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California Land-Use Planning Series

SAVE SAN FRANCISCO BAY ASSOCIATION, 1961-1986

with an
Introduction by Harold Gilliam

and an
Afterword by Mel Scott

Interviews with

Barry Bunshoft
Esther Gulick
Catherine Kerr
Sylvia McLaughlin

Interviews conducted by
Malca Chall
1985 and 1986

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DEDICATION

THE SAVE SAN FRANCISCO BAY
ASSOCIATION DEDICATES THIS ORAL
HISTORY TO THE MEMORY OF DOROTHY
AND MORSE ERSKINE IN APPRECIATION
OF THEIR MANY YEARS OF WISE
COUNSEL AND SUPPORT.

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PREFACE

They are a legend in their own time, the three women who in 1961, sounded the alarm to "Save San Francisco Bay." In large measure Catherine Kerr, Esther Gulick, and Sylvia McLaughlin achieved their goal. Without their concerted skills as leaders, organizers, researchers, writers, public speakers, fund raisers, and arm twisters there would be no Save San Francisco Bay Association, no Bay Conservation and Development Commission as we know it, few court cases on behalf of the public trust--in short there would be a diminished bay, diminished public access, and diminished public awareness of the value of San Francisco Bay as a resource for ecological balance, public recreation, and for simply enjoying its natural beauty.

Their oral history, framed by an introduction by Harold Gilliam, and an afterword by Mel Scott, documents how these talented and dedicated women began to change public perception and hence public policy toward the Bay even before the advent of the environmental movement.

In 1981 the Regional Oral History Office began efforts to develop an oral history of the Save the Bay Association as part of a series on the history of land-use in California. In November, 1982 the Board of the Association decided to honor the memories of long-time environmentalists Dorothy and Morse Erskine with an oral history of the Association based primarily on the experiences of its three founding members.

On November 23, 1982, I met with Kay Kerr and Esther Gulick to discuss the oral history process and possible scope of the interviews. They reported that the three women who had worked closely as a team throughout the previous twenty-five years expected to be interviewed together as a team. Group interviews have always been considered an ill-advised oral history technique. But they were right. The joint interviews brought the history of the Association and the importance of their working relationship into sharp focus.

Interviewing was delayed until mid-summer 1985. Association duties kept them occupied. Furthermore, Mrs. Kerr traveled frequently with her husband, Clark Kerr, former president of the University of California, and Mrs. Gulick and Mrs. McLaughlin were caring for their husbands, Professor of Economics Emeritus Charles Gulick, and professor, dean, and former president of the University of California Board of Regents Donald McLaughlin, both of whom died in 1984.

By August 13, 1985 the women were ready to tackle the memoir. They had prepared for the oral history as carefully as they had prepared for all of their work on behalf of the Bay. Months earlier they had met to consider the scope of the interview and had developed ten excellent questions and a page of general background on various personal, political, and other factors that had motivated their efforts.* These formed the core of the outlines prepared for each of the three two-hour interview sessions that followed between October and December, 1985.

* See Appendix, p.133.

We worked in the small family dining room of the Kerr home in El Cerrito overlooking the expanse of garden and the Bay, sitting around the glass-topped table set with cups for hot tea and a pitcher of lemon juice. This had been their working procedure through the years. Now, the only difference was the addition of the tape recorder on the table among the notes, newsclippings, and other relevant material.

These women are strong willed, well educated, and intelligent. Each has found her special niche within the organization. Kay Kerr does the writing and research; Sylvia McLaughlin works in organizations through which she can promote interest in and education about the Bay and the environment. She is often the Association's spokesperson. Esther Gulick handles the Association's financial and organizational details and has been tagged the "glue" that has held the team together.

To gather background I spent some days in the Association's office reading minutes of Board meetings, newsletters and alerts, annual and biennial meeting materials. All provided rich knowledge of the Association's concerns and activities. Most of this excellent collection has been deposited in The Bancroft Library, where all the Save the Bay papers will ultimately be deposited. Association staff members Janice Kittredge and Nancy Goetzl helped locate some of the rare historical material for the appendix.

Transcribing the tapes posed some problems until the typist learned to distinguish the four voices and to hear them over the sounds of pouring tea, the clatter of cups, fast cross talk, and the laughter that punctuated the discussion when the women recalled something amusing. The typist, a student majoring in environmental studies, claimed that she was having more fun with this project than any others she had encountered in the office.

The lightly edited transcript was submitted in triplicate to Kerr, Gulick, and McLaughlin at a conference on August 11, 1986. They decided that each one should review her copy, suggest reorganization if necessary, add information, correct dates and spelling, and then combine all revisions into one copy. The revised draft of the four chapters was returned to the oral history office on April 29, 1987. Mrs. Kerr had retyped many of the revised pages, and with the help of her colleagues and the interviewer's notes filled in a segment that had been lost during the final interview when the tape recorder malfunctioned. The final version remains close to the original transcript. On May 21, 1987 a second editing conference followed at Mrs. Gulick's home to establish style, and decide what pictures and other memorabilia might be used to illustrate the text.

During the course of research and interviewing it became clear that the history of the Association would not be complete without hearing from Mel Scott about his book, The Future of San Francisco Bay, which laid the foundation for understanding the Bay as a resource, and ultimately for the creation of BCDC.

Mr. Scott preferred to write an essay rather than be interviewed. His story, which adds essential detail to the history of the Save the Bay movement, appears as the Afterword in the volume.

Similarly, the founders claimed, the history required the recollections of Barry Bunshoft, member, and later chair of the Association's Legal Committee. We sat in his office while he took an hour out of his exceedingly busy schedule to discuss several landmark cases and public hearings in which the Association was involved. Harold Gilliam, an early member of the Association who has written extensively on the Bay Area, agreed to write the Introduction.

Much has been written and is still being written about the Save the Bay movement. Some is as current as the daily paper. It would, therefore, have been impossible to make this oral history a definitive study of the movement or even of the Save San Francisco Bay Association itself. It was intended, instead, to be primarily a first-hand account of how and why three public-spirited women--housewives and mothers--managed to devote twenty-five years and endless hours writing, reading, speaking, attending hearings, organizing meetings, raising funds, helping to support or oppose legislation, doing highly professional work as volunteers, in order to save the Bay and its shoreline from runaway filling and development.

It is an open question whether this kind of commitment would be possible in today's setting in which women are frequently wage earners with an orientation toward careers. Perhaps today's conservationists and environmentalists should be grateful that Gulick, Kerr, and McLaughlin functioned at a time when women volunteered their skills while keeping the home fires burning.

This oral history was supported through the sagacity of the Save San Francisco Bay Association Board in providing the initial funding, on grants from the San Francisco Foundation, and on individual donations from Jane McKenzie Spelman and William and Melvin Lane. Especially, it depended on the willingness of the three women to take the time to be interviewed and to review and amend the transcript. During the final interview session they admitted that they had not wanted to look back, thinking it would be dull and difficult. But, according to Esther Gulick, "I guess we've reached the stage in life where we are ready to look back to see where we've been and what we've accomplished." And they agreed with Kay Kerr that, "We have to admit, it's really been fun."

Malca Chall
Interviewer-Editor

20 October 1987
Regional Oral History Office
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University of California
Berkeley, California

INTRODUCTION- Harold Gilliam

My phone rang one night in January of 1961, and the voice on the line said: "This is Kay Kerr, Mrs. Clark Kerr...A couple of friends of mine and I have been very disturbed about the filling of the bay, and we're inviting some conservationists to a meeting next week to see what can be done about it."

Having written a book on San Francisco Bay a few years previously and having done some reporting on the subject for the San Francisco Chronicle, I was generally aware of the ongoing filling of the edges of the bay for airports, harbors, subdivisions, freeways, industrial sites and garbage dumps. I had heard warnings from biologist Francis Felice of the University of San Francisco that continued filling could turn the bay into a biological desert. But I didn't have much hope. Filling the bay was progress, as the word was defined in those days, and you can't stop progress.

However, it's always stimulating to meet with conservationists, I thought; they usually begin each sentence with something like "We must.." and then proceed to become very animated about saving something or other that is obviously doomed by the bulldozers.

So sixteen people met on a cold clear winter night at the home of Kay's friend Esther Gulick on Grizzly Peak overlooking the bay that needed to be saved. One of them was the other member of the threesome, Sylvia McLaughlin; others were the heads of the Sierra Club, the Save-the Redwoods League, the Audubon Society and similar do-gooders. Kay displayed a map she had seen at the Army Corps of Engineers showing the parts of the bay that could feasibly be filled for development, leaving little more than a ship channel down the middle. The city of Berkeley, she told us, had a plan to fill 2,000 acres of the bay's shallows to double the city's size, and other communities has similar plans.

We all agreed that the destruction of the bay was deplorable. This great natural feature of the landscape, this historic body of water inside the Golden Gate, this immense amenity providing breathing space and fishing and boating and swimming and refreshing onshore breezes in the summertime for the cities on its shores--this should not be allowed to disappear by deliberate destruction.

But what could be done? One by one the conservation leaders that night explained that they would be glad to aid in a save-the-bay effort but were all busy to capacity with urgent projects in their own organization. David Brower of the Sierra Club summed up the consensus: "It looks like nobody here is going to be able to take on the job alone. So what we need is a new organization."

The Save San Francisco Bay Association was born that night on Grizzly Peak. All of the groups offered support, but the chief responsibility fell back on the three originals: Kerr, McLaughlin, and Gulick.

Much as I sympathized with the objective, I felt that the effort was futile. As a reporter familiar with the ways of politics, I felt that the three women were too politically naive to know that it couldn't be done. Half of the bay's shallow waters were owned by cities and counties with plans to reap handsome economic benefits from calling in the fill-and-build developers. The other half was in the hands of private owners who felt they had a legal and moral right to develop their own bay-floor property, which was not good for much of anything but "reclamation." They included one of the nation's biggest railroads, one of the West's major construction firms, a gigantic New York financial combine, and the state Division of Highways, which seemed determined to turn a large part of the bay into freeways.

By any rational calculation, the odds that such giants--with billions of dollars behind them--could be stopped by a handful of starry-eyed bay savers was laughable. But the three women were unperturbed by any such political logic. How they went to work, who they enlisted, how they reached the power brokers, and their ultimate success is the intriguing story you can read here in detail.

I watched the effort, wrote newspaper stories, tried as best I could to comply with Kay's urgent requests from time to time, spread the word during a tour of duty in the federal government, and now continue a quarter-century later to be amazed and incredulous that it ever happened. It is a great American success story, democracy at its best, a grass-roots action that overcame overwhelming odds. It turned out that everybody wanted to fill the bay--everyone but the people. Kay, Sylvia, and Esther went to the people, and the people won, and the bay won, and most important of all, future generations won.

But the ripple effects went far beyond the bay. They went across the country and around the world and into history. To grasp the immensity of what happened, recall that the effort took place in a different era from our own. When the battle began, the word "environment" was not in common use, ecology was a concern only of specialized scientists, nobody had ever heard of an environmental impact statement, there were no environmental laws on the books. Legislation on clean air, clean water, wilderness areas, and urban national recreation areas all came later. It was not until 1970 that the National Environmental Policy Act became law and the first nationwide Earth Day kicked off a decade of environmental action.

During the 1960s the plans to dam the Grand Canyon were moving ahead, the bulldozers of progress were still roaring unimpeded across the urban landscape, the gung-ho developers and freeway builders were unopposed except by a few conservationists who could do little more than wring their hands. The Save-The-Bay effort was the first substantial grass-roots victory over the hitherto omnipotent juggernaut of development. It was eloquent proof that people are not powerless in the face of rampant technology, that new institutions can be established to meet our deep need for an orderly, healthful, human, beautiful environment.

Three years after the "Save-The-Bay" act was passed by the California Legislature, the United Nations held its Conference on the Human Environment in Stockholm, and the Save-The-Bay campaign was cited as an example of the power of ordinary citizens working together to exert control over the forces shaping their lives.

The global environmental movement cannot all be traced to the bay battle, but the improbable effort begun by the three women, whose stories you are about to read, must be counted as a major starting point for the ongoing revolutionary change in human attitudes toward the planet on which we live.

Harold Gilliam

October 7, 1987
San Francisco, California

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SAVE SAN FRANCISCO BAY ASSOCIATION, 1961-1986

Barry Bunshoft, Esther Gulick, Catherine Kerr, Sylvia McLaughlin, Mel Scott

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Ether Gulick
Date of birth March 29, 1911 Birthplace Oakland, CA.

Father's full name Ben Kaufmann
Occupation Cattleman Birthplace San Francisco, CA.

Mother's full name Sarah Wacholder Kaufmann
Occupation Homemaker Birthplace Hull, England

Your spouse Charles A. Gulick

Your children Eizabeth Ann Perasso

Where did you grow up? Fresno, CA.

Present community Berkeley, CA.

Education B.A. University of California, Berkeley

Occupation(s) Homemaker, Treasurer for Save San Francisco Bay Association

Areas of expertise research, editorial work, assisting in preparation of manuscripts and other writings.

Other interests or activities Co-founder of Save San Francisco Association, extensive activity in all phases of the work.

Organizations in which you are active _____

IN MEMORIUM: ESTHER GULICK

San Francisco Bay and those who work to protect it have suffered a great loss: Esther Gulick — one of Save San Francisco Bay Association's three founders — died May 31.

Paving the Bay was unchecked during California's post-World War II boom. In 1961, the U.S. Army Corps of Engineers released an alarming report projecting the Bay would become a "San Francisco Canal" by 2020 if Bay filling continued unabated.



Esther Gulick

Esther, Kay Kerr and Sylvia McLaughlin gathered leaders of major conservation groups in Esther's living room and asked them to focus their attention on the Bay. Although agreeing the Bay was in extreme danger, no one volunteered to help. Rather than sit back

themselves and watch their beloved Bay disappear beneath a cold concrete cap, the three women started Save San Francisco Bay Association.

Esther served on the Association's Board of Directors until 1992, from 1961 to 1987 ably serving as treasurer. Her devotion to the cause was indispensable, especially during the organization's early years. Esther, along with Sylvia and Kay, received the Sol Feinstone Environmental Award in 1981, the Robert C. Kirkwood Award of the San Francisco Foundation in 1986 and the Horace M. Albright Lectureship in Conservation at U.C. Berkeley in 1988. Sylvia remains an active Board member, while Kay serves on the Advisory Board.

