related to their Coastal Commission responsibilities.

03-01:27:29

Holmes:

You're mentioning of a juice committee got me thinking. And, of course, you would be able to kind of appreciate it. In California politics, someone such as Senator Randy Collier, who was known pretty much as the juice man, since he sat on every single juice committee. Someone had joked one time and said that, "If the Coastal Commission had been around before Randy actually retired, you're damn right he probably would have made sure he was a coastal commissioner." [laughter]

03-01:28:04

Nutter:

[laughter] Oh, yes.

03-01:28:08

Holmes:

But term limits, right. You don't have senators who are there for nearly forty years anymore.

03-01:28:14

Nutter:

It's a different world in terms of that, for sure.

03-01:28:19

Holmes:

I want to come back a little bit here in a few minutes to Peter Douglas and, of course—

03-01:28:26

Nutter:

Yeah, I got you off track.

03-01:28:26

Holmes:

No, no. You didn't. This is actually a perfect point for a little transition. But I want to come back to Peter Douglas and Wilson, and some of those battles, of course, in the 1990s. But before that I wanted to talk about a few issues, too,

one of which you were involved with, which was the Disney Park in Long Beach. And I wanted to talk about a few of the issues that the commission under Douglas faced and some of these you also observed.

03-01:28:55

Nutter:

Yeah. Well, the so-called Disney Sea proposal was something that came after my Coastal Commission career. There may be some things still to deal with while I was a commissioner, but this one was very interesting for me because in the 1990s the Disney Corporation had purchased, I think, the Wrather Corporation that was the major lessee of the Queen Mary here in Long Beach, which has got its own coastal history over the course of time with lots of issues and controversy. The Disney Corporation had decided that it wanted to pursue the notion of putting together a major Disney entertainment park here in the Long Beach Harbor and downtown Long Beach area, which they labeled Disney Sea. At least that's what it was referred to locally here in Long Beach. And they hired a fellow by the name of David Malmuth, who is still around somewhere and has done some other proposals in Long Beach, none of which ever worked out for him. And I suspect I'm on his enemies list by now.

So Disney came into town and it had a huge conceptual notion as to what ought to happen. It included using, of course, the Queen Mary as a centerpiece of it. But it was going to involve a few hundred acres of landfill in the Long Beach Harbor area for some of its amusement situation. And it was also going to involve itself in the immediate downtown Long Beach shoreline on the city side of things. So I could be wrong about the time that they spent, but it seems like it was about three years roughly of public relations meetings, presentations, and so forth that went on locally to try to sell the local community with the idea that it would be a marvelous, wonderful way to deal with some of the decaying infrastructure in the downtown area. And they were very much hooked in with the folks at city hall. Basically, there were a lot of community meetings at which Mr. Malmuth and his associates would make major presentations and get some support. And he'd hand out cards. It was a first-class effort. At the same time there was a similar sort of effort going on in the City of Anaheim with a different division of the Disney Company to build sort of a separate park next to the Disneyland complex.

03-01:32:53

Holmes:

Which would become California Adventure.

03-01:32:58

Nutter:

And although it was not spoken of in this fashion during almost all of the time that the Disney Sea thing appeared to be alive in Long Beach, it did appear that Disney, in its wisdom, had sort of two competing divisions. Each of them was tasked with trying to get the biggest and most profitable operation proposal, and then they'd go with one or the other. There was also some talk at the end that the Disney Sea thing was never real. It was just a huge effort to make sure Anaheim did what they wanted it to do in terms of their development there. I don't know about the truth of any of that, other than it's

clear that they spent millions and millions of dollars here in Long Beach on their proposal. So I find it a little questionable to suggest that they weren't at least serious on some level of seeing whether they could make something go. But one of the things they were faced with was the fact that almost all of what they were proposing was in the coastal zone. Most of it was in the Coastal Commission's original jurisdictional area, which means it was legally below the mean high tide line. Some of it may have been within the city's certified local coastal program area. But in any event, the law clearly would not have allowed fill to go into the harbor area to build an amusement park of whatever character it might have had, although Disney was certainly trying to represent it as having a nautical theme of some sort—

03-01:35:17
Holmes:

And public access, right?

03-01:35:19
Nutter:

I don't recall them emphasizing public access so much because they were really trying to sell it to city hall and city council. Those folks were probably far more interested in the revenue than they were having me be able to walk along the shoreline, although clearly that would have ultimately been part of the push and pull, especially since I guess Disney parks tend to have an entrance fee of some not so modest amount.

03-01:36:00
Holmes:

It's a very high fee. I was thinking of that when I said public access and then I was thinking for a second, "Yeah, for those who can pay." [laughter]

03-01:00:23
Nutter:

Yeah, well, that's right. In any event, a couple of things happened that I got involved in. I was mostly just a citizen and occasionally paying attention to what the newspaper had to say and go into a meeting or two to see what they were proposing. But there came a time when it was clear to Disney that they had to get legislation through Sacramento in order to amend the Coastal Act to allow this kind of fill to occur and this non-port kind of activity to be permitted in the port area. And so I was asked by Rich Jacobs, who was then the Disney attorney, or hired by Disney—he was actually officed in San Francisco—and had been one of our attorneys when I was chair of the Coastal Commission because he was then a deputy attorney general. Disney asked him whether I was anybody they ought to pay attention to as they were going forward with their legislative effort and he wisely or unwisely said, "Yeah, I think you'd better talk to him." And so two things happened. One is I took a look at the legislation in draft form, which Rich Jacobs provided. And I put together a memo for the eight or ten people that I'd been encouraged to gather together. That is Sierra Club and environmental, the very kind of folks that the Disney Company would be concerned about some pushback from. I got them together in my office conference room after providing them with this memo.