Esther, Kay and Sylvia increased public awareness of Bay issues at a time when terms like "ecology" and "environmentalist" had yet to come into common use. Their activities on behalf of the Bay led directly to passage of the McAteer-Petris Act in 1969. The Act established the Bay Conservation and Development Commission as a state agency to regulate Bay fill, ensure only appropriate shoreline development and increase public access to the shoreline.

On the occasion of the Association's 25th anniversary, Esther remarked with a smile, "If we'd known we'd still be saving the Bay 25 years later, we might not have had the courage to get started." Esther's energy, commitment and spirit will be greatly missed.

Save San Francisco Bay Association, 1736 Franklin Street, 3rd Floor, Oakland, CA 94612, (510) 452-9261

Esther Kaufmann Gulick

Esther Kaufmann Gulick, one of the founders of the Save San Francisco Bay Association, died on May 31 after a long illness. She was 84.

Mrs. Gulick and two colleagues founded Save the Bay in 1961 to protect the waters from increasing demands to fill in the shoreline. The organization also promotes public access to the bay. For more than 30 years, the association has been a model for other environmental organizations.

Born in Oakland, Mrs. Gulick grew up in Fresno. She attended the University of California at Berkeley and received her bachelor's degree in economics in 1932.

In 1934, she married economics professor Charles A. Gulick. During World War II, she drove a bus for the Navy on Treasure Island.

She is survived by her stepdaughter, Elizabeth Perasso of San Mateo; two grandsons, Gary Perasso of Olympia, Wash., and Paul Perasso of Denver; and two great-grandchildren.

At Mrs. Gulick's request, there will be no services. Memorial contributions may be sent to the Save San Francisco Bay Association, 1736 Franklin Street, Oakland 94612.

San Francisco Chronicle
June 5, 1995

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Sylvia Crammer McLaughlin
Date of birth Dec. 24, 1916 Birthplace Denver, Colorado

Father's full name George E. Crammer
Occupation Stock broker, then, Mgr. of Banks Birthplace Denver, Colorado
City of Denver, (Pa.)

Mother's full name Jean Louise Chappell Crammer
Occupation Homemaker + volunteer, civic Birthplace Trinidad, Colorado
artist in music + the arts

Your spouse Donald Hamilton McLaughlin

Your children Jean McLaughlin Shaterian

George Crammer McLaughlin + 2 step-sons
Donald H. McLaughlin, Jr. + Charles C. McLaughlin

Where did you grow up? Denver, Colorado

Present community Berkeley, California

Education AB Vassar College

Occupation(s) homemaker, grandmother, environmental activist

Areas of expertise _____

Other interests or activities walking, swimming, skiing, reading, traveling, dancing, lectures, concerts, museums, fundraising, one's network

Organizations in which you are active East Bay Ass'n, Citizens for the Eastshore Park, People for Open Space, Trust for Public Land, Save the Redwoods League, National Audubon Society, Center for Environmental Intern Programs (CEIP Fund), East Bay Conservation Corps, Univ. of Calif. S.O.S. Committee (Service Office, Students)

BIOGRAPHICAL INFORMATION

(Please write clearly. Use black ink.)

Your full name Catherine Mary (Spaulding) Kerr

Date of birth March 22, 1911 Birthplace Los Angeles, CA.

Father's full name Charles Edgar Spaulding

Occupation engineer Birthplace Cedar Rapids, Iowa

Mother's full name Gertrude Mary (Smith) Spaulding

Occupation housewife Birthplace Poughkeepsie, NY

Your spouse Clark Kerr

Your children Clark Edgar, Alexander William, Caroline Mary

Where did you grow up? California - Los Angeles-Hollywood

Present community El Cerrito - Berkeley

Education B.A. Stanford University 1932

Occupation(s) housewife - community volunteer

Areas of expertise media, reports, public statements and in-house newsletter writing

organization administration - "social relations" with regents,

alumni, faculty and students.

Other interests or activities student related groups - (foreign students, YWCA,

Theta Sigma Phi and Cap and Gown honoraries.

Organizations in which you are active Save S.F. Bay Association

I BAY OR RIVER? ESTHER GULICK, KAY KERR, SYLVIA McLAUGHLIN DECIDE
TO SAVE THE BAY IN 1961

[Interview 1: 13 August, 1985]##

University Friends Are Helpful

Chall: Mrs. Kerr, why were you concerned about the Bay, and at what time did you feel this concern most?

Kerr: I think the concern about the Bay was the result of my great appreciation of the beauty of the Bay, or the beauty of water, which I had had ever since I was a small child spending the summers on the beach in Santa Monica. Then I went to Stanford and realized the great advantages the Bay had for northern California. While my husband [Clark Kerr] was a student at Berkeley, a graduate student, we used to drive around and choose the hilltops that we would live on, if we could, with a view of the Bay.

Then, years later, in 1946, we came back to the University. In 1949 we built our house with a view of the Bay and we watched the destruction of the Bay from our living room windows. Where there had been a nice wooded cove at Point Isabel, we watched the bulldozers knock off the trees, and level the area, and fill in the little harbor. We watched the garbage fill at Albany.

There was no denying the fact that the visible destruction of the Bay had been of concern, so that when the Army Corps [Corps of Engineers] map appeared in an Oakland Tribune showing that the Bay would end up being a river by 2020 because of all the fill, it was clear to me that this was certainly a possible train of events. It needed to be stopped.*

##This symbol indicates that a segment of tape has begun or ended. For a guide to the tapes, see page

*In December, 1959, the U.S. Army Corps of Engineers released the report of their study of the Bay Area, Development of the San Francisco Bay Area, 1960-2020. This was summarized in the Oakland Tribune and other Bay Area newspapers.

- Chall: Did that Army Corps map actually point out that the Bay would be a river, or did you just make that assumption?
- Kerr: No, the map in the Tribune was what we later used as our flyer, Bay or River? It was very fortunate for us, because I think it was a dramatic appeal. We couldn't have dreamt of anything so effective.
- Chall: Mrs. McLaughlin, why were you personally concerned about the Bay, and when did you become concerned?
- McL.: As a little background, I came from Colorado, which as you know is a semi-arid type of country. I thought that San Francisco Bay was the greatest thing I had ever seen. I felt so fortunate that the gentleman [Donald McLaughlin] I married in 1948 lived here, and he already had a home that was halfway up the hill. It had a view of the Bay. My concern grew out of my appreciation of the Bay, of its beauty, and how much it meant to the people around here. I was totally appalled, reading the Gazette, of the city manager's dream to fill over 2,000 acres in front of Berkeley. This was one of the things that galvanized us into action.
- Chall: Mrs. Gulick, I'm asking you the same question. Why were you personally concerned about the Bay, and when did it take effect?
- Gulick: It had taken effect quite a while before the three of us got together. I was born in Oakland, and as a young child went down to live in Fresno in the San Joaquin Valley, where we also had the same kind of arid conditions that Sylvia mentioned. But we came up to San Francisco a lot because my mother and father's families were up here. It was always a big moment to my brother and me when we saw the Bay again from our car.
- I got very much concerned. My mother was ill in San Francisco, and I used to go over there about three times a week. Crossing the Bay, and seeing what was happening to it, and also smelling it when you go down the shoreline, made me realize that something that I loved and had grown up thinking was always going to be here, turned out that maybe it wasn't going to be.* That is what really got me very much concerned. So then when the three of us got together, it looked like a very good opportunity that maybe we could do something about it.
- Chall: How did the three of you get together? You all had personal concerns that you expressed, but then the three of you did get together. How did that occur?

*Esther Gulick was married to Professor Charles Gulick, and has been a Berkeley resident since 1927.

Kerr: Well, the story has been told. We've been called the "Almond Cooky Ladies," and the "Tea Ladies," and so on. But what happened, was that after the map came out in the Tribune, I went to a tea at the Town and Gown Club, where Sylvia, and I, and a third person, whom I cannot remember, were standing. I said to Sylvia, "Did you see that terrible map with its predictions for the Bay?"

Sylvia said, "I certainly did. I think we should do something about it."

I said, "What do you suggest?"

There was dead silence. Finally, the third person said, "Well, when you have three people, you can change the world."

So I said to Sylvia jokingly, "When I find a third person, I'll call you."

About two weeks later, Esther came over. It was just before Christmas, and she brought me her famous almond paste cookies. We were sitting in the living room, and it was a beautiful day, and the Bay was very blue. I said to Esther, "I don't know what's going to happen to the Bay. Did you see the map in the Tribune?"

She said, "Yes. Wasn't it awful?"

I said, "Well, do you think you would have time to do something about it?"

Esther said, "Well, yes, I think I would."

So I said, "All right. Good. There's three." I called Sylvia, and we got together, and made a date for coffee, and decided how we would start. We decided to start with Berkeley.

McL.: I'd like to amplify that just a little bit. At the tea, I recall saying to Kay that I would rather work on this than anything else I could think of. Also, I remembered that--maybe it was subsequently as she described--she said, "Would you call Esther Gulick?" And then we all got together.

Gulick: We didn't know each other then, Sylvia and I didn't. Kay and I did.

McL.: That's right. So that was how the three of us got together. Kay was the catalyst. But it all just happened.

Kerr: This is an example of what we have always considered very important pieces of luck.

Chall: But you're the only one who knew the other two, Mrs. Kerr? You

Chall: knew Sylvia McLaughlin and you knew Esther Gulick.

Kerr: Yes. One of the things that was important, even at the beginning, was that Sylvia's and my husband were both members of the Board of Regents. That's how I knew Sylvia. And that also had a great deal to do with our influence on the governor and the lieutenant governor, because we had monthly meetings and we could ask embarrassing questions. [laughter]

Chall: Monthly meetings of the--?

McL.: Board of Regents.

In those days, the wives went around to the meetings, and there were lots more informal exchanges with the Regents themselves.

Kerr: When Clark was president, the [University of California] Regents met on Friday, and on Thursday night was a dinner to which the wives were invited. Almost all of us went to the Thursday night dinners. Then the Regents' wives would--Sylvia would take her bills to pay. I would play bridge. I mean, you had to put in the time on Friday until they got out of the Regents' meeting, but Thursday nights were the important times. We had a chance to talk to the Regents.

Chall: So you actually talked to the Regents about this concern of yours, or to their wives, or both?

Kerr: Every month. To the point where both the governor, Pat Brown, and Glenn Anderson, the lieutenant governor, would say, "Now Kay, if you're going to sit next to me at dinner, you can only spend part of the time talking about the Bay."

Chall: I see. So you were lobbying the politicians, not your fellow Regents, as such. They too were Regents, of course. [laughter]

Kerr: We early learned who the politicians were.

Chall: Whom would you sit next to?

Kerr: Every month you couldn't tell.

McL.: This was always at the forefront of our minds no matter where we went.

Kerr: You know what it's like. Anybody else who has a new job, you can't resist talking about your job. So no matter where we were, we would say, "Do you know what we just found out? The city of Berkeley is doing this, ABAG is doing this, and Senator Petris says he'll do this." It was a constant concern. For three or four years most of our—at least most of my conversation always included, "Do you know what is happening about the Bay?"

First Targets: Berkeley and Albany

McL.: We felt it was very important that we be informed, so we essentially embarked on a crash self-education course in a variety of subjects that affected the Bay. Also, I earlier mentioned Berkeley's plans. We got as much information as possible from the Berkeley Planning Department. Then whatever sources of information there were, we felt it was important that we become knowledgeable about all these different aspects of the Bay.

Kerr: By training and by temperament we believed that a persuasive rather than an adversarial approach was most effective. We also realized that knowledge was essential before taking a position. We also quickly learned that the Bay was of great interest to others as well as to ourselves, and others depended on us for information.

Chall: How did you get this information?

Kerr: First, Esther got Professor Crum, a retired U.C. professor, to write a paper which greatly influenced the mayor of Berkeley.

Chall: Tell me about that, how you happened to know Leonard Crum?

Gulick: First, I knew him because he and Eleanor, his wife, rented our house, which has a Bay view, one time when we went to Europe. When we got back, they bought a house just down below us. We just became extremely good friends. Len was a New Englander. He didn't speak very much, but when he did he said things to the point. So, like Kay and Sylvia, I talked about the Bay all the time too. Len got very much interested in it. He had retired, so he wrote a paper for us.

I also went to practically all the city council meetings here in Berkeley. I learned things there, and I became acquainted with some of the people, some sympathetic and some not sympathetic. Also, on the campus there were several other professors who were very much interested in the Bay.

Chall: Who were they? Do you you know their names?

Gulick: Fred Balderston, and Gene Lee. And also Tom Blaisdell. He was in political science. Also Tu Jarvis helped a lot. They were very much interested.

Kerr: What was the name of the mayor?

Gulick: Hutchison.

Kerr: Claude Hutchison was, I think, the former dean of the School of Agriculture. He happened to be the mayor of Berkeley. So when Leonard Crum had written this very intellectual, academic, single spaced, thirteen page paper on what would happen to the city of Berkeley if they filled the Bay, and how much money Santa Fe would make, and how much money the taxpayers would lose, he gave it to Claude Hutchison. Claude read it and announced that nobody else on the city council would even be able to get through the first page. Because he was an academic, he put it in his own words, and he had a great deal of influence on the city council. But it was another piece of luck that we had an academic mayor that could read Crum's report.

Chall: Apparently then, there were two major plans for filling the Bay, one in Berkeley, one in Albany, at the time.

Kerr: Not plans. Albany had only a garbage dump. Berkeley had all kinds of ideas.

McL.: Berkeley's plan was at the stage of the planning commission. They were holding hearings. That was almost the last stage before it went to the city council itself.

Gulick: I think that's what made the people of Berkeley concerned, when we once got organized and sent letters to about a thousand people in Berkeley to ask them if they were interested in joining Save the Bay. We told them some of the things that were going to happen if this went through, like Berkeley being almost twice the size it now is, with the other half out in the Bay, and that there were things like maybe an airport going to be out there, and there were going to be warehouses and that kind of thing. They just couldn't believe it.

They, as we had, thought the Bay belonged to us, that the Bay belonged to everybody. Then, when they found out that a good part of it along the edge belonged to corporations like Santa Fe, they just couldn't believe it, and they couldn't do enough to try to see what they could do to help.

Chall: Did you have anybody sympathetic to your concerns on the planning commission? Where was T.J. Kent at the time?

McL.: He was then on the city council.

Gulick: I don't think we did.

Kerr: It took a long time. Berkeley had an election about 1963 before we got--

McL.: Some of these people, I think it was in Jack Kent's words, went through an "agonizing reappraisal" and came to see our point of view.

Kerr: It took a long time.

McL.: We did a lot towards helping not only the general public, but the decision makers, to become aware of what the future might hold.

Gulick: Several of us met frequently with one city council person at a time.

Kerr: At Martha Benedict's house.

Gulick: Yes. Martha Benedict was on our board.

Kerr: Coffee and cookies, with one city councilmember.

Chall: And who was he? Who was the city council person?

Kerr: Whoever was invited at the time. This was our tactic to provide information. And then we had a banker, and Fred Balderston always came.

Gulick: The banker was a vice-president of the Bank of America.

McL.: The banker also had had previous experience with marinas up and down the coast, and could quote real estate figures.

Gulick: He reported on a recent development failure that made a big impression on the city council.

McL.: There was another example in Martinez of a marina that required constant dredging. That was not very economically advantageous.

Chall: Who pointed out to the banker about the dangers of marinas?

McL.: He knew it already because real estate was his field.

Kerr: He was a personal friend of mine, so I said to Harold, "We need you. How about coming and telling the city council what you know?"

McL.: He was not even a member of Save the Bay.

Chall: What was his name? Harold who?

Kerr: Furst. He was very helpful in the early days. He finally retired from the Bank of America. We lost track of him, and now I understand he is back in my neighborhood.

McL.: We may need him again.

Gulick: Fred Balderston was very impressive and influential at those meetings too.

Chall: Wasn't he in business administration?

Gulick: Yes, in business administration.

Chall: There would be never more than maybe eight people at these meetings?

Kerr: At most.

McL.: Usually six or seven.

Chall: How do you think they reacted to being on the spot?

Kerr: We didn't do it that way.

I think that was one reason why we had them individually. They could say that they had talked to a Bank of America vice-president, and had some new information.

Chall: Could you see them turning round a bit?

Kerr: Not a bit. [laughter]

Chall: I mean, when they went back to the city council, you didn't see any results of your work?

McL.: No.

Chall: You had to get them off the council?

Kerr: Yes, but it took quite a few years, until the 1963 elections, and we organized in 1961.

Creating Save the Bay Association

Chall: In the meantime, were you organizing Save the Bay?

Kerr: Yes.

Chall: How did you decide to do that, and then how did you go about doing it?

Gulick: It was easy. [laughter] We had a meeting at my house, and we had most of the well-known people who were leaders or very influential in their own organizations.

Kerr: They were all conservationists. I think we might be able to find a list of who they were.

[names recalled by Kerr, Gulick, McLaughlin] They included Harold Gilliam, Dave Brower, Dorothy Erskine, Barbara Eastman, Frank Felice, and Mary Jefferds.

Gulick: There was somebody from the Sierra Club there.

Kerr: Dave Brower.

Gulick: Yes. There's somebody else who stood up by my fireplace all evening.

McL.: Who was the fish fellow?

Kerr: Robert Miller?

McL.: Willis Evans.

Kerr: All of the conservation leaders that we could think of. The three of us had decided that we were not conservationists, and this was really a terrible problem. We were going to tell them about the problem, and then we expected they would carry the ball.

Gulick: We weren't going to form an organization at all.

Kerr: We didn't have any of the expertise nor any great authority. But we had done enough research to find out there was a terrible problem.

Chall: I see.

Gulick: So we wanted them to take it on.

Chall: This sounds like about eight.

Gulick: We had more than that. I could get the names.

Chall: So you talked?

Kerr: We told them what we found about the intent of the Berkeley City Council. We explained about the Army Corps map. From everything

Kerr: we could find out, there were maybe eighty square miles of fill already proposed by various cities around the Bay. So we said, "This is the problem."

I remember Dave Brower saying, "Well, it's just exceedingly important, but the Sierra Club is principally interested in wilderness and in trails."

The next guy, Newton Drury, said, "This is very important, but we're saving the redwoods, and we can't save the Bay."

It went around the room to the point where there was dead silence. So we said, "Well, the Bay is going to go down the drain."

Dave Brower said, "There's only one thing to do: Start a new organization, and we'll give you all our mailing lists." And that's how we got started. They all wished us a great deal of luck, and they went out the door. [laughter all around].

McL.: They said, "Someone should really do something about this."

Gulick: It turned out that we were the somebodies.

Kerr: So we never got out of anything.

Chall: Fortunately you had the mailing lists.

McL.: Dorothy Erskine was the first to give us a mailing list. [Citizens for Regional Recreation and Parks]

Gulick: We had the Sierra Club. And Barbara Eastman was interested. At that time was she interested in—

Kerr: I don't think Green Foothills had been organized.

Gulick: But Barbara Eastman was very much interested and she wanted to help.

Kerr: Actually, from the lists that we got from them, we first used just the Berkeley names. Our first newsletters and our first efforts were to get people alert to the Berkeley problem. We got a spectacular response from our first mailing.

Gulick: We had well over 90 percent.

Kerr: And this was unheard of, so we decided that we were really representing public concern.

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- Chall: When you sent out your first mailing, did you have a name for your organization already? How did you select it?
- Kerr: The group that night decided it should be Save San Francisco Bay Association.
- Gulick: We had quite a lot of discussion about it though, as to what it should be. Then we settled on that.
- Chall: Who then wrote your first newsletter? How did you decide to send out a newsletter? I don't know what your first one looked like, but it must be historically important.
- Kerr: Nobody has ever written a newsletter except me. I write them and everybody else edits them.
- Gulick: She writes the draft, and we edit them.
- Chall: From the very start that's how you worked?
- McL: That's right. Esther is the expert on finances, so she handled the finances. I was the gadfly.
- Kerr: Sylvia went to all the organizations to tell them we needed their support.
- McL.: I think we had all been on the receiving end of many organizations, and we had noticed how they were set up. Then we also, I believe, checked on the bylaws and so forth of other organizations such as Save the Redwoods League and then set about to create our own letterhead and decided what we would send out.

Expansion of Membership

- Gulick: We talked about dues, how much we wanted to charge, and we decided without any difficulty that we were going to charge only \$1 because we wanted anybody to be able to belong who wanted to. We still have those \$1 dues.
- McL.: We felt that numbers were very important. As an example, at the city council meetings we noticed that some people spoke representing just themselves. The city council in those days was very polite. But if someone stood up and said they represented an organization of thus and so many members, the city council was more inclined to lean forward and to be a bit more responsive. So, from those observations we felt that it was important to get as

McL: many members as possible.

Kerr: I would say that was one of our very first lessons, that if we were going to save the Bay, we had to have support, and we had to educate the politicians. The second thing was that you couldn't educate them or get their support without facts. So we spent a great deal of time on collecting facts and then educating everybody that would listen.

Gulick: Also, that we were getting members was very important. They listened to how many members we had and how many letters they got.

McL.: Our members were very responsive. We would suggest that they attend critical city council meetings and they would. Sometimes the following city council meeting would be wall-to-wall chamber of commerce people. It went back and forth like that. Our members also, I'm sure, wrote letters to the city council members.

Chall: So you were getting members and getting some help from them. When it came to all the research--ferreting out what was going on, facts about filling and how many acres it was going to be, and how much money it would cost, the detriment to the Bay--all the kinds of facts that you said you needed to convince the council people--who did what?

Kerr: Again, it was a matter of luck. I was at a meeting, or a reception, or something, and here was Gene Lee. I said, "You know we're not going to get very far with this because even if we persuade Berkeley, we still have the rest of the eighty cities around the Bay and we need some more information." I said, "What can your department do about it?" because Gene was in City and Regional Planning.

Gene thought for a minute and he said, "You know, we haven't allocated a \$5,000 grant that we have to spend every year on a Bay problem. I'll see if Mel Scott wants to do a study."

We found out right away Mel Scott was delighted to do the study. He got the \$5,000. Of course, in the long run, it cost a lot more than that before he got through. That's how we started getting our facts.

Gulick: And we got a wonderful report from him.

Chall: Was that the book The Future of San Francisco Bay?*

Kerr: Yes. That was the book. He worked two years.

*Mel Scott, The Future of San Francisco Bay (Berkeley: Institute of Governmental Studies, 1963). See also Afterword, p. 123.

- McL.: We were also very fortunate in having the interest and support of people such as Bob Ratcliff, the architect, who helped very much. I recall one instance when we had a community meeting at one of the schools in Berkeley and the planning commission was showing their plans for the Bay. Then Bob Ratcliff, in cooperation with our organization, showed an alternative plan he had drawn up that did not provide for the extensive fill that the city plan did. All the people that were there could see this difference.
- Chall: How did you get in touch with him? How did you know that Ratcliff was making an alternative plan?
- McL.: We asked him to do it. He had been a member early on. He was a personal friend and was extremely interested.
- Chall: I see.
- Kerr: Friends helped a great deal.
- [mingled comments]
- McL.: And mostly it was gratis.
- Kerr: That was another observation we made. Good professionals are costly and we were using all our money for printing and postage to expand. We found that when there was a real need, the best people volunteered their help.
- McL.: Many of our friends had different fields of expertise. They lived in Berkeley and could understand what we were concerned about.
- Chall: Were most of them on the campus? Were many of them teaching?
- McL.: Or professionals. Like Bob Ratcliff was an architect.
- Kerr: Also state officials. We used to pester Glenn Anderson, who was the lieutenant governor, about ownership of the Bay. One of Mel Scott's first queries was who owned the Bay. We found out that the state probably had title at the most to not more than 50 percent. So we told Glenn Anderson that since the State Lands Commission was responsible for the ownership of all state lands, we would like to know exactly where was the 50 percent of the Bay the state owned?
- McL.: The lieutenant governor, as you probably know, is always the chairman of the State Lands Commission.
- Kerr: And he's always a member of the Board of Regents. He found out that he and his department had very little information on the Bay. We would ask different friends, especially legislators like Petris, to ask State Lands to let them have definite information about the Bay. The department had to spend a lot of time and a lot of money

Kerr: putting the ownership information together.

Organizational Structure

Chall: I want to get back to how you got all those people to become members after you sent out your first mailing and about selecting your officers? Whom did you choose to be president, vice-president, and all the rest of the officers?

Kerr: I would think this would be on an early letterhead. Many of the people whom we had at that first meeting with the conservationists were on the Regional Committee which later became the Advisory Committee. The Board of Directors included the three of us, Jan Konecny, Elizabeth Drury, Martha Benedict, and Bill Mott. I guess the three of us just agreed to ask them.

Gulick: Then Jan went back to Switzerland and Bill Mott became president. We included people on our Advisory Board like Ansel Adams and Admiral and Mrs. Chester Nimitz who were all concerned about the Bay.

Chall: Some of those were names that just looked good to you?

Kerr: No. At least one of us knew them personally and that they were concerned about the Bay. We have letters from Ansel Adams offering to help. He often wrote legislators which made a big impression.

Chall: Who was Jan Konecny? How did he happen to get involved?

Gulick: He was at a city council meeting and a lot came up about all the wonderful fill they were going to put in and the wonderful things they were going to put on. Jan and I were out in the hall and he began talking to me about this. He swam in the Bay every day. He worked at Emeryville with Shell Development. He was a chemical engineer, I think.

Chall: But you didn't know him before, did you?

Gulick: No. He went swimming in the Bay near Ashby. Everybody said, "How can you go in that dirty water? You could get all kinds of things, hepatitis and what have you." But he said, "No, it is just fine." He was a very personable young man.

Kerr: And we were looking for a man who was not already identified with just one conservation group.

Gulick: Yes. So we decided that he should become president if he would and he accepted.

Chall: What was his concern if he was swimming in there already?

Gulick: He had a good view of the Bay from his house. He liked the beauty and didn't want to see it spoiled.

McL.: He was aware of some of the beautiful areas in Europe as well.

Kerr: Yes. He came from a very beautiful little town in Czechoslovakia and had married a Swiss girl.

Gulick: He would go to the city council meetings, I think maybe at first, just out of curiosity, as a foreigner. He was very dedicated and a very nice person. I'll never forget how we worked on correspondence and weighed every word. We always met at his house because he had a couple of small children and didn't want to be gone until two or three o'clock in the morning, which is how long our first meetings lasted.

Chall: He was a year or two with you?

McL.: A couple of years I believe it was.

Kerr: I think early in '63 he went to Switzerland and then Bill Mott became president. The newsletters tell the date, if you have these. All of a sudden they will show Bill Mott president.

Chall: How did you get members?

Kerr: One of the things that I noticed in reading some of the early newsletters was a request that our members send us in lists for new members. As I remember, we spent a lot of time calling people in different organizations and asking to borrow their lists--churches et cetera.

McL.: I can remember going through also the whole University list.

Gulick: I can remember working in your house on the dining room table on the Sierra Club list, which was just terrible, because it wasn't in good condition.

Kerr: I think that I was surprised to find that by 1963 we only had 2500 members.

Chall: Only?

Kerr: Well, now we've got 22,000. I thought we had a lot more. I think it was under 5,000 when we got the bill passed at the legislature, which is just fantastic. We got an enormous number as a result of the 1969 battle.

[mingled comments]

Chall: I think Charles Gulick has some of this data in his speech.* I think that each one of you had a certain area of expertise too that you brought to this common goal. Can you describe what each one of you was able to contribute? How did you divide the tasks?

Setting the Goals: Dividing the Tasks

Kerr: Well, together we were lucky in having different skills and interests. Sylvia had wide organizational experience. She was on the board of the Seven Colleges and several other different organizations. She liked to go to teas, and receptions, and dinners.

McL.: I like people.

Kerr: I had been trained in college as a journalist, and worked on the Stanford Daily, and liked to write. I'd edited for two years the local Kensington Outlook. I had also majored in political science, and in that field I had spent my time reading urban reports and studying that kind of reporting. So that was all very helpful from my point of view.