Then David Malmuth and crew—I may have it backwards. Actually, I do have it backwards. David came down and met with the group and did his pitch, and then I put together a memo about all of this. Then Rich Jacobs called me and asked how the meeting had gone, whether everything looked fine, as he hoped it would, and I told him we had some real concerns and issues. As I described it to him, I mentioned that I'd put this memo together and said, "Well, this was for our group here. But so you fully understand what our concerns are, I'll be happy to fax that up to you if you want as long as you take the substance of it but don't circulate it." Well, it was probably ten or fifteen minutes after I had faxed it up that David Malmuth called me. I had never been chewed out and screamed at more loudly than David gave me. He gave me the works. He was on the ceiling, hollering and screaming, "How could I possibly—" and I'm thinking, "David, I've been seeing you for the last couple of years, and I keep handing you my card and suggesting we ought to talk about what you're up to. And you've never done it until you got together at the end, telling us what your legislation is going to look like."

The problem with the legislation was that Disney, as they suggested, didn't want any special favors at all so they had managed to craft legislation that would have allowed fill under the Coastal Act from the Oregon border to the Mexican border for anything that was labeled recreational. They hadn't focused on Long Beach. And that inspired me, ultimately when the matter was coming up for a hearing before the Senate Natural Resources Committee, to hop on a plane here in Long Beach when we had direct flights to Sacramento. I think we have them again but for a long time we didn't. And Jim Hankla, who was the city manager, was on the same flight. Actually, you met Mr. Hankla briefly yesterday.

03-01:41:39

Holmes:

Yes, yes.

03-01:41:39

Nutter:

Happenstance. He thought it was a slam dunk that this bill was going to be approved and I wasn't so sure about that. He said, "Let's talk about it if you're flying back tomorrow," and I said, "Fine." When he got to the Sacramento airport, he got into a limo and somebody picked me up. Turns out to be the chief staff person for that committee. Without going into all of the nitty-gritty, interestingly enough the bill was pulled and the hearing was never held. The bill never went anywhere. Disney took a hike to Anaheim.

03-01:42:40

Holmes:

Wow, that's interesting. You were speculating about if the Disney Sea in Long Beach was part of maybe another strategy to see how good of a deal they could get there in Anaheim, these kind of things. Now sports teams do this all the time—"I want a new stadium. I'm going to shop around and get proposals." But as you were even suggesting, the amount of money spent just on that proposal, that's a little bit more, I think, than most—

03-01:43:23

Nutter: Well, I pulled that number out of the air but it's clear that they were spending a huge amount of money.

03-01:43:27

Holmes: That was still a lot. Yeah.

03-01:43:29

Nutter: I suspect the suggestion that this was just to work Anaheim was kind of an after the fact justification by local Long Beach folks that now had a sour taste in their mouth.

03-01:43:49

Holmes: Sure, sure. What a great story. I also wanted to ask you a little bit about Pebble Beach. I know there's been a number of proposals from there. And the one I'm thinking of here is how Pebble Beach was thinking of expanding, of adding more courses to the property. Do you have any familiarity with those various proposals at Pebble Beach?

03-01:44:22

Nutter: Yeah. A number over the years, and some of them kind of mush together after a while. There was some conversation and talk about all of that back in the 1980s, when I was still involved in an official capacity, although they never ultimately went anywhere. At one point, as I recall, the Pebble Beach Company, and I forget who owned it at that point, hired the regional executive director, or maybe it was just the regional manager at that point in time, a fellow—gosh, his last name was Brown. I'm blanking out on his first name. But anyway, Pebble Beach Company hired one of the Coastal Commission staff people to work on—Ed Brown I don't—anyway, to work on their scheme and proposal. So there was a lot of effort over the course of time and what all the plans were from time to time I'm not sure. But, of course, from the Coastal Commission's standpoint, historically they were very concerned about the forest and destroying a good part of the forest canopy, quite aside from whatever else might occur in terms of both additional residential and golf activities there. You had the good old "Make my day" actor who—

03-01:46:25

Holmes: Oh, yeah, Clint Eastwood. He became mayor of Carmel.

03-01:46:29

Nutter: Yeah, Clint Eastwood who at one point in time was mayor of Carmel and owned—for all I know, he still owns a restaurant/bar right near there. There were a whole variety of things going over a lot of time. But the rather remarkable, semi-conclusion to the story was long after I was history, when Peter Douglas struck up an unlikely connection and friendship, if you will, with the current representatives of the Pebble Beach Company, Peter Ueberroth, the guy who'd put together our Olympic thing in Los Angeles and had been very much involved in a variety of sporting things. As Peter tells it,

they took walks together along the beach and elsewhere, and were able to work out essentially a deal that the commission could approve.

But before that happened, the commission was faced with what some of us thought was a pretty bad proposal that looked like it might well get Coastal Commission approval. Again, I am a little hazy in terms of the timing, but it wasn't all that much before the final resolution of things. There was a time when the commission was meeting, where the commission, by a very narrow vote, as I recall, voted to deny the proposal. I happened at the time to be down in Orange County with Larry Wan. He is married to Sara Wan, who was one of the commissioners then. She called Larry after the hearing to tell him what had happened. We were in a little restaurant, and so he handed me the phone and I got her first-hand account of some of that. One of the things that happens when the commission denies or approves something and doesn't pay any attention to what the findings ought to look like, they just automatically adopt the staff's proposed findings if they're going along with the staff recommendation. And those findings were kind of poison for those that wanted ultimately to overturn the decision, as I recall. There was some notion that the on next day, the losing end of things wanted to see about revising the findings. They had outsmarted themselves and couldn't do it because maybe one of them had voted for denial so that he'd be in a position to deal with subsequent findings, not being alert or knowledgeable enough to realize that it was a done deal. And so there were a few chuckles about all of that. I don't know whether I've told the story completely accurately but that's kind of my recollection of my second-hand version of things. But the point is, ultimately that drove things to a place where the unlikely team of Peter and Peter, the two Peters, got together. After Peter died, that is after Peter Douglas died and we had a little ceremony down at Crystal Cove to dedicate a facility down there in Peter Douglas's name, Peter Ueberroth came to the ceremony and said some wonderful things about Peter. He did have a certain magic.

03-01:51:50

Holmes:

He did. I remember hearing that story. It's usually told as the tale of two unlikely allies. What's so moving about it, if we think of the broad history of the Coastal Commission, it's always kind of pitched as developers versus the commission or property owners versus the commission. What I've heard second-hand of what the other Peter was saying was, "It took these walks with Peter Douglas to kind of open my eyes to what he was really talking about, and that there were ways forward, we just needed to move much more carefully."

03-01:52:35

Nutter:

Well, it gets back to my wise use of the coast concept rather than the black hats and the white hats. I've sometimes tried to describe myself as a light gray hat.

03-01:52:52

Holmes:

Yeah. I think that's well done. [laughter] I wanted to move on here. We talked a little bit about Bolsa Chica and I wanted to cover that again. It proved to be such an important issue and one that certainly did drag on for quite some time.

03-01:53:16

Nutter:

Well, it did. Of course, the history there starts before I ever was a coastal commissioner. In terms of my own involvement, this again was back in the day that coastal commissioners weren't being told, "You can't go out and negotiate with the parties." The lowland property owners wanted to have this massive development. Of course, part of it was never, ever really going to work unless the Army Corps of Engineers was heavily involved and produced a massive amount of subsidy for it, I suspect. And so my feeling is part of what happened is that economic reality ultimately came into play. That aside, I wasn't so much dealing with the economics of it, I was dealing with the fact that simply wiping out a major Southern California wetland when we already had lost, what, 90 percent or whatever it is of our coastal wetlands, seemed to me to be a pretty irresponsible kind of thing. And there'd even been some legislation specifically aimed at Bolsa Chica to indicate that it could be used as a boating facility under some sets of circumstances if certain findings and certain things were done.

When I really became engaged in the Bolsa Chica issue, we had the Coastal Conservancy as well as the property owners and the Coastal Commission sort of involved in a, for lack of a better term, negotiation about what we could do in terms of a Coastal Commission process that would be akin to adopting a land use plan for the area. Some kind of a master plan. And it gets further complicated by the fact that most of Bolsa Chica is in unincorporated Orange County, but essentially surrounded by the city of Huntington Beach, which makes for an even more interesting dynamic. But what we finally worked out was that a proposal would be submitted to the Coastal Commission that would involve an open ocean navigable entrance. And I forget what all of the other elements were. There certainly was to be some major wetland protection. But as a matter of the requirements for an approval, there had to be a number of things that had to come into play, including that there would be no negative sand transport issues. And I no longer remember what they all were but a variety of things had to be proved up before things could go forward. I was satisfied at the time that those conditions could and would never, ever be met. There have been a number of Bolsa Chica hearings. I mentioned one earlier when I was subjected to a potential leaving of the commission in the middle of a hearing. But the thing I'm talking about now, I was the chair, and so it was after that last mess. We did have a hearing of some sort and it may have been kind of a preliminary thing because there in fact was further commission action, I think, in 1986 which would have been right after I had left. But essentially, I thought it was a terrible idea and I was convinced it could never happen. And as it turned out I was right, for which I'm very thankful. Then, of course, a variety of things subsequently happened, which included the State of

California purchasing most of the lowlands. There was a whole Amigos de Bolsa Chica litigation with the landowner, a 1989 secret settlement, and a variety of things we can talk about after I was off the commission.

03-01:59:06

Holmes:

Yeah. I wanted to get to the Amigos de Bolsa Chica because you represented them, is that correct?

03-01:59:14

Nutter:

I did, I did.

03-01:59:16

Holmes:

And was that part of the legal settlement that finally—

03-01:59:21

Nutter:

Well, there were several legal settlements.

03-01:59:23

Holmes:

Oh, wow.

03-01:59:24

Nutter:

And several bits of litigation. When you talk about Bolsa Chica in terms of the so-called protectors or environmental aspect of things, a lot of people get very confused because there was the Amigos de Bolsa Chica, the original Bolsa Chica outfit that was created in the living room of some people at a League of Women Voters meeting, I believe, and then there is the Bolsa Chica Conservancy, which was created later and had a major role to play, actually created in part, involving the Amigos, and then there's the Bolsa Chica Land Trust, which has also played a major role. So a lot of folks get very confused about why do we have three groups and what are they doing and are they coordinating and so forth. But initially all we had was the Amigos de Bolsa Chica and that was formed before. It was formed back, I think, when I was a coastal commissioner.

There was litigation involving the lowlands and ultimately, without getting lost in a lot of the weeds, in 1989, if I remember correctly, there was a so-called coalition plan that was put together in which several state agencies and the landowner and the Amigos sort of signed off on as a way going forward. But in order to get to that plan there had to be the settlement of some litigation, which I was not a part of. Part of the settlement involved a confidentiality provision which I think was largely designed to protect the landowner rather than the Amigos de Bolsa Chica, as it ultimately turned out. I may be getting a number of things mixed up over the course of time, but what happened ultimately, as far as the Amigos are concerned, is that as a group that advocated for the protection of the lowlands and also was concerned about the upland area, it decided to become actively involved in planning issues before public agencies. The property owner concluded that was a violation of this confidential arrangement and settlement, and I then was brought in to take a look at the matter and provide the organization with some

advice. I generated some legal advice and indicated that in my judgment they were not precluded from doing what they were doing as long as they didn't do certain things, which they weren't intending to do anyway. So they continued.

What followed was a lawsuit. The property owners foolishly attached a complete copy of the confidential settlement agreement to their complaint against the organization, thereby, I suppose, arguably breaching their obligation to keep it confidential. And they certainly could have asked for court permission to keep the document itself away from the eyes of the public. But they didn't do it, which freed us up to now explain to the world that the Amigos hadn't done any bad thing and weren't causing the kind of trouble that people were accusing them of. The thing went into arbitration, or was scheduled to, and fortunately we had insurance that took care of the expense of the thing. Ultimately the property owner, a few weeks before the thing was to go for a week-long arbitration hearing, raised the white flag and bailed. So we got everything we wanted.