Without Esther the whole place would have fallen to pieces because she didn't mind doing all of the administrative chores, taking care of the money that came in, and the lists, and the memberships, and so on. It practically did fall to pieces the year she went to Europe.

Gulick: They hired our first employee the year I went to Europe. Sylvia kept the mail under her bed.

Chall: That's often the way it works.

Gulick: I'd helped my husband a lot with his research so I was used to organizing material.

Kerr: I would do a good PR piece and then by the time it got through Esther it was toned down so we wouldn't go to court. [laughter]

*Charles Gulick, "The Fight for San Francisco Bay: The First Ten Years," the University of Linz, Austria, 1971. See Bibliography, in Appendix, pg

- McL.: Esther and I were the ones who usually went to the meetings in Berkeley, the planning commission, and city council, and so forth, because Kay was a resident of El Cerrito.
- Kerr: I didn't go to Berkeley. I didn't show my face in Berkeley because Clark after all was president during this time.
- McL.: Therefore, also, I often was the one that made the statements.
- Kerr: Sylvia made a very good oral presentation.
- McL.: Thank you. I was very nervous. I always had to have the statement written out. First the papers shook. I do remember though that Jack Kent would smile at me and give me encouragement.
- Kerr: After he got convinced. Remember the time Jack Kent was up here and he looked out the window and he said, "Now there's no reason to have all these indentations. What we should do is just fill a straight line and match up the Albany fill with the Berkeley fill."
- We looked at him and he said, "Well, everybody has their own idea of beauty."
- McL.: I remember having a telephone conversation with Mel Scott once. I guess I was reinforcing our desire to have it be strictly as open space. He said, "You mean you wouldn't have any industries down there?" "No." So a lot of people, I think, revised their ideas over time.
- Chall: How did you come to determine what it was you wanted and did not want around the Bay? For example, the idea that you didn't want any industry down there. After all, there was a lot of industry already. How did you decide that that was enough?
- [mingled comments]
- Kerr: I was so amazed to read the first newsletter where we announced that the Bay was for recreation. We didn't learn about ecology until later. We all agreed that the Bay was for recreation and open space.
- McL.: You mentioned a moment ago that there already was industry. All the industry in Berkeley was east of the freeway at that time.
- Gulick: Berkeley had a dump on the waterfront. When the dump got filled it was planned to be for industry. That was right on the Bay. We had to stop that right away.
- Chall: So you didn't have trouble then determining goals?

- Kerr: No. Our goals which were on our early letterhead were never changed, except some wording later on. They are to protect open water, promote regional planning, plan for conservation of wildlife, create boating and recreational opportunities, and beautify the shoreline—roughly in my words.
- McL.: It was essentially our vision of how we would like the Bay to be.
- Gulick: We just couldn't understand how—I mean, we knew intellectually how it was being destroyed but we couldn't understand emotionally how that could be.
- Kerr: Why anybody would want it that way. [general agreement] Actually, these goals were the result of our early research—the problems that existed. Our first brochure or pamphlet was a dramatic appeal to recognize the facts of divided political jurisdictions, ugly inaccessible shorelines, private ownership of what people thought were public waters, almost no recreational facilities, and no protections for the wildlife resources at the edge of the Bay. We paid to use a spectacular air photo of the Bay and Kay Hearst and I put it together—with plenty of comments from Sylvia and Esther. It was our first publication, expensive and very useful.

The Berkeley Plan is Defeated

- Chall: Your experience then with the Berkeley council was that you stopped the plan from going forward? Was that it?
- McL.: Yes. That was in December of 1963 that they had the critical meeting. It was then that they gave up the big fill and defined the lines of where the fill would extend. At that time they also set up a waterfront advisory committee. This was reconfirmed in October 1964 when the interim waterfront master plan was set forth. It stood for many years.
- Chall: But Berkeley's plan was changed from what had been proposed when you first found out about it?
- McL.: Oh yes. It was a very great change, because by that time several council members had been changed as well.
- Kerr: Also I noticed in the minutes that we asked particularly that the Berkeley waterfront be left unclassified and not be zoned for any particular use on the grounds that this would make it more flexible. I was surprised that we had been involved in that particular zoning, but it showed our statements to the city council.

Chall: Did you all have to learn about zoning?

Gulick: Oh yes. There was a great deal to learn. [mingled comments]

Chall: Were there regional concerns?

McL.: Although we finally had success in stopping the Berkeley fill, it was appalling to find out how many other cities had plans for large Bay fills.

Gulick: We tried to enlist ABAG's help.

Kerr: Wilbur Smith was the executive director at that time. He was very discouraging about getting any local government representatives to support the idea of controls over the Bay or even giving up their fill plans. He was so right! We never had any support from local governments.

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Gulick: I'll never forget one time--this was in the early days, it had to do with Berkeley, before we got into all the big stuff--

Kerr: Just a training ground!

Gulick: Yes. And we were going up to Sacramento, and we were having lunch in Sylvia's patio. That was when Bernice May was on the Berkeley City Council--

McL.: And Byron Rumford was an assemblyman.

Gulick: Yes. So we were having lunch. It was a beautiful day, and we were just about ready to depart to go up to Sacramento, to an important assembly hearing on Berkeley's tidelands. Sylvia got a telephone call that the hearing had been postponed because Rumford had not been able to land his plane--or whoever was flying--because of the weather. And here it was just a gorgeous day, and it was gorgeous up there too. The city staff reached Bernice May and the Berkeley city manager, who were having lunch at--what's the name of that restaurant there that everybody goes to, halfway up to Sacramento?

Kerr: Oh, the Nut Tree.

Gulick: At the Nut Tree. They were having lunch and they caught them there. So they turned around and came back.

Kerr: It was regarding AB 20. AB 20 was a bill--I don't remember who put it in--maybe Byron Rumford--which would have changed the tideland grant to Berkeley to include and permit industrial development. The tideland grant to every other city around the Bay permits commercial, but it has to be in the statewide public interest. So

Kerr: we really worked hard to defeat it, but it passed.

McL.: There were numerous occasions when we were required to go to Sacramento to testify before legislative committees. I think Esther will remember one time it was pretty exciting because we passed [on the highway] a member of the city council going up to the same hearing. Then he passed us, going very fast.

I'll do one more reminiscence. This was in the early days in Berkeley (and probably apropos of--well, of Rumford for example.) In those days the city council sometimes met until way late in the night--now they have a different system. So we were sometimes there until two in the morning. Oftentimes the important things occurred around midnight, when everybody went home.

So, I don't really recall the ins and outs of it too well, but I remember we had all our group there. We had alerted our membership and they were out in full force. So the city council made their decision favorable to us. Then somebody from the other side got it on the agenda for reconsideration at the following meeting, when the chamber of commerce totally lined the walls with people. The council revised its previous decision. Remember that?

Gulick: Yes, sure do. And to go back even a little farther, before we became Save the Bay, I was at a meeting--neither one of you were there. I don't know about what I was speaking, but--what's the name of the fellow on the city council who was the accountant, the little short guy who had such a temper?

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McL.: [John] De Bonis.

Gulick: De Bonis, that's right. And he said to me, after I gave my name, "What group do you represent?" I said, "I don't represent any group. I'm representing myself." He completely lost interest. So I came back and told the powers that be--meaning Sylvia and Kay--and we decided, if that's the way we were going to be received, we needed to get the Bay to be the concern of an important organization.

McL.: I had also noticed that when people got up to speak before the city council and said they represented thus-and-so many people the council members would sit forward in their seats a little bit. If you just got up and spoke for yourself they were polite, but that was it. De Bonis wasn't always polite, but--

Kerr: I was going to say, you were lucky if they were polite.

- McL.: But they were demonstrably more interested if you represented thus-and-so many people.
- Chall: By the time 1969 came about you, of course, did represent quite a few more people.
- McL.: We spent a lot of time around the city hall and different departments getting acquainted with what their plans were, what their figures were, what their intentions were, and how the city government worked. Then we had to learn how the state government worked. We also became acquainted with the different legislators that had to do with the Bay and those who were interested. We became acquainted with some of the people who worked with them and so forth.

First Experiences with the State Legislature

- Kerr: I think for the oral history it would be fun to talk about the great surprise we had at the legislature. It was our first political experience. There was a bill that was introduced to permit dredging the sand from the Potato Patch, which is the important biological area just outside the Golden Gate. It was to be dredged without the usual formalities asking for bids and making a survey. The bill, SB 329, was put in by Senator [Donald] Grunsky. We got all the scientists that we could, somebody from the Academy of Science, several biologists, and lots of public citizens. All went to the senate hearing.
- Gulick: As well as the sport fishing people.
- Kerr: --sports and commercial fishermen--everybody that was an expert testified against the bill. No one except the State Lands representative, Frank Hortig, spoke in favor of relaxing these usual precautions. After the testimony, the committee promptly voted in favor of the bill.

When the same bill came up before the assembly committee we decided it was hopeless. We couldn't possibly ask all those people to go up to Sacramento again; they had done it as a personal favor. So we called the wife of a college friend of mine who lived in Davis.

I said, "Marge, we haven't anybody who can go to this hearing. Would you mind going for us and letting us know what happens. We would just like to cover it." So she went and she called back later and said, "Well, it didn't get passed."

We said, "What happened?"

Kerr: She said, "Well, Pauline Davis, who was head of Fisheries and Natural Resources [Committee], was mad at Senator Grunsky, so when the bill came up she asked him to explain it. He said he really didn't want to explain it, but that Frank Hortig, executive director of the State Lands Commission, would explain it. She said, 'I don't want him to explain it, I want you to explain it.' He said, 'Well, I don't think I really can.' She said, 'Well, how did you happen to put in the bill?' He said, 'Because Mr. So-and-so is a friend of my wife.' Whereupon she immediately called for a vote and that was the end of the bill."

So we learned our first legislative lesson: you can get all the experts up and lose, and you can just find somebody who's mad at somebody and win. [laughter]

Chall: What a delightful story.

II RECALLING TWENTY-FIVE YEARS OF EXPERIENCES WITH THE STATE
LEGISLATURE

[Interview 2: October 23, 1985]##

The Many Attempts to Halt Bay Fill

- Chall: Today, I thought we'd take up your work with the state legislature and your activity related to passage of the bills to halt Bay fill and establish BCDC [Bay Conservation and Development Commission].
- Kerr: The legislative actions of '65 and '69 were very different, because [Eugene] McAteer was running the whole show in '65, and we weren't supposed to show up unless he asked us to. He seemed to consider that we were a liability—the conservationists—and the less we showed up, the better he liked us. So he really ran those legislative hearings with his own groups, and he got everything through. But he knew how to do it. We didn't go to many committee meetings or give much testimony except at the hearings he orchestrated. We did a lot of public education, expanded our membership, and got a lot of people to the hearings. Many letters from our members were sent to the legislators and the governor.
- McL.: I remember him saying when the three of us went over to see him at his office in—
- Kerr: To have lunch with him.
- McL.: Yes. That was when he said he would put in a study bill--
- Kerr: He said, "I'll let you know when I need you." [laughing]
- McL.: He said, "You can always get a study commission through."
- Kerr: Once he got the study commission, to which I think he supervised appointments, he had all that support from the City [San Francisco], and he really didn't need us. We had done most of our work beforehand, before we could get McAteer to do anything. We had already talked to all the ABAG people and all the local

Kerr: officials, and we had got no place. So when he took over they all knew about the Bay. But I don't remember that we had to testify.

McL.: But we did attend all those hearings, which were weekly, weren't they?

Kerr: Every two weeks.

Chall: Oh, the meetings of the study commission?

McL.: The study commission, yes.

Assemblyman Nicholas Petris' Interest

Chall: Well, let's go back a moment, then, to the 1963 bill that [Nicholas] Petris put in, AB2622, with others as sponsors: Knox, Marks, Waldie, Alquist, Bee, Burton, Foran, Meyers, Stanton, and Young—not all of whom, I'm sure, supported you all the way through.

Kerr: This was '63?

Chall: This was April '63. Petris put in a bill, AB2622. What it required was that there would be no filling—it was basically a moratorium on filling—no filling between April 1963 and late 1967. But there were many exceptions to that. And then he planned to set up a commission of ten members to study the effects of filling and report back to the legislature some time in '67. That bill was sent to an interim committee for study.

Kerr: Was that in the assembly?

Chall: Yes. Now, according to some of your minutes which I've gone through from '61 until '70 sometime—

Gulick: Good! That's more than we do!

Chall: Well, I need the background, and it may help jog your memories. You asked Petris to speak to your board at the November meeting, and he was talking about this bill and its chances of getting through. He seemed to feel that it might not pass, and if it didn't there would be enough interest engendered so that you could get the governor to call for a study of the Bay on the agenda of a special session. I just wondered what you might have had to do with Petris' interest in this subject, and the relationship between the Association and Petris at that time.

Gulick: The relationship was good, but I don't—

McL.: I think we realized that he was very important.

Chall: Had you gone to Petris with your concern?

[mingled comments]

McL.: I think so.

Kerr: Yes. We had asked Petris to help and Bill Mott knew him.

Gulick: We didn't have any hope of his bill going through.

Kerr: We certainly didn't. Also, the amendments he permitted were very weakening and worried us.

Chall: In terms of the moratorium on filling and the commission to study the effects of filling and report back--was that part of your agenda? Was that the sort of action you wanted? It's slightly different from what McAteer got through.

McL.: We wanted Bay fill stopped. McAteer said a study commission was the best way to go.

Gulick: Well, Petris had already tried a moratorium, but he didn't have the power that McAteer did.

Kerr: It was McAteer's project. Petris wasn't going to participate in the commission and, I think, had nothing really to do with it. McAteer ran that study commission. He was there at every meeting, and he and Joe Bodovitz, and Bob Mendelsohn made the agenda and got all the experts.

Kerr: Petris was a perfectly nice, wonderful guy, and he was willing to go out on a limb for us.

Gulick: I think he had backbone, I think he just didn't have power.

Kerr: Well, we've had other occasions when Petris hasn't had much backbone.

Gulick: Well, you win some, you lose some.

Kerr: I like Nick, I think he's a very nice person. But he's first and foremost a politician. He thought, I'm sure, that this was a very popular concern of the public, and I think he was very courageous in being willing to put in a bill, but he made all kinds of exceptions.