03-02:05:49

Holmes:

I wanted to ask you, too, there's usually one segment of the Bolsa Chica story, of how it's kind of been summarized in some ways, where Peter Douglas was completely against this project. The staff came out against it and it was during the Wilson Administration that the commission had the votes to approve it.

03-02:06:15

Nutter:

Yeah, yeah.

03-02:06:18

Holmes:

And it's often told that Peter Douglas was very upset, and vowed that this is against the Coastal Act—that this project will not proceed. And I don't know if that was—

03-02:06:33

Nutter:

Well, I was there for this hearing myself, not as a commissioner but wearing my League for Coastal Protection hat because I was the chair for that organization. And Sara Wan was there as the person that was our regular representative for the League before the Coastal Commission. This was a hot and heavy matter, no question about it. Doug Wheeler, as I recall, showed up in person because the resources agency, he being the resources secretary, has an ex officio seat on the commission. And that's the only time I ever recall the actual cabinet secretary, as opposed to an alternate, showing up to occupy that seat. Wait a minute—one of the senate rules appointees was Madelyn Glickfeld. The story doesn't work if that's not the appointing power, come to think of it. And the Wilson folks had done enough research to figure out that Madelyn had as a client—what was it, Southern California Edison? I think it was Southern California Edison. Edison owned a little tiny sliver of the back part of some section of Bolsa Chica and were kind of hanging on to it. Occasionally there was this talk about putting a nuclear power plant or some foolish thing there. This was not 2017, I can assure you. And so they figured

out that they perhaps could raise a conflict of interest charge against Madelyn on the basis of the fact that she had a client who had an interest, not that her representation of that client had anything to do with this at all. And so they were prepared to raise that issue to get the membership down to eleven, which then means they only needed six rather than seven votes to approve the project because it would be a majority of the commissioners. We just happened to have Sara Wan there with us. I got on, we got on. It was a mad rush. We got the senate rules to have an emergency meeting to replace Madelyn with Sara for this hearing during the meeting. Now, this was one of those removals that wasn't exactly the usual "I don't like what you're doing" from the appointing power. So Sara took her seat as a coastal commissioner in the middle of that meeting. The deputy attorney general swore her in in the back of the room. [laughter]

03-02:10:48

Holmes: And so it went.

03-02:10:50

Nutter: But ultimately, of course, the result was litigation. I certainly have, from time to time, talked to Peter about things going on. The litigation that involved both the Amigos, as well as the Bolsa Chica Land Trust, the Land Trust having more of a focus on the upland, the Amigos having more of a focus on the lowland. Well, wait a minute. The League for Coastal Protection was the litigant for the lowland. I'm mixing up apples and oranges here. That's the trouble with having a hat rack with too many hats on it.

03-02:11:46

Holmes: It is. You've been busy.

03-02:11:50

Nutter: Somebody better put me out to pasture.

03-02:11:53

Holmes: No, no.

03-02:11:56

Nutter: And so the league was actually the litigant in terms of the lowland. Part of the theory was that the scheme of things involved allowing 900 homes to be built at the backside of the wetland area, which we thought was in violation of the Coastal Act because it would be gobbling up wetland for not only a non-wetland related development, but it wasn't even a high Coastal Act priority development. Why private residential? Ultimately, of course, the litigation worked its way and then eventually we had the ports of LA and Long Beach contributing mitigation dollars to allow the state to purchase most of the balance of the wetland that wasn't already in state ownership. I really ought to have a chart before me to spin the tale because there's so many pieces. It's been quite a while since I've looked at all of this.

03-02:13:21

Holmes:

Well, Bolsa Chica was a very long, drawn-out, and complicated—

03-02:13:24

Nutter:

Well, and it still goes on because there is restoration yet to be done, and there is concern about the maintenance of the channel now that feeds the wetland, the low back and forth. It's been ten years since we had a dedication ceremony opening that waterway from the ocean through the beach to the wetland area. So there are still ongoing issues and concerns about maintaining what we have, and as the oil operation in some places dies a natural or unnatural death, doing more restoration. But it's going to cost a lot of money one way or another to even maintain what has been ostensibly protected and saved. So still things to do.

03-02:14:31

Holmes:

One last question on that—was Peter and any of the staff involved, or maybe helping behind the scenes, or offering assistance in those litigation matters?

03-02:14:49

Nutter:

Not in a way that I think ought to be embarrassing.

03-02:14:59

Holmes:

No, of course.

03-02:15:00

Nutter:

Yeah. It's one thing when you're very disappointed, you've got a staff position, and then there are a bunch of crazy folks out there wearing green badges that say, "We agree with the staff report. That's why we were busily pitching our position and we've got the resources to do it and we're going to sue." Well, I'm not aware that Peter had anything to do with drafting anybody's complaint. Didn't need to.

03-02:15:41

Holmes:

No, no. I've often wondered, particularly with the Bolsa Chica case—I know Peter was upset that the vote went down that way.

03-02:15:54

Nutter:

Well, of course.

03-02:15:58

Holmes:

When you have a group who's saying, "Well, we're going to sue," and Peter's, "I'm here to help."

03-02:16:04

Nutter:

He could well have said, "I'm here to help," but that doesn't really mean, "I'm going to turn my staff or even me loose doing anything inappropriate."

03-02:16:14

Holmes:

I didn't think it was going to be inappropriate. But I was thinking also, as I thought through that matter more, the staff report would have all the

information that was already publicly available, that they would probably need.

03-02:16:29

Nutter:

Absolutely. And, of course, I suppose it wouldn't really have been out of line for somebody to say, "I didn't quite understand what the staff meant when it said X, Y or Z here. Can you shed some light on what the staff report's all about?" Well, that might be helpful in some context. But for crying out loud, it was already out there.

03-02:16:52

Holmes:

Yeah. I totally agree.

03-02:16:56

Nutter:

And the legal issues were pretty clear, and the facts were also reasonably clear.

03-02:17:09

Holmes:

Well, I wanted to move back to Peter because I know this was also a time when Peter himself began to face threats of dismissal.

03-02:17:20

Nutter:

Well, there have been several over the course of time.

03-02:17:24

Holmes:

Well, first, let's talk about the main two and then any other light you can shed on the others, as well, that'd be great. So let's start with 1991. There was a motion made and this was pushed by David Malcolm and Marc Nathanson. What was your observation on that?

03-02:17:48

Nutter:

I was obviously not on the commission at that point. My sense is that, although they were busily pushing it, it wasn't nearly the real threat that happened later. It was more, I think, a matter that those two, in conjunction with a particular developer and the developer's attorney, thought it might be helpful or useful to put some misinformation or false rumor out there about inappropriate conduct on the part of Peter, which would have perhaps got some traction with some of the rest of the commissioners and folks in Sacramento—keeping in mind people do have to pay attention to their appointing powers. They tried to create a context and an atmosphere in which Peter would have to go or resign. Not to cast aspersions on any particular partisan situation, but interestingly enough both Malcolm and Nathanson were both appointees of the speaker of the assembly. And until very recently they were the only two Republicans ever appointed to the Coastal Commission by a Democratic speaker of the assembly, which raises some other interesting questions.

03-02:19:55

Holmes:

Which was Willie Brown at this time.

03-02:19:57

Nutter:

Which was Willie Brown at the time. And I am sure Willie Brown didn't do it in order to give Peter a bad time. I'm sure there were far more interesting reasons. But I'm not Willie Brown's spokesperson or mind reader. But essentially they spread the tale that Peter had had an affair with one of his staff members who had committed suicide. And presumably as a result thereof, and that you just couldn't have an executive director doing that kind of thing with staff and driving them to their own death. That probably bothered Peter worse than any of the other things I can ever think of. I don't have any personal knowledge about any of this because the only person that ever talked to me about it was Peter. I didn't talk to any commissioners and I don't know whether it spread. I don't know what killed it. I seem to recall that we may have had a conversation about defamation suit. I don't remember. It was horrible. Terrible. Based on what I think I know, not only was it absolutely false, but doesn't fit into any pattern that makes any sense whatsoever. In fact, the woman in question I believe was engaged at the time to somebody else.

03-02:22:29

Holmes:

I know Peter, in the newspapers when asked about this, all he would call it was a horrendous accusation and just leave it at that.

03-02:22:43

Nutter:

I almost hesitate to mention it because I know some of the players are still alive and kicking.

03-02:22:54

Holmes:

But I appreciate setting the record straight and letting the record stand for itself. It didn't gain any traction. That threat just kind of petered out.

03-02:23:10

Nutter:

Yeah. I didn't hear anything other than the anguish that Peter experienced.

03-02:23:21

Holmes:

And I know from reports that—

03-02:23:26

Nutter:

I can't claim any of us is a saint but that's not the Peter I knew.

03-02:23:32

Holmes:

Yeah. And certainly by his reaction, that he was so upset over the accusation. probably gives a lot of credence to it was fairly untrustworthy.

03-02:23:50

Nutter:

Well, and I knew the staff person reasonably well, too.

03-02:23:52

Holmes:

Yeah, absolutely. But also, on that note, as we were just talking about, the whole movement to try to put heat on Peter, or to even try to replace him, it didn't even come to a vote if my research is correct.

- 03-02:24:15
Nutter: I think that's right.
- 03-02:24:16
Holmes: It just petered out.
- 03-02:24:18
Nutter: Otherwise I'd have known about it.
- 03-02:24:19
Holmes: Well, then, moving on to five years later, 1996.
- 03-02:24:27
Nutter: I don't know how many lives this cat was going to have.
- 03-02:24:29
Holmes: Yeah, yeah. So five years later, again there is a push to replace and dismiss Peter Douglas. And this time coming from the Wilson Administration, it seems. They had the vote.
- 03-02:24:49
Nutter: Well, and this was at a time, correct me if I'm wrong, but for a short period of time we had a Republican speaker of the assembly and so although two-thirds of the appointees were still responsive or responsible to Democratic officeholders, now we had one-third of them answerable to a Republican speaker of the assembly.
- 03-02:25:20
Holmes: The switch was two-thirds, because Willie Brown was forced out due to term limits. You have a Republican governor and a Republican speaker.
- 03-02:25:28
Nutter: I keep having my trouble with Wilson because he doesn't fit exactly the mold. But yeah, you're right. I misspoke. It was two-thirds Republican.
- 03-02:25:50
Holmes: I think that's the first time, in the history of the commission, that you had two-thirds Republican.
- 03-02:25:57
Nutter: Ever. Yeah, ever.
- 03-02:25:57
Holmes: At least from the tales of those I've talked to, and also other research, there was a lot of talk that Republicans were getting ready, "Hey, we have the votes. We can get rid of Peter Douglas." And Bolsa Chica played a very big part in it at that time as well.
- 03-02:26:19
Nutter: Oh, yes, no question. The resources secretary, whether he was a free agent or doing what Pete Wilson wanted, was very much a player.

03-02:26:36

Holmes:

Sure, sure. And so this is coming down to having a hearing. Resource secretary Doug Wheeler, Governor Pete Wilson, their appointees, a lot of interest. Bolsa Chica has created another instance where Peter Douglas's enemies list is continuing to get longer. And so they're going to have a hearing to see if we're going to keep Douglas or not. So you played a part in that.

03-02:27:04

Nutter:

Well, I did.

03-02:27:06

Holmes:

Talk about that a little bit.

03-02:27:07

Nutter:

I, of course, continued to stay in touch with Peter over the course of time for a whole variety of roles and reasons. When it became clear that this was in fact going to be an item to be considered at a meeting of the commission in Huntington Beach, there was some rumblings and then some press about it. The good news, of course, is that the commission has to agendize things in advance of their meetings, number one. And number two, the executive director is in a position to have something to do with when and how notices go out and matters are agendized. On the other hand, he obviously was told by the then-chair of the commission that this was something he had to put on the agenda. How much longer do we have to go?