Chall: There was a long list of exceptions. I have the bill here if anybody wants to see it. The only bill I can't seem to locate in the files is SB14, which is the McAteer bill. The one that gave

Chall: you your 1964 study commission. Now, in 1964, while McAteer was working on SB14, Edwin Z'berg and Petris were also putting in bills. They put in three of them.

Gulick: You mean at the same time?

Chall: Yes. Actually, there were four of them. Two of them dealt with the moratorium again, and one of them was pretty much like the 1963 bill. Another one dealt with putting more representatives on the commission if the moratorium bill went through. The other one had to do with land grant trusts on submerged land, which I think did pass, although I'm not sure of that. That was AB29. In this bill the State Lands Commission would be responsible for assuring plans in accordance with the regional master plan, accepted by the State Lands Commission and ABAG.

Kerr: It didn't mean anything because there wasn't a workable regional master plan.

Chall: Now, what about Z'berg? He did carry, for many years, a variety of environmental quality bills. What was your relationship with Z'berg? Why did he get into this?

Kerr: My feeling is that Z'berg got in more through the Sierra Club. He worked with John Zierold. We all knew that he was a conservationist, that he sponsored these kinds of "bleeding heart" bills that never got anywhere. Yet he was one of the few legislators that was willing to try, in those days.

McL.: I think our feeling was he was very sympathetic to conservation causes, so we didn't have to do very much in the way of education.

Kerr: I think the fact that John was up there and worked as a lobbyist for the Sierra Club meant that he kept the legislature under his scrutiny. He didn't call on us for anything.

McL.: Was Zierold with the Sierra Club at that time?

Gulick: At that time? That's a long time ago.

Kerr: I know, but he's been with Sierra Club--

McL.: I know, but he may have been with another group at that time.*

*John Zierold began as a full-time lobbyist for the Sierra Club in 1970. From 1965-1970 he was a lobbyist for the Planning and Conservation League which he had helped organize in 1965. Prior to 1970 the Sierra Club retained him as a consultant. [from the oral history with John Zierold now in process.]

Kerr: That's the only way I ever knew him, was in connection with the Sierra Club, and I've known him since we've started. But we can check that out.

Chall: All right. Now, in this period of time in one of your board meetings [February 3, 1964], your board was considering supporting both SB14 and the Z'berg-Petris moratorium bill. Then there was discussion about the need for a lobbyist.

McL.: That sounds very strange.

Chall: Through some other group.

McL.: I'm sure we wouldn't have wanted to have a lobbyist. That wasn't permitted in--

Kerr: In those days we didn't know not to use the word. All we meant was that there should have been somebody in Sacramento to keep us informed.

Chall: Well, I can go back and check, but you were using the word in the board meeting. [February 3, 1964]

Kerr: I think that's true. We didn't realize--

Gulick: We didn't get our tax exempt status till I got home from Europe, and that was in 1964.

Chall: Yes, but this was '64.

Kerr: We just didn't realise all the things we weren't supposed to say or do, because there hadn't been all the court cases about non-profit. In fact, it really wasn't until the Sierra Club had that court case against it that we realized what dangerous ground we were on.

But I think there was another group--remember we went to Los Angeles, and there was another statewide group. Was it PCL?
[Planning and Conservation League]

Gulick: You and I went. Ellen Harris--

Kerr: Yes. Anyway, it included the Sierra Club, it included a lot of conservation groups.

Gulick: You and I spent a long time talking to them.

Kerr: Yes. So I think that there might have been a sort of coalition early on for every environmental bill--Z'berg's and everybody else's. We didn't help Petris and Z'berg write their bills.

Gulick: Certainly not Petris. I don't know about Z'berg--but I know we

Gulick: didn't Petris.

Kerr: We worked with Gene a lot, behind the scenes--helping with the drafting of the McAteer-Petris Act. We met with Joe Bodovitz, Bob Mendelsohn, and Al Baum. We met with all the staff in Sacramento.

Chall: I see. So what came out of that bill depended a great deal on your input?

Senator Eugene McAteer Sponsors the San Francisco Bay Study
Commission Legislation, SB14, 1964

Chall: How did you get ahold of McAteer? What prompted your going from Petris to McAteer?

Kerr: We knew that McAteer was the strong person in the legislature. He was on the finance committee, he ran the senate, and so we knew that if he wasn't in favor of what we were doing that we wouldn't get anyplace. By that time we also knew that Petris did not have any power, nor Z'berg.

McL.: Or not as much as.

Kerr: Well, as much as. I had met McAteer on social occasions, because he was an alumnus of the University, so I said to Clark, "I think we need to talk to McAteer."

Clark said, "Well, I'm not sure he'll see you, because he's very unhappy with me, because I am having difficulty with a favorite coach of his." McAteer was a very ardent--Old Blue.

Gulick: His son played baseball.

Kerr: So I called Gene and I said that I would like to see him. We met at his restaurant on Fisherman's Wharf. Because he was very busy the appointment was for eight in the morning.

Chall: You went by yourself?

Kerr: Yes. I explained our concerns. I knew that he cared about the Bay because the rumor was that he wanted to be mayor of San Francisco. I said that I thought if anybody could save the Bay it would be him. He said, "What's the matter with the State Lands Commission?" He picked up the phone--by this time it was about nine o'clock--and he called Glenn Anderson. He asked him what the State Lands Commission was doing about the Bay. And Glenn replied that "in a couple of years..." McAteer just hit the roof, and he said, "That's not good enough." So he said that he would think it over

Kerr: and I said that we would do anything he recommended. And that's how it began.

McL.: The story I recall was that Clark [Kerr] really encouraged you to go see McAteer, because he said that in Sacramento McAteer was considered the leader from the Bay Area.

Gulick: And he obviously was.

McL.: Yes.

Gulick: It also wasn't just gossip that he did want to run for mayor.

Kerr: It was just great. His son and his wife and everybody were very enamored of the Bay. They were all as much Bay enthusiasts as we were, really. So we were extremely lucky that there was this combination of interests. Again, it's a question of luck.

Chall: That's one of the areas where you think it was luck?

McL.: Synchronicity.

Kerr: Of course some people would say that you just take advantage of every opportunity. But you have to have the right opportunity, and half the opportunities are luck.

Chall: Also, you have to know when to take advantage of them.

Kerr: Yes, but they have to be there.

Help From the Media

Chall: During that period there was an NBC television program called "The Battle for the Bay." You stopped a board meeting to watch it. [June 1, 1964] Did you have anything to do with getting that made?

Gulick: No! When was this?

Chall: It was 1964.

Kerr: Harold Gilliam had written his book on the Bay before then. He also wrote Between the Devil and the Deep Blue Bay, after '65, but before '69.

Gulick: Yes.

Chall: But we're talking about '64 here.

Kerr: We had quite a bit of publicity in '64, partly through our continuous efforts at talking to people. I mean, I don't think there was a leader in the Bay Area, all the ABAG people, all of anybody, we hadn't talked to.

McL.: Well, by '64 also we had been able to turn around the Berkeley City Council.

Kerr: And the Berkeley Gazette. The Berkeley Gazette was playing a different tune at the time we started.

McL.: I mean, they had been urging proposals for filling over two thousand acres in front of Berkeley. That's really what alerted us and made news for the media.

Working with Conservationists Around the Bay

McL.: And we'd also become active in other communities around the Bay because when the other communities heard about what was going on in Berkeley they said that they were also having problems and we would help.

Also, our Board was organized to represent the Bay Area, so the Board members reflected their local community concerns.

Kerr: After the McAteer study period we put out what we called our flyers, which were sent to teachers, groups, and the media. We had sent out the flyer Bay or River? long before that, as a way of alerting the public. We have printed and reprinted thousands of flyers on subjects such as pollution, weather, earthquakes, ports, public access, et cetera. The information is factual and has been used in speeches, editorials, feature stories, et cetera.

McL.: And most of our publicity was really unsolicited. I'm referring to the magazine articles and that sort of thing. They came to us.

Kerr: Particularly after we had that Bay or River? picture and then used the facts from Mel Scott's study.

McL.: We tried to really focus on areas where there were real problems.

Gulick: We were lucky, we had very good problems. [all laugh]

McL.: In fact, one of the problems in Richmond became an election issue there. Our flyer showed that there were only 65 feet of access on the entire Richmond shoreline of 35 miles. The opposition

McL.: publicized this--

Kerr: We ought to mention the fact that in almost every community there was a small group of people concerned with the Bay. The Richmond group included Barbara Vincent who had been on the Richmond Planning Commission. Their group had not known how to secure good publicity to get some action. We met with this group at my house once a week for ten weeks. That's when we came up with this access flyer. This group was also concerned with the possibility of getting Point Pinole as a regional park and was a key factor in achieving this.

McL.: I agree. In nearly every instance there was a nucleus of a group in the affected communities--Alameda, Sausalito, Brisbane, San Francisco, San Mateo, et cetera.

Gulick: They just needed somebody to give them the extra support and the know-how.

McL.: The know-how, right.

Chall: They were all over, as I can tell from the minutes. The widespread network became very important.

Kerr: That's the one thing you can say about conservationists generally--not now, but then--is that they all had hearts of gold, but didn't realize the importance of factual information.

Chall: But you had hearts of gold and knew how to get factual information, or you didn't have hearts of gold--[all laugh].

Kerr: We didn't care, but we knew what was needed to get what we wanted.

McL.: We had persistence, and the know-how came by doing.

Gulick: And we had husbands who were very much behind us, and they had a lot of know-how, and they were able to help us.

Kerr: And we were lucky, too, in having friends here and there.

McL.: Acquaintances in other different groups.

Chall: In terms of the three husbands, I was thinking, as I was driving here this morning, that you were working probably eighty hours a week on this, and your husbands were attached to the University at a time of student unrest.

McL.: It was a busy period.

Chall: It was busy. You were also rearing children. I don't know how you managed to do it all. And when you say you were willing, in

- Chall: addition, to work with the Richmond group for ten weeks---!
- Gulick: With baby and all. Remember the baby on the floor who used to scream?
- Chall: It was really an incredible task. You not only undertook it, but survived.
- McL.: Well, we had no idea what we were getting into.
- Chall: But you didn't give up.
- Kerr: I think one of the things that distinguishes all three of us is that we have an extraordinary amount of energy compared to most people. We don't mind working.
- Gulick: We had the will to do it, too.
- McL.: The determination.
- Kerr: And a single-minded approach.
- Gulick: We had a number of people who came with lots of enthusiasm. They just wanted to save the Bay, you know, and then after a few weeks they discovered that it was--
- Kerr: We still have them.

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The San Francisco Bay Study Commission Gets to Work

- Chall: The McAteer bill passed and the study committee was set up. Inside of something like four months, at rapid pace, it came out with its report. You attended all of their meetings?
- [All]: Yes, yes.
- Chall: All three of you attended each one?
- Kerr: Right. And took notes and talked to the staff to get all the information so we could put our own publicity out. They had the scientists. For example, we didn't know and couldn't afford a hydrologist, so we then found out about the currents of the Bay. We could put these facts into layman's language and reach thousands of people--teachers, schoolchildren. These facts were also useful when we had to convince the Army Corps of Engineers, later on.

- McL.: We often took bag lunches, and one of the members of the commission, Mr. Ets-Hokin, would offer us his pickles. [laughter]
- Kerr: It was a very congenial group. We really got to know the members of the commission. And I think they thought we were harmless; they didn't realize that we had so much connection with McAteer.
- Chall: At first, were you upset with the members of the commission?*
- McL.: Oh, at first--
- Kerr: Remember, we looked at that list and we saw-- [mingled comments]
- Gulick: All the important business representatives of the Bay Area.
- Kerr: We said that McAteer had sold us down the river! That was our first reaction: all the decision makers in San Francisco, whom we thought were development oriented.
- McL.: Actually they all became very interested, it seems to me, and took their task very seriously. And they all showed up at every meeting, pretty much.
- Kerr: That was a tribute to McAteer; his strength.
- McL.: Right. And I think, on balance, they really did a very conscientious job.
- Gulick: Oh, there's no doubt about it.
- Kerr: But it was so clever the way they worked it. I mean, I don't know if it was Joe Bodovitz or who set up the system, but at each meeting they had one subject which was a scientific subject--like the currents of the Bay, or the weather, or the ports--and then at the end of the meeting they would get the group to have a consensus of opinion on this subject.
- Well, after they'd already heard the scientist, they would understand the effects on the Bay. By the time they got through, they'd all committed themselves every two weeks to the importance of saving the Bay for these scientific reasons!
- Chall: Mel Scott's book was available by this time.
- Kerr: Yes.

*Members of the commission were: Eugene McAteer, chairman; Joseph Houghteling, vice chairman; Newall Case; Louis Ets-Hokin; Eugene Friend; John Lilly; Nicholas Petris; John Shelley; Henry Bostwick, Jr. Staff: Joseph Bodovitz; Robert Mendelsohn.

- McL.: I have several vivid memories of McAteer quoting from it.
- Kerr: I think Mel was in the audience quite a bit of the time, too.
- McL.: He was referred to as a resource.
- Gulick: It made a great impression. I don't think we could have got so far without Mel Scott's book.
- Kerr: Mel and I and—I don't know if you ever went with Mel—went around to different groups, chambers of commerce and so on, and spoke about what he had in his book, which then would get reported in the local newspapers.
- McL.: I'd forgotten it was that early. We were all doing our bit in the way of trying to spread the word. We had a few slides, and Esther and I would go around to garden club groups, and service clubs, and that sort of thing, to tell them about what was going on and seek new members and support and endorsement for what we were trying to do.
- Chall: So the McAteer study group really set the tone for the following legislation on the Bay?
- Gulick: Oh, yes.
- Kerr: It was crucial. And it was crucial in the way he did it.
- Chall: That same method of working, hearing the reports first from the scientists, that format was used by the Bay Conservation and Development Commission.
- Kerr: Yes. When Joe and Al, later, were working on the bill, we knew that it had worked to have the information one time and then the voting another time.

The San Francisco Bay Conservation and Development Commission: The McAteer-Petris Act, 1965-1969

- Chall: All right. Now we're going to get into SB309. This was a bill for a temporary Bay Conservation and Development Commission to study the problems and solutions for the Bay and report its recommendations to the 1969 legislature.