03-02:28:15

Holmes:

You want to take a break?

03-02:28:15

Nutter:

I want to do a quick break bre—

03-02:28:17

Holmes:

Yeah, why don't we take a quick—

[break in audio]

03-02:28:19

Nutter:

I'm trying to remember the name of the commission chair. He was a dairyman, I think, from Moss Landing. [Louis Calcagno]

03-02:28:30

Holmes:

Is this during the—

03-02:28:35

Nutter:

During the hearing that—

03-02:28:38

Holmes:

Oh, in 1996, yeah.

03-02:28:38

Nutter: Yeah.

03-02:28:37

Holmes: Offhand I can't think of it either.

03-02:28:42

Nutter: I'd have to look at the list and see whether something clicks into place.

03-02:28:45

Holmes: Yeah. I know I have it in my notes someplace. So a meeting is scheduled.

03-02:28:57

Nutter: Are we back on?

03-02:28:59

Holmes: We're back on.

03-02:28:59

Nutter: Oh, okay.

03-02:29:00

Holmes: There we go. Let's see.

03-02:29:04

Nutter: So we talked about the matter being agendized for—

03-02:29:09

Holmes: Sure, agendized. You're in contact with Peter.

03-02:29:12

Nutter: And I certainly was aware, because of conversations among others with Peter and, of course, I was getting the agenda and trying to keep track of things in any event. I was hearing from Peter about what—Doug Wheeler was leading the band, so to speak, in charge of seeing that Peter disappeared. So I was talking to a friend of mine at the *LA Times*, Jeff Rabin, who's a reporter who had been covering the commission for I don't remember what length of time. But he was somebody who was the paper's coastal person in terms of whatever coverage was going on. And I wanted to make sure he was aware that this was happening, although maybe he already knew it. I'm not remembering specific conversations. I'm just remembering that we were, in fact, talking to one another. At some point he personally told me about the conference call that Doug Wheeler had set up with representatives of newspapers all around the state on the condition that the conversation would all be off the record. And then presumably no one would be the wiser except that then, of course, the reporters or editorial writers, whoever was in on the call, would then, from Wheeler's standpoint, have a better understanding of why Peter Douglas needed to be replaced.

According to Jeff Rabin, what happened was after the conference call ended, Jeff immediately called Wheeler back and Wheeler didn't say, "Well, we're

still off the record,” or “This is off the record,” and proceeded to say things that then Jeff was able to put into an article in the *LA Times*, which really got the attention of the rabble, so to speak. That is to say it was all that was needed to just bring massive amounts of people to that hearing to testify about Peter and the subject matter. I got a phone call from Peter. I’m stretching my memory here. But he called me first thing in the morning of that hearing to let me know that—and I wouldn’t swear that my memory is getting this right. But he had had a conversation, he told me late that evening, with the chair of the commission, whose name I’m having trouble recalling right now. [Louis Calcagno] I think he was a dairyman from Moss Landing and the name may snap into my head in a bit. I’m not sure. And I think I’m right about that. In any event, some conversation. And this was a commissioner who didn’t tend to be much of an aggressive leader. I don’t really remember exactly what was said other than it was going to be really important that we get as many people there as possible. But he had the feeling that the chair was starting to feel some real political heat in terms of pulling the plug on Peter.

So I was feeding what I could to the paper, and Jeff was talking to me, and I was talking to Peter. And I don’t know whether Jeff talked to Peter directly or not. Maybe there’s some quote in the paper. I’m not sure. But the result ultimately was a huge outpouring of testimony for Peter, and I can remember one of my friends from Carlsbad brought her granddaughter along, who was just third grade or something, to get up there at the microphone and tell the world how important it was that this fellow her grandmother respected needed to keep being able to do his job. And there were folks out on Pacific Coast Highway with signs and placards, and lots of noise. Funny how sometimes a public outcry can save the day. And that one did.

03-02:35:22

Holmes:

Indeed. And if my memory serves, the matter ended up being dropped and never coming to a vote.

03-02:35:32

Nutter:

Once again, no vote. When you know you’re dead in the water, why emphasize it?

03-02:35:40

Holmes:

And when we think of that, Republicans had a majority, they had the votes if they were going to move forward with it—

03-02:35:50

Nutter:

They had more than enough appointees.

03-02:35:53

Holmes:

From the reports that I’ve heard afterwards, there were some coastal Republicans who were afraid that if they would have voted to dismiss Peter, they could have also been ending their own political career, as well, with an upcoming election around the corner.

03-02:36:11

Nutter:

Yeah. Oh, yeah. Think about how one of the very recent changes on the Coastal Commission within the last few months involved a coastal commissioner who wasn't reelected to her position on her county board of supervisors, having, among other things, voted to dismiss Charles Lester—

03-02:36:41

Holmes:

Yes, Charles Lester.

03-02:36:41

Nutter:

—who was, in fairness to everybody, not quite as popular a figure as Peter was.

03-02:36:52

Holmes:

No, absolutely.

03-02:36:55

Nutter:

And that was somebody from the North Coast that isn't supposed to like that terrible overreaching Coastal Commission.

03-02:37:05

Holmes:

Absolutely. I wanted to get your thoughts on the other attempts, or at least pressure, to dismiss Peter. In articles towards the latter part of his career, he often said that he had survived over a dozen attempts, or at least a dozen threats of dismissal. We only know really of the high profile, at least two of those, in '91 and '96. Were you aware of others or at least other threats?

03-02:37:42

Nutter:

Well, it's one thing for a coastal commissioner to say, "I think it's time." I'm trying to remember but I believe—was it the '96 thing that they already had the replacement lined up?

03-02:38:05

Holmes:

I think Doug Wheeler tried to—

03-02:38:10

Nutter:

I think it was a Republican from Modesto or some such place, a woman if I'm putting the events together properly. But I do seem to recall that there was in fact a candidate that had been identified and sort of selected and was waiting in the wings. Since the '96 thing was the most prominent and visible activity, it may well have been that we knew about this effort for months. I'm trying to recover some memory. But I'm now recalling that there was a candidate and apparently had been vetted, I assume, by the Wilson Administration. It would make sense that it was at the same time.