- McL.: This was what had been recommended by the study commission in '65?*
- Chall: Yes. They were to come up with a comprehensive and enforceable plan. That was the McAteer-Petris Act. [SB309] Who drafted that act? Have you any idea?
- Kerr: Oh, it was a group. I mean, many of the sections would be drafted first, say, by Joe, or by Bob Mendelsohn or by Al Baum, or all together. Then we would go over them, and suggest that the public should be more adequately represented, for example adding a format for public hearings and the time limit of sixty days instead of thirty days. Every detail, we all worked on.
- Chall: "We all" meaning—?
- Kerr: Save the Bay and McAteer's staff. We had advice from others. I think that without Joe, Bob, and Al it wouldn't have been a really landmark bill. Because in those days, even today, most of the public agencies hear a problem and vote on it the same night. So this was quite a change. You hear about it but you don't take a vote on it until the next agency meeting.
- Chall: Was that in the bill?
- Kerr: Oh, yes. That's in the bill. The requirement for public hearings and the delay in voting.
- Chall: Also the idea of having a moratorium on fill except by permit—that was not the same kind of moratorium concept that was in the Petris bill.
- McL.: I think this idea of drafting a Bay Plan was originally recommended by Mel Scott, wasn't it?
- Gulick: I think it was.
- Kerr: It might have been. It's reasonable.
- Gulick: He also recommended the name, "BCDC".
- McL.: Because I remember that—I guess it was Mel—from his planning experience, saying that the moratorium was to be in effect while the planning was in process.

*See interviews with Joseph Bodovitz, Melvin Lane, and E. Clement Shute in The San Francisco Bay Conservation and Development Commission, 1964-1973, oral history interviews conducted 1984, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1986.

Gulick: It certainly was a good thing, too, in the light of the Hugo Fisher experience.*

Kerr: That was later.

Gulick: Yes, I know, but all I mean is it's a good thing they had that moratorium when all this was going on. Otherwise they would have been just everywhere. The Bay would have been filled. There wouldn't have been any use in the McAteer-Petris Act.

Kerr: The fact that BCDC could give permits for some kinds of fill was a compromise. It was made acceptable to us because of the first section of the bill which gave the intent of the bill. It said that fill could only be for these purposes.

Gulick: And also for the good of the entire Bay Area, not just San Mateo or whatever.

Kerr: It said that you could only have fill for water oriented purposes. We didn't think there should be any fill, but we could see that we had to give in a little bit.

McL.: Well, sometimes that interpretation was stretched a little bit.

Kerr: Well, sometimes.

Gulick: But they didn't really abuse it, I don't think.

Kerr: I think everybody thought they were going to get theirs in '69, and they would just be patient. [laughing]

Chall: Now, the '69 bill required a lot of pushing by conservationists and others who wanted that bill passed, because that was not an easy one to pass. I noticed that you worked with Audubon, the Sierra Club, League of Women Voters, Citizens for Regional Recreation and Parks--

Kerr: Every group that we could find.

Chall: And then several times you alerted members to come to the BCDC public hearings and to send letters.

Kerr: We did not have too many problems getting that '65 bill through. Our major effort was being sure that the bill protected the Bay and the procedures would protect the public interest. There was not so much opposition as in 1969. I don't remember that we ever had any close calls in committee because McAteer knew how to get the bill through.

*See pages 49-53.

Kerr: I remember in one of the committee hearings McAteer called on different experts to speak. Then he said, "How many people in this room are in favor of the bill?" And so, of course, the majority of the people there would stand up. I think it was very effective. And then he'd say, "How many people are opposed to it?" And then a small group of men, obviously representing special interests, would rise. That was one way he manipulated the opinion of the committee.

Chall: I saw something in your files in '65 that you, Sylvia McLaughlin, as secretary, wrote to Senator George Miller and members of the Senate Finance Committee. You provided them with a folder of clippings and editorials about the Bay from the New York Times, the Los Angeles Times, the Christian Science Monitor, the Chicago Tribune, the National Observer, and a lot of local papers.

McL.: This was a procedure I followed on numerous occasions.

Chall: And then you had some statements and letters regarding the health aspects from the Northern California Public Health Association, and some of the doctors of medicine around, and the chairman of the Department of Psychiatry at Langley Porter.

McL.: We just happened to know these people personally.

Chall: All right. We talked about your relationships with Senator McAteer. What about George Miller? To what extent did you work with him or rely upon him? That was an important committee, of course, the Senate Finance Committee.

Kerr: My recollection is that we depended on our Richmond group to talk to him. That was his area, and he was a good friend of Barbara Vincent's and some of our conservation people there. I think he was very much concerned with his own constituency. [Contra Costa County] But he was always, you know, a good friend. We never had to worry about his vote. But I don't think he ever took the lead regarding Bay legislation, that I recall.

Chall: What about William Bagley? He was an assemblyman at the time--this is 1965. He put in a bill, AB1239, which dealt with acquisition of the tidelands.

Kerr: We talked with Bagley many times, and so did, I think, McAteer's staff. They always considered that they could get his vote. But I don't think anybody worked hard for his bill. The new legislators were all jumping on the save-the-Bay bandwagon.

McL.: Well, that didn't hurt.

Kerr: And McAteer knew it.

Gulick: Bagley wasn't always sympathetic, shall we say.

Kerr: Shall we say Bagley was a sometimes yes and sometimes no kind of person. Actually, so was [Milton] Marks, for a while.

Gulick: Oh, yes. Remember the time we went to Marks's office? Will [Siri], and you, and you [Sylvia], I think, and I. He wasn't too sympathetic.

Kerr: He hemmed and hawed around.

Gulick: Yes. Great hurry, and—

Kerr: Remember the time we needed Petris to do something important with the State Lands Commission, and all of a sudden he had a very important meeting in Pasadena, and just took off? He was one of the key votes.

Chall: Any other remembrances?

Kerr: Well, now that you mention it, Petris was in a law firm where one of his partners was the attorney for the garbage dump, and that might have been one of the reasons why exceptions were made for the Albany and for the Emeryville fields in 1969.

Gulick: Lewis Sherman also approved these grandfathered exceptions.

Chall: You were practical enough politicians to know that there would have to be areas of compromise. What was your feeling as an association after something that you wanted to be sure was preserved—that you took a strong stand on—had to be compromised?

McL.: Where are we now?

Chall: Anyplace. I think your statement was that some legislators were insisting on exceptions in the bill, and then you said that they were the weak legislators. Does that mean that a legislator is weak because he needs to compromise?

Kerr: Depends on what he gives away. We had certain things that we considered irreversible, and one of the things that's irreversible is Bay fill. We were never very happy when there was any Bay fill. When Petris and Lewis Sherman gave away Albany and Emeryville in '69 we were pretty mad.

Gulick: The BCDC had no jurisdiction over Emeryville or Albany, within the city-approved plans for fill.

Kerr: It took several years to stop the Albany fill and this was done by the Corps of Engineers.

Gulick: We were very unhappy about Emeryville, because it was just at the the very last second that they put in that amendment.

Kerr: We either lost the bill by one vote or we let it go through.

Chall: You were going to lose it all?

Gulick: I don't think we had any say in it.

McL.: We were opposed to compromise, and we were totally all-out for what we believed in. Esther and I sat there in the full assembly. I remember very clearly, when the votes were being taken, and Petris got up and said, "My environmental friends are not going to like this, but--", and then Lew Sherman got up and made another speech, and we sat there and glared at him.

Gulick: That was just at the last minute, too, and we had no chance to do anything.

Kerr: I know we were terribly worried about 1969 because until then the opposition was not yet well organized. Knox had great ambitions to take over McAteer's mantle. I think we owe a lot to Knox in his early years for supporting the Bay. He had a staff person, Tom Willoughby, who was also ambitious and a nice person and good to us, and very bright. So I think we were very lucky, again, in those two.

##

BCDC Becomes a Permanent Agency, 1969

Hard Work and Drama

Chall: Well, let's talk about passage of the final bill in 1969, the Knox bill. That was AB2057. That's the bill that finally passed. It was then attached to and became a part of the McAteer-Petris bill, but it actually was Knox's bill as it went through the legislature.*

Gulick: I'm sure you're right.

*McAteer died in 1967.

Chall: What happened, I think, was that Petris had a bill which basically was the bill you wanted, but it got promptly bottled up in a committee of the senate. So Knox moved his through the assembly into the senate.

Gulick: Why was it the McAteer-Petris bill, then?

Kerr: Because it was a continuation of the McAteer-Petris bill.

Chall: They added the sections into the SB309.

Kerr: It was the same bill, but there were some changes because that's the first time we got public access. SB309 had nothing at all about public access.

Chall: I filched a couple of things out of your files--which I'll put back. These are the bills that were up in 1969. Senator Petris put in SB347 and Knox, AB2057. They were the same bill: they approved the BCDC recommendations for fill control but reduced slightly the band of shoreline control and extended the area of the Bay to be controlled. That was the basic bill.

According to what Knox told me at one time, Petris put his SB347 in and it didn't pass the committee and so he felt that in order to get the bill passed at all he would have to start it through the assembly and get it through the senate. So he did; Knox had his own bill all ready to go and apparently had been working on it for a long time anyway. He and Tom Willoughby started to move it through.*

McL.: May I see that? [looking through clippings and Save the Bay material Chall has brought].

Chall: Yes, there's "Save the Bay and Not the Wolf." It has information on all the 1969 BCDC bills at that time in the hopper.

Kerr: I like the [Robert] Bastian cartoon. We thought it was lucky that he would do it for us.

*On the drama behind the 1969 legislation, see, among other materials:

Rice Odell, The Saving of San Francisco Bay, 71-84.

Charles Gulick, "The Fight for San Francisco Bay," 18-23 (mimeo).

John Knox, "Bay Area Regional Organization, the Environmental Quality Act and Related Issues in the California Assembly, 1960-1980," in Volume III, Four Perspectives on State, Regional, and Local Mandates for Land-Use Planning, 1960-1982, an oral history interview conducted 1982, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1983, 46-57.

Chall: Basically, then, it was Knox that you had to work with. You had said that McAteer didn't want you up front at all. This is now six years later. How did you work with Knox?

Kerr: Just the opposite.

Chall: What was your role with respect to SB2057 and the legislature, with Knox, and Willoughby?

Kerr: We knew it had to be a PR kind of thing. We had a coalition of conservation organizations--

Gulick: It was a very good coalition, too.

Kerr: It was run by Huey Johnson. It included Janet Adams; it included Claire Dedrick; it included the SPUR people. Oh yes, don't you remember those meetings we used to have over in San Francisco?

Gulick: Sure do.

Kerr: Anyway, they raised the money, and they were insistent that we had to have enough money to take out a full-page ad in the L.A. Times. At this point we sat back and washed our hands of it. This kind of PR was way beyond our capacity because we didn't have the money. And remember when Janet Adams spoke at the senate?

Gulick: I certainly do.

Kerr: Here was this gal exuding sex, and she made the biggest impression. We all sat back and thought: [groans] if that's the way it has to go through, well, it has to go through.

Gulick: And she wasn't even good-looking.

Kerr: She just exuded.

Gulick: Coldwell and Banker gave us the room, donated it to us, for the coalition in San Francisco.

Chall: I read in your minutes [October 22, 1968] that the board had said that you would need to set up an umbrella [coordinating] organization of some kind, and they put you in charge of seeing that that was done. About a month later you had organized the Citizen's Alliance for Save the Bay with offices in San Francisco and a person named Jeanne Miller in charge. [Minutes, January 28, 1969]

Gulick: She was the one whose husband was a graduate student at the University. She took on this job—it was a paid job.

McL.: It was nine-to-four. She was like a secretary.

Gulick: Very attractive, very nice young lady.

Chall: Also the board had said you would need something like \$20,000-\$25,000 in order to accomplish the purpose and recommended that you not only set up this umbrella organization but that you coordinate everything with Zierold and the PCL [Planning and Conservation League]. Was the umbrella organization more or less taken over, in terms of leadership, by someone else, to raise the money?

Kerr: Well, we all met together, and I remember one meeting that we had in the Sierra Club office when they agreed that they were going to go out and raise--whatever it took for a full-page ad in the L.A. Times--\$6,000-\$10,000. My mouth dropped open and I thought that it can't come from Save the Bay. I don't know where or how, but they got it.

Gulick: This was where Janet and Claire came in. They had this PR firm.

Kerr: They were used to using a lot of money and they decided it had to be done. I said, "Our job is to get twenty thousand people to write letters and we'll send busloads of people up to the hearings." This didn't take money, but organization and a lot of support from the members.

Chall: Was this where Don Sherwood was involved?

Kerr: Don Sherwood came on the air without any asking from us.

Chall: And he was the one who told everybody to send little bags of sand?

Kerr: No, he told everybody to write their legislators before they had that second cup of coffee in the morning.

Gulick: I think Joe Bodovitz knew him well.

Kerr: He was, I believe, a relative of Herb Caen.

Gulick: He was a wonderful guy. Lu Drake was also very helpful.

Chall: Who made up the little jingle that went with the little bags of sand? "You will wonder where the water went if you fill the Bay with sediment."

Gulick: Luman Drake, I think.

Kerr: Luman Drake was a resident of the town of Brisbane. We had supported them when they were fighting the efforts of the Sunset Scavenger Company to fill the open water in front of the town with garbage. We had given them lots of advice and, I think, we even gave them some money. They hired Cap Weinberger who won their case

Kerr: for them and stopped the fill proposal. But since then, Lu has been very disillusioned because he felt that the 1969 legislation gave the Bay away.

McL.: If you'd like another little personal anecdote about our legislative effort—I did my usual personal PR thing. I remember putting together a little booklet with all the information—clippings and PR material with a cover letter. I was focusing on Jesse Unruh, who at that time was very powerful in the assembly. There was a full assembly meeting—I forget at just which juncture—but it was a very important one, and it was very interesting to see the way he operated.

He sat in the back and all the others came to him for direction. So I managed to get a seat where there's a little fence between the audience and the assemblymen where he was. When there was an opportunity I said, "Sir, here's something for you." Whether that had any effect or not I do not know, but I thought it was important to have some material to express our point of view.