03-02:39:32

Holmes:

Sure, sure. There weren't other specific—

03-02:39:37

Nutter:

I don't remember any others which really surfaced in a way that was of concern that I was aware of. No. There may well have been situations where

somebody in Sacramento was suggesting it was time for him to go. He had a bumpy relationship, for instance, with Senator Denise Ducheny, who was, I think, the chair of the subcommittee dealing with the commission's budget. Pressure could have been coming from different directions.

03-02:40:28

Holmes:

I wanted to ask you, too, what were your thoughts on the impact and aftermath of that? Peter Douglas survives these attempts, and successfully. Some say that, in many respects, it made him feel invincible—that kind of test by fire. Like, “I’ve survived these, I’ll survive anything now.” Others say they really didn’t see much of a change. It was business as usual afterwards.

03-02:41:11

Nutter:

I didn’t see much of a change. In an unfortunate sense, I guess, I sort of got to see more of who he really was as he started blogging and dealing with his health issues and recognizing his mortality. Even before that came along, he managed to burn himself and he had tongue cancer. He had some health issues before it all caught up with him in terms of his physical being. I suppose he may have shared more of personal stuff with me. But he always was, with me, an open kind of a person. Not only did I see him as a professional but I saw him as a real friend. I handled a number of legal matters for him over the course of time. And as I told you over lunch the other day, I even had, with Alan Sieroty, his first employer, the privilege of sort of ushering him out of this life. I’m probably not the most objective person to talk about Peter.

03-02:42:53

Holmes:

But your point of view is extremely valuable in that sense because not many had that kind of close relationship, too.

03-02:43:02

Nutter:

And you think a little bit about, for instance, what he’d do when he was all alone in the desert, contemplating life and what it’s all about and so forth. I never had the feeling that, like some of us, his head really got swelled up beyond at least manageable proportions. On the other hand, you’ve got to have a certain amount of ego to function successfully in a political context.

03-02:43:44

Holmes:

Sure. Absolutely

03-02:43:47

Nutter:

To suggest otherwise is not to see how it works.

03-02:43:51

Holmes:

No, I think you’re absolutely right on that. And speaking about before Peter left, he hand selected what would be his successor in Charles Lester, is that correct?

03-02:44:04

Nutter:

That I think is absolutely true, although it was, of course, ultimately the decision of the commission.

03-02:44:14

Holmes: The commission itself, sure.

03-02:44:15

Nutter: And there was a little tugging and pulling, I understand, about whether that is what it ought to have been. Some of the concern wasn't simply that Charles Lester would be the best person ever but there was a real concern, I think, about the continuity of the coastal program in Peter's mind as to bringing somebody in from the outside created a risk that having somebody thoroughly familiar with the dynamic and the purpose of the commission, it would be a different sort of thing. My sense is that's sort of part of it. Kind of like way back at the time we hired Peter—I, for instance, being concerned about the continuity. And since it was a very different commission as Peter was getting ready to depart to his executive director role, some commissioners weren't as, I suspect from Peter's point of view, with the program as he might have liked it to be, and therefore it became more important to have, from his perspective, someone that really was thoroughly involved in the program. It was all sort of speculation from the outside, but knowing a little bit about how all of this works and I know some commissioners got a little blowback from the way it was handled. But ultimately, of course, Charles Lester's future, I think, was largely a function of how Charles Lester performed, not whether he was another Peter Douglas or not.

03-02:46:48

Holmes: Sure. I often kind of joke that being the successor of Peter Douglas, those are big shoes to fill. And I guess if we were going to be more accurate we'd say those are very big Birkenstocks to fill because Peter wore Birkenstocks.
[laughter]

03-02:47:12

Nutter: Of course. [laughter] No one else can wear a bolo tie like he did either.

03-02:47:19

Holmes: Yeah, exactly. When we saw Charles Lester being dismissed last year, it's the first time it actually happened. I know it's really soon and I would certainly not ask you to get into the muck of those kind of recent affairs. But in a sense, I know you were also involved in trying to solicit support on behalf of Charles. Do you think his dismissal was much more of a function of, in some ways, how the commission and that kind of regulatory politics has changed?

03-02:48:02

Nutter: Partly so. I think if you had put Peter Douglas into that seat in 2016, that cat might have had another life. There's more to it than just—

03-02:48:25

Holmes: The structure, yeah.

03-02:48:28

Nutter: Just the structure. One of the things Peter knew how to do, at least well enough to deal with his commissioners, was the care and feeding of

commissioners. And I think it doesn't really have much to do with public policy and all of that, but I don't think Charles Lester had that kind of skill set. I say that because, of course, my perception is that the commission that we had in 2016 when Charles was dismissed had some of the same kinds of tensions that earlier commissions had when trying to deal with Peter. I'm not sure quite how to frame that.

03-02:49:40

Holmes:

It is interesting you mention tension. In kind of looking back over your decades of dealing with the Coastal Commission, would you say that the staff - commissioner relations, there's always been a tension that flares up on and off there? Has it gotten worse now or is this just another cycle?

03-02:50:00

Nutter:

I think in the last bit it's been a lot worse than it used to be. And, of course, as I think I've said, anytime you plug in a commissioner or take out one, the dynamic changes a bit. In the early, early days of the commission, for a variety of reasons, I don't think there was a whole lot of serious tension, at least at the state level. As I think I've explained, it was sort of we're all in this together and there was a much, much friendlier arrangement amongst staff and commissioners. I don't know how many times I'd be at some hotel and a bunch of staff and commissioners would get together and somebody would open a bottle. We weren't scheming about the next day's work but it was a collegial kind of thing. Of course, that changes over the course of time. Well, you had Nathanson and Malcolm, who would beat up on staff. I guess you call that tension, disrespect. My feeling always was, as a commissioner, the commission needs the staff and the staff needs the commission, and if you've got to take somebody to the woodshed for some terrible thing, you don't beat them up in public, you go quietly and tell them what your concern is and try to improve the situation.