Kerr: Jesse knew your husband and he also knew mine very well, and he was not in any doubt about who was going to be for what. He couldn't have been, at that point.

McL.: We all felt that we had to make any contact that we could make.

Chall: Did any of you testify as Janet Adams did?

McL.: Yes, I remember Esther was there once, early on, and I was there before a Finance Committee meeting. Because I remember we rehearsed it on the way up. [laughs]

Kerr: Dwight [Steele] was on the scene at that point. He was the Sierra Club conservation chairman in the Bay Area. He was very interested in the Bay and he was very wise about the Sacramento scene. He was a very good friend of John Zierold, so that I think Dwight was testifying at various times.

McL.: Yes. And we were all very nervous. I always tried to go back to my seat as quickly as possible rather than hang around for possible questions. This one instance I recall, I was asked a question on what was an anadromous fish.

Gulick: I remember that very well. Fortunately she knew! [laughter]

McL.: Luckily it was something that Esther and I had rehearsed on the way up. I think she'd looked it up in the dictionary. So I was able to adequately answer the question.

Gulick: Her stature went way up! [all laugh] Most of the assemblymen didn't know.

McL.: I remember I wore my blue linen suit, about the color of your [Chall's] tie, and then I had that red straw hat with flowers on it. And fashionable high-heeled red shoes. We were trying to look very proper. Probably had gloves too, I don't remember. [much laughter]

Chall: No tennis shoes?

Gulick: No, no tennis shoes.

Chall: [to Kerr] And you were away during this year?

Kerr: Yes. I didn't go away until the last part. I was there all during the Janet Adams coalition type of thing, but I missed the final fireworks.

I can remember going for the mail at the American Express in Paris and the trauma of waiting for news.

Gulick: Boy, I wrote you a long, long, long letter--

Kerr: Well, maybe I kept it.

Gulick: If you didn't, you should have. [laughing] Give it back to me!

McL.: I remember I had to drive to Santa Barbara the next day. I picked up the Chronicle down there. There were two different versions.

Chall: You were there when that final vote was taken?

McL.: Oh, yes! Esther and I were there together sitting in the back. I'm sure we held hands and shook.

Chall: I often wondered whether in all this time you actually kept going back and forth to Sacramento or whether you took an apartment?

Gulick: We went back and forth.

Chall: It was almost daily?

Gulick: It wasn't every day. Sometimes they were late at night.

McL.: Sometimes we had to chaperone busloads of people up there too.

Kerr: I remember I got this letter from Esther saying, "Well, we won by one vote, and that was because of an interpretation of the rules."

Gulick: I can't remember who--

McL.: Senator [Howard] Way?

Gulick: Yes!

McL.: Oh, he was our hero!

Chall: That was a bit of luck, wasn't it, that Senator Way held that position [president pro tempore]?

McL.: It was really an exciting drama.

Gulick: Yes, it was.

McL.: Because also there were certain legislators who we knew were sympathetic to some of the developers. And they would get up and make speeches. [dropping her voice] And they also--

Chall: You can say that out loud. [all laugh]

McL.: I don't remember them all, but it is part of the record that some of these large interests had employed some of the best known lobbyists, and they had been very active.

Kerr: One of the things I wish I had heard--which will go down in the history books--is when the opposition's lawyer spoke before the Senate Finance Committee. [He was representing San Mateo development interests.]

Gulick: You missed that one.

Kerr: You go ahead and tell it, because I wasn't there.

Gulick: Well, KQED had this hearing on the air--

Chall: This is in '69?

Gulick: Yes. And it was broadcast. Again, that's what one of Charles' friends said to him, "with enemies like that, you don't need friends."

Chall: Well, I understand he [the attorney] didn't make friends that night.

Gulick: The hearing room was packed and the auditorium next door was used so that more people could listen. You know the story, I gather. It was really dramatic.

Kerr: Did you know that that lawyer eventually became a consultant for Berkeley? [Richard Archer] He presented the case for Berkeley when Barry Bunshoft was representing us in the public trust litigation against Santa Fe. Barry said he is really a good guy and could never understand how he had made this terrible presentation during the 1969 hearing on BCDC.

Gulick: You know, if we hadn't cared so much about the way the bill came out, we could almost have felt sorry for him.

Chall: Was he the one who was asked, after he had finished his fiery speech of opposition, whether he had read the bill?

Gulick: Yes. He said, "No."

Chall: You're the ones who can make this whole last couple of months in 1969 exciting from your own perspective, because of course it's been written about a lot. Is there anything else you can think to say?

Gulick: It was a cliffhanger.

Kerr: I remember before I left, we used to go up to the committee hearings early. There would be the lines of people standing in the hall that couldn't get into the hearing room. And legislators who went by said, "What's going on?" It was very effective. We organized busloads and sometimes had a hundred people standing in the hall.

Gulick: Even after a second room was provided we still had people standing in the hall.

Kerr: And we had buttons that said, "Save the Bay." The legislators also got enormous quantities of mail--the most ever received on a subject up to then.

McL.: I had a cousin who was the project manager for Westbay. At hearings we'd meet in the hall and kiss, and then go and sit on opposite sides. [laughter]

Another time in 1969, Ruth Ganong and I were in charge of several buses going to Sacramento. I remember it was a very warm day. I had thought I'd made it perfectly clear that we would leave at such-and-such an hour after this particular hearing. But perhaps the person running the hearing hadn't made it clear whether or not the hearing would be continued in the afternoon. Anyway, one couple did not return to the bus.

Everybody was sitting in the bus. It was about eleven-thirty or twelve, and people were getting hungry, hot and upset. It had been an early morning meeting. So then about the only thing left to do was to suggest that everybody go to the neighboring cafes and get some lunch while I would scout all around the Capitol building and look for this one couple. So that's what we did. Finally, just as I was about to give up, they showed up, very calmly, back at the bus. Then we had to get all the people out of the cafes and back on the bus. Never again will I do that. [laughter]

Kerr: We were dependent on many groups that did things like arrange bus trips. We had buses organized by the Marin Conservation League and the help of Emma Gilman, and Barbara Eastman, representing the Committee for Green Foothills, organized buses for all the groups on the Peninsula.

Chall: During this whole battle for the bill in 1969, what was your perception of Reagan's attitude? Did you have any relationship with Governor Reagan or his staff?

Kerr: Quite possibly Reagan knew little or nothing about all this because he delegated a lot of authority. Luckily, again, his Resources Secretary [Ike Livermore] and Parks and Recreation Director [Bill Mott] were good friends of ours and people like Mel Lane. I am sure it was because of them that Reagan signed the 1969 bill, with a nice comment about the importance of the Bay.

Later we had a relationship through our attorney Barry Bunshoft who worked with Greg Taylor, who was a deputy state attorney. He handled the lawsuit for the state to protect the public trust in the Bay in the Westbay case, and as far as we knew, the governor's office never interfered. I mean, they allowed the budget to go through.

Gulick: Evelle Younger was the attorney general at that time. We got the money for the Westbay suit when Reagan was governor.

Kerr: The Westbay suit is rumored to have cost \$5 million, over the seven years.

Gulick: I think the lawsuit was carried through the State Lands [Commission].

Kerr: Are you sure? It has to go through the attorney general's office?

Gulick: Yes, I know, but the attorney general was the lawyer for State Lands, and the State Lands had carried the lawsuit. Greg Taylor was the lawyer for the attorney general's office, but the attorney general is the lawyer for State Lands.

Chall: Did you work at all with Mel Lane? He said that he was one of the few members of the BCDC commission who really worked in Sacramento at that time to pass that bill. I think he told me that he took an apartment up there for a while.

Kerr: Mel Lane worked very closely with Joe Bodovitz and helped a lot to get the 1969 legislation.

Chall: And did you consult with them at all?

Kerr: They counted on us for public support. We were always in front of BCDC at every hearing. Mel Lane was very cognizant of us and very sympathetic. He depended on Save the Bay to have a strong position before the commissioners.

Gulick: I think he was a good friend of Save the Bay.

Save San Francisco Bay Association Develops its Public Education Program

Kerr: We all understood that the public voice had to be heard and that the public needed accurate information. From the beginning, dissemination of facts about the Bay was a major activity.

We wrote and distributed materials for students, teachers, and groups, participated in conferences and public meetings, put together a slide show, and had three films on the Bay. We testified at BCDC and other public hearings, were quoted in the media, and alerted our members through regular newsletters to Bay problems, activities and what individuals could do if they wished.

Gulick: One of the ways we got new members was to exchange our membership list with other conservation organizations on a one-to-one basis. We could choose the part of the United States that we wanted. So that helped expand and diversify our membership. Many people knew or cared about San Francisco Bay.

McL.: In 1965, Laurel Reynolds and Mindy Willis who were nationally-known photographers and had done the prize-winning movie that resulted in the Point Reyes National Seashore, were interested in doing a film on San Francisco Bay. We gave them \$5,000 which was a grant from the San Francisco Foundation, to pay for the cost of film. They put in two years of time and did a beautiful film.

Kerr: Several years later we got a request from a photographer from San Mateo County who said he thought that our film on the Bay was just namby-pamby and certainly didn't meet the interests of the students of the sixties. He wanted to do one, and we said we had no money. He said, "I don't need money." So we worked with him on the script. That was Warning, Warning. Later, a British photographer took an excellent short film on birds and wetlands which we bought.

Gulick: These films were distributed free of charge to hundreds of schools and groups.

Kerr: As we've already said, we had a lot of unsolicited national publicity. Harold Gilliam wrote his book, Between The Devil and the Deep Blue Bay and dedicated it to the Association; we had a

Kerr: good article in the Reader's Digest written by Earl Selby, and Ben Bagdikian, who is now chairman of the U.C. School of Journalism, wrote one for the Saturday Evening Post. There is a long bibliography but not kept up to date.*

Gulick: More recently there were articles in the National Geographic [William Graves] and Sunset Magazine.

McL.: Then, of course, there was the Rice Odell book, The Story of the San Francisco Bay published by the Conservation Foundation.

Chall: That's a major historical work. It's very helpful.

Kerr: During those years between '65 and '69 we were terribly single minded. Any time Sylvia went to a meeting, she talked; every time she went to hear a speech, she talked, every time--

Gulick: People would see us coming, they'd walk away. [laughs]

Kerr: They'd say, "What's the news on the Bay?" They still say that to all of us.

McL.: "How are you doing on the Bay? What is going on out there?"

Gulick: "Isn't the Bay saved? Why are you working so hard?"

Bay Farm Island, Alameda: "One We Lost," 1965

Kerr: We mentioned our loss of Emeryville and Albany in order to pass the 1969 legislation, but we haven't talked about our serious loss of a Bay fill issue in Alameda in 1965. We felt doublecrossed by the state on that one.** That was the Hugo Fisher episode we mentioned.

Gulick: Oh Lord! I've been going through some of my clippings and I've got some of them here on that battle. This was put through only a few days before the BCDC moratorium on fill went into effect in September 1965. And Save the Bay got publicity as being in favor of the fill when we were strongly opposed. That mistake had to be corrected, even though we lost on the fill.

*See Bibliography, Appendix, p.

**See Gulick, "The Fight for San Francisco Bay," pp. 14-15 mimeo.

McL.: Well, this was a Corps of Engineers permit that was the issue for Bay Farm Island. But the state had to give prior approval for that development by the Utah Construction Company or the Corps couldn't go ahead. The state held up approval for a long time and at the last minute okayed it. It was an election year!

The city of Alameda often held hearings on or near holidays: July Fourth, Thanksgiving, Saturdays.

Kerr: Saturdays. Oh, sure.

McL.: I think the final one was around Easter time. Were you there, Kay? At the hearing?

Kerr: Well, I went to a couple of them, mostly I remember the outcome!

Gulick: I went to all of them.

McL.: At the final hearing Hugo Fisher read this wonderful statement that I think had been largely written by Joe Bodovitz. There had been five hours of testimony opposing the fill. The only people that spoke in favor of it were the mayor of Alameda city--because he was involved in the project--and the project director, and their attorney.

There was this wonderful woman professor from the University, Junea Kelley. Someone from those favoring the fill project had said that there were no birds of importance in that area. I think she has since died, but she was a great authority. She brought in a dress-box, about this size [gesturing], and it was full of stuffed birds. She caused quite a sensation. She would pick up this bird, and say, "No important birds out there? This is a thus-and-such kind of bird." She went through this whole box of stuffed birds.

Chall: Let me get this straight. You say Joe Bodovitz wrote Hugo Fisher's speech?

Kerr: To oppose the filling. When the decision came he reversed himself and approved the fill.

McL.: He had twelve or fourteen points in opposition to the fill.

Chall: The dates here are 1965. I'm trying to get to get it placed--

Gulick: Let me read you this. This was in the paper August 28, 1965, in the Chronicle. Labor Day weekend is coming up. This was on Saturday. "State Resources Administrator Hugo Fisher defended yesterday his recent endorsement of three Bay fill projects before tight state restrictions go into effect September 17."

Gulick: "In a letter to William Penn Mott, president of the Save the Bay Association, which had violently protested the state action, Fisher said his decision was based on changes in original project plans, making possible substantial public benefits in the Bay which otherwise might never be realized."

[continues reading] "He noted that Utah Construction Company, planning a massive development project on Bay Farm Island, had agreed to provide a public beach along the entire south shore of the project.

"Fisher reiterated that he endorsed two proposed Port of Oakland fill projects after the port agreed to make available certain of the shore and tidal lands lying north of the Bay Bridge--" that's north of the Bay Bridge--

Kerr: Those were the wetlands at the Oakland-Emeryville crescent which the Port of Oakland immediately denied?

Gulick: Yes. [continues] "--for development of public recreation and open space in one of the most accessible areas of the Bay."

Fisher wrote his letter to Mott after his office and that of Governor Edmund G. Brown were bombarded by letters from members of the Save the Bay Association. Conservationists were urging the Army Corps of Engineers to withhold approval of the Port of Oakland projects until the Bay Conservation and Development Commission would come into being September 17, the effective day of the legislation.

The Corps Turns over Bay Fill Authority to the State

McL.: Because of my association with Save the Bay I was asked to speak as a citizen at the national Audubon Society convention that fall. There was a panel on which I was describing citizen's experiences. On this panel was the--what was he, deputy secretary of the army?--who signed the authorization for this Bay Farm Island fill.