That's obviously not the style of some folks that have been commissioners over the years. In the last few years it seems to me it's gotten just nastier. I don't know how. Maybe things have improved a bit recently. For instance, Wendy Mitchell, who's no longer on the commission, seemed to take pleasure in beating up on the staff publicly. And some of the other commissioners would do similar sorts of things. It seems to me if you're going to accuse staff of a lack of integrity, you've got a problem. Whether there's a lack of integrity or not, yeah, there can be some real tension. On the other hand, I don't think staff or commissioners ought to lose sight of the fact that they do play different roles. If the commission's only function was to approve everything staff said, you wouldn't need a commission. You could just have a machine that just tallied up what the staff recommendations were and it was all said and done. So there's a real value, I think, not only in public hearings, both in terms of getting the facts out and in terms of having people on all sides of an issue feel like they really have had a role to play. And commissioners can legitimately make judgments that aren't carbon copies of what their staff is

suggesting. There's a dynamic there that I think is important and I wouldn't want it to simply become, what, another state agency with some secretary telling everybody else what the program is.

03-02:54:46

Holmes:

Certainly. As we come to the close of our time, I also wanted to get your thoughts and reflections as one who has seen a lot of environmental change during this time, and how it's been handled. Climate change today is at the forefront of discussion. And I've always wondered what does that mean for coastal management? They're interrelated in some ways, sure, but I've also wondered at times if the discussion of climate change or global warming perhaps distract from the more immediate effects?

03-02:55:34

Nutter:

That's an excellent question and, in a sense, it's sort of the philosophical question that has been before the commission from the beginning of time, because it's presumably a long-range planning agency and, at the same time, a regulatory agency that's got to make decisions about specific projects and issues. And those things kind of get mixed up together when, for instance, staff or commissioners will decide that you ought to set back a development 50 or 100 feet or yards from a coastal bluff because they're recognizing that we're not just talking about today and next year, we're talking about a much longer timeframe. I jokingly suggested that if this current commission totally ruins the coast and screws it up, our savior will be sea level rise so somebody else can do it right next time.

It's kind of a balancing act. On the other hand, I do worry about folks doing wonderful studies and analysis about the consequences of long-range trends, and then sticking the studies on the shelf and not have them have some ongoing meaningful practical application going forward. I guess the trick is, since we all tend to a crisis that's happening right now in front of us and we'll worry about next year, next year. And with term limits of politicians and with all the rest of us, whether it's a corporation looking at its quarterly profits as opposed to what it's going to look like ten years from now, there's a tension there that I guess has always been there. But the sea level rise issue, I think, in a sense makes some of that clearer as an issue because when we're talking about, well, this cliff may or may not last x-number of years before it retreats so far, you're still kind of looking at a smaller piece of the sausage, even if the principle may be applied up and down the coast. Just like we worry about sand transport and sand levels and what development will do to our beaches when there's no resource left to replenish the beach. But with sea level rise, it's that entire ocean out there that we're looking at.

There's a project currently in Long Beach proposed and I actually have been retained as an attorney to take a look at that for a client that's got some serious concerns about it. It's a project essentially to replace an old pool right at the shoreline. And one of the things that the environmental impact report suggests

is the entire proposed development ought to be put together at least seven feet above its current level because sea level rise needs to be factored into it. Well, I don't know whether that's a good or a bad idea in terms of we're going to beat the ocean. But how you pull those things together I haven't really quite figured out. We're doing wetland restoration. What does that mean if the sea really does rise and how do you plan for that thing? When it's a local government that's making the decisions and then maybe, or maybe not, having that reviewed by the Coastal Commission, how narrow or wide is the focus going to be? I guess when I'm gone I'll screw it up some different way. [laughter] I don't know.

03-03:01:07

Holmes:

I was interested in your thoughts on, well, environmental politics. You've seen it evolve over the last 40 some odd years, from the time when we actually created a commission in 1972 to now. It's come a long, long way. What are some of the more significant turning points, do you think, in the commission's history? Do you think, as some claim, that the development interests wield more power today than they did, say, in the 1970s?

03-03:01:46

Nutter:

Well, the development interests, I guess, are different. When looking at the commission, it's a very good and very difficult question to answer because we've got a whole lot more folks living here in California and along the coast than we did, and we've got to accommodate the population we have. And so more power. Well, there are a whole variety of elements that go into making planning or development or environmental decisions that may look a little different than they did a half a century ago. There's also, I suppose, in a sense, a pendulum that sometimes swings a little bit and sometimes a bigger swing. And when you ask that question, I'm thinking about the apparent difference between the so-called "Left Coast" and some other parts of this country where the word environment looks almost like a dirty word. Although in California my sense is that the environment is something that really still has to be factored into decisions that politicians are making. On the other hand, you've got efforts at relatively special legislation to allow expedited environmental reviews if what you're interested in is a football stadium or some other development. Whether you can get that through or not may well have to do with how politically and economically powerful you either are or are perceived to be.

But all of those factors, even back in the 1970s, were at play. In a sense, maybe the game is bigger and more important, although I don't know. It seemed awfully important to me at the time. And I've got to say, as I said to folks that occasionally get extremely discouraged about some Coastal Commission decision that they thought was horrible—and the commission occasionally makes decisions I don't much care for—think about it in a different way: If there was no commission and only your local governmental folks were in charge of what all of this was, what the commission is looking at

already would have been approved. And so even if they do the wrong thing from your perspective on this matter, it would have been the wrong thing and maybe a lot worse had they not been there. They do some good things. So it's an agency that so far, in spite of its critics, I think has done good things and ought to be continued with public support.

03-03:05:42

Holmes:

That's a good place to leave it. Thanks so much for your service, Mel, and your time here.

03-03:05:45

Nutter:

Thanks.

[End of Interview]