There were a couple of other people, one from Fish and Wildlife and one from the state of Massachusetts. Afterwards I asked him, "Why did you sign that?" He said, "Well, the State had given its assent."

Kerr: The Corps had previously delegated authority over filling San Francisco Bay to the state. I had spent a lot of time--that means two trips to Washington--to talk to the generals of the Corps. After the McAteer study--I guess this was after Mel Scott's study too--I pointed out that every fill in the Bay reduced the currents

Kerr: of the Bay. The Corps was responsible for the navigation in the Bay and how much of the reduction of the current were they willing to approve? Where would they draw the line?

Sylvia went to Washington once, and we both put the same problem to them. And then the last time I went, I said, "Not only do you have the problem of deciding how much fill you're going to permit, you've got to tell us, because we represent a lot of people, what your guidelines are. Are you going to approve a hundred acres? A thousand acres? How much more fill are you going to permit?"

That was when the general finally wrote a letter--and we have a copy somewhere--saying that "We will only permit future fills in the Bay if we have the permission of the state." And that was the basis for why the state could approve the Bay Farm Island and other major fills to BCDG. It should be noted that the Corps never disapproved of a fill.

Chall: What is your assumption of the reasons why the state turned its back on you all?

Gulick: Brown was running for reelection.

Kerr: There was a lot of money involved.

McL.: Well, we're just supposing this.

Kerr: Nobody knows why. I think Pat Brown honestly thought that if he gave a little bit of the Bay away and saved the rest, why, he had done his job because, as a politician, he was used to compromise.

Chall: So, initially the state was opposed to the fill but then they accepted the idea of fill. Why?

McL.: Hugo Fisher said the situation had changed. I wrote him a letter--I was really upset--and I went point by point and said the situation hasn't changed. I guess I sent it to Pat Brown. He sent it to Hugo Fisher to answer, and so Hugo Fisher sent me just some perfunctory answer.

Gulick: There always was a beach at Alameda. I remember when my grandmother lived in Alameda and we would play on that beach as kids.

Kerr: Well, the thing that was really a shocker was when the city of Oakland came out and said, "We were never even asked if we were going to give any of our shoreline for public use."

McL.: Some of those who testified were opposed to it for different reasons. For instance, the Oakland airport was concerned about the

McL: noise of flights going over residential areas.

Kerr: But the Port of Oakland and the City of Oakland were very anxious to get their fill.

Gulick: This was in the Chronicle, September 1, 1965. [quoting from article] "Hugo Fisher was quoted as saying his agency had withdrawn objection to the three major Bay fill projects after meeting with officials, among others the Save the San Francisco Bay Association. Fisher said he did meet with Mott, but not in Mott's capacity as president of the Association but as general manager of the East Bay Regional Park District.

"Mott explained yesterday that he did not speak for the Association, but had expressed interest on behalf of his park district in a beach that would be built in connection with one of the fill projects." So that's how we got in it. The thing that really disturbed me the most was that various officials agreed to this mitigation--though it wasn't known as that then--that they would have this beach and they would have all these other things, they promised all this, and then it never happened.

Kerr: Remember the next day the city of Oakland came out and said, "Mr. Fisher cannot commit the city to giving up San Leandro Bay and the marshes. We made no such agreement." And so they had permitted the fill without even trying to get any real mitigation.

Gulick: [quoting from article] "The Army Corps of Engineers acknowledged yesterday it erred in saying it had the concurrence of the Save the San Francisco Bay Association for the Bay fill project. The Association was formed in opposition of the Bay fill, and is unalterably opposed to it, according to its president, William Penn Mott, Jr.

"A Corps spokesman quoted on the 'concurrence' in a story in the Chronicle last Friday. 'We felt we had the Association's tacit concurrence,' he said yesterday, 'but we were mistaken.'

"And in an August 3 story in the Chronicle Hugo Fisher, head of the state Department of Resources, was quoted as saying, 'This agency has withdrawn objection to three major Bay fill projects after meeting with officials of, among others, the Save the San Francisco Bay Association.'" And then he went on--

Kerr: We saw it as a dirty double-cross.

Gulick: Yes. Because they reneged on what they said they would do.

Chall: Now you hadn't agreed to any of this?

All three: [indignantly] No!

Kerr: The fill for the Port of Oakland was permitted the day before the '65 legislation took effect. This enormous fill utilized the BART [Bay Area Rapid Transit District] tube material. It created a very large land mass out to the deep water channel. The fill made it possible for the Port of Oakland to become a world class container port. This new type of shipping was not suitable for San Francisco where the waterfront backed up to urban development. To get the necessary space to park the containers, San Francisco would itself have to fill and this is more difficult since the deep water generally hugs the San Francisco shoreline.

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III THE ASSOCIATION IS INVOLVED WITH REGION-WIDE BAY ACTIVITIES
[Interview 3: November 6, 1985]##

The Bay Conservation and Development Commission

The Importance of the McAteer-Petris Act

Chall: The question that we were going to start with today was one you posed on your outline--"The McAteer-Petris Act has been considered a model for regulatory bodies. Is it still important, and why?"

All three: Very.

Kerr: I think it's still used as a model. It's so different from the procedures that are used by all the other agencies in the Bay Area. The main difference is it's appreciation of the role of the public.

The McAteer-Petris Act requires that the [BCDC] commissioners may not take a vote until the following commission meeting after the public hearing. This means that the public comes in knowing that the commissioners have not already made up their minds how they are going to vote, or that there hasn't been a lot of pre-lobbying by the interests. There are two weeks minimum and sometimes up to ninety days maximum before a vote is taken. No board of supervisors, city council, or special district operates that way. I don't know of any agency in the state or federal government that operates that way, even though many citizens have suggested that this be the procedure.

Chall: How did that get into the bill?

Kerr: To tell you the truth, I can't remember whose idea it was. It could have been anybody's from Joe Bodovitz's to ours to Senator McAteer's. But once the idea was put forth, it certainly had the approval of all of us.

McL.: And it certainly worked.

Gulick: Yes, very well.

Kerr: I'm sure that it will be followed eventually by other agencies and other elected bodies. There was a recent meeting of a committee set up by the East Bay Regional Park District to talk about mitigation for park and other activities, and it included representatives of all the agencies. The unanimous recommendation of that group to the East Bay Regional Park's board was that the park's board should not take any action at the time of the meeting where the mitigation was proposed. So that I think it's gradually having an effect, but it's taking an very long time.

Chall: That was one of the most important aspects, then, of the way BCDC operates. Is there anything else about it that has been important or different?

McL.: It seems to me that until fairly recently it has been to a large extent apolitical. No matter who was appointed to the membership of the commission, it was the interests of the Bay that were first and foremost.

Kerr: The membership included all of the interested bodies, but in such a way that no one particular interest could be supreme. There was an elected official from each county and a representative from a city. Cities were allocated four according to area. There are five representatives from the public appointed by the governor and representatives from four departments of the state government, as well as ex officio representatives from the Corps and EPA. [Environmental Protection Agency]

Every member chose a proxy and on the first commission I was Martin Meyerson's proxy. This provided the Association with copies of all mailings, permits, etcetera. Likewise Esther serves on the BCDC Advisory Board and the Association participates at that level. We thought the Association could be most effective if we were free to criticize and not be closely associated with the agency.

Chall: In the last couple of years you were concerned about the Deukmejian appointments. Do you think they have really meant as much as you thought they might in terms of what would happen to BCDC?

Kerr: I think that most of his public appointees have been more broadminded than we anticipated. Another real concern we had was that not only were there five public appointees, but there were also representatives from different state agencies which were under the governor's influence. It looked like there might be eight or nine votes against our interests. The voting is currently a matter of great concern. The crucial factor has been Alan Pendleton, the executive director, who has been able to get the commissioners to take the long view.

Chall: What about the view of the Bay Area Council?

Kerr: The Bay Area Council almost always has been concerned with industrial development. When this includes adequate public access, we welcome it since access has to be paid for and maintained.

McL.: It seems to me that our educational efforts over the years have really paid off. Whoever is appointed for whatever reason has learned that there are a number of basic issues that transcend the cities and counties. And that the Bay is a regionwide issue and concern.

Kerr: Sometimes I think that the Bay has become an institution in itself and as people become familiar with the Bay, they become familiar with the institutions and organizations which have been built up around the protection of the Bay, so that now there's not the same inclination to oppose every organization.

Gulick: Unfortunately, opposition to Bay protection has become more organized. Former BCDC executive director Charles Roberts, who left for the Port of Oakland, was instrumental in forming the Bay Planning Coalition. One of its purposes is to represent the interests of developers before BCDC. Its executive director, Ellen Jonck, represents the coalition at every hearing. It is a powerful pressure group and of great concern to us. It makes very tough statements before the commission favoring development applications.

McL.: The BCDC law was written in such a way that the Bay's interests continue to be paramount.

Chall: It's been flexible too, in the way the Bay Plan can be amended without destroying it.

Kerr: Procedures were very well thought out, giving plenty of time for public participation.

Chall: What amendments to the McAteer-Petris Act have been important?

Gulick: The legislature made BCDC responsible for the Suisun Protection Plan.

Kerr: Enforcement was made more effective. Violations were changed from a misdemeanor to a cease and desist category with stronger penalties.

The BCDC Staff

Chall: How important has the staff been to BCDC? Assuming that all these matters are in the law which you just talked about, could BCDC have

Chall: moved on as it did without the support of the kind of staff that it had originally and may still have?

Gulick: I don't think they could have. I think the staff had a great deal to do with it. Because the commissioners listen to the staff.

Kerr: If you're talking about the top staff, I'd agree. But the lower, well, the field staff changed pretty fast and some of them made some pretty difficult decisions that we had to either correct or live with. Those that stayed on for years benefitted from our monitoring.

Chall: By "top staff" you mean--

Kerr: Executive director, the deputy or planning director, the counsel and the permit officer.

Chall: So we're talking about, among others, Joe Bodovitz and Clem Shute, and those that followed? Alan Pendleton is still executive director?

Gulick: He's very good, too. We are fortunate that he has such a keen mind, a legal background, and long experience with BCDC.

Kerr: Earlier, we had problems. Remember when Charlie Roberts first came in as executive director? He had previously been with the Corps and was their BCDC representative. Charlie is an engineer. He had gone through the War College and he was a recent convert to the idea of systems analysis and wanted to re-do the Bay Plan. We had some very difficult weeks, and we finally had Dwight Steele, and all of us, trying to persuade him that public policy was different from engineering policy, and that systems analysis would be dangerous as a BCDC tool.

The BCDC Chairmen

Chall: What about the chairmen, how important were they?

All three: They've been exceedingly important.

Gulick: Very important, yes.

Kerr: That's where we've been very, very lucky. Mel Lane [1965-1973] had the respect of the community and the developers, and yet his heart was with saving the Bay. There was a lot more Bay filling at the very beginning than there ever was later because Mel was very concerned that the opposition would be so great that they could

Kerr: eventually overturn the MacAteer-Petris Act. It took a while for people to be confident that it was going to stay, because it was such a unique type of agency with wide power.

Chall: When you say "in the beginning," are you talking about the first few years after 1969?

Kerr: Yes, 1969. There were many more fill permits given than would be given now.

McL.: Which I think speaks very well for the institution.

Kerr: Bill Evers was also a very good chairman [1973-1975]. He did his homework, and he ran a meeting well. When he chaired the special area plan for San Francisco nothing really got past him. He spent an enormous amount of time on it. Wouldn't you agree? I mean, we never saw eye to eye with Bill in all of his decisions, but he was a very good executive.

Chall: And Joe Houghteling [1975-1982]?

Gulick: Joe was a better member of the commission, I think, than he was as chairman. As a member of the commission he was meticulous and amusingly critical of the executive director, and also of the procedures, and he also made all kinds of sarcastic and humorous and pointed remarks to the developers. When he got to be chairman, he became very careful, made fewer witty remarks, used to let the developers talk forever and restricted the public to a very few minutes. I liked him much better when he was in his role as a commissioner. [laughs] And I think he probably had more fun. But he always voted "right."

Kerr: Yes, he was different in the two roles.

McL.: He was equally conscientious and concerned.

Kerr: Oh, yes. And very well-respected in the community.

Gulick: And very interested in the welfare of the Bay.

Chall: Now John Reading: he stayed on only about a year or so, but you wouldn't have expected as much from him, then [1983-1984]? What happened during the year that he was chairman? I don't think he was there very much.

Kerr: He was constantly being corrected by his staff, because he did not do his homework. He didn't know anything about the Bay and he really didn't care.

Gulick: He missed about half of the meetings.

Kerr: He may have taken the job as a favor. The Bay Coalition, whose prominent members included Charlie Roberts from the Port of Oakland and Angelo Siracusa, President of the Bay Area Council, might have had something to do with this appointment.

McL.: Mayor Reading didn't seem to really have his heart in it.

Kerr: But I think—we don't know—but we were guessing that he took the job on an understood temporary basis, so that the vice-chairman, Mr. Dustin, would take his place when he was so frequently absent, and succeed him. The vice-chairman happened to be so inept that this became apparent even to the Bay Coalition and the governor appointed somebody with community stature.

Chall: Who was that?

Kerr: Mr. Tufts. What's his name, Bob? Robert Tufts.

Chall: Is he still there?

Kerr: Yes. And he is a good chairman.

Save the Bay: Consistent and Long-Term Participation

Chall: Has your role been as a watchdog? You still observe the BCDC meetings?

Gulick: Oh, yes. All of them, every one.

Chall: Who does it? Who goes to those meetings? Do you have volunteers? Do the three of you go?

Kerr: Well, the three of us went at the start, and then a lot more than three were there because--

Gulick: No, she asked if the three of us went.

Kerr: Until last year I seldom missed if we were in town.

McL.: I dropped out after a few years of going consistently. I would go occasionally. It depended on what was up for discussion. There were usually representatives from the Sierra Club, the League of Women Voters, the Marin Conservation League, and Audubon frequently.

Kerr: Dwight was there for a long time representing the Sierra Club.

Gulick: Yes, Dwight was really so good, because he knows the Bay Plan and

Gulick: the law backwards and forwards.

Kerr: And he was well aware of the fact that the commissioners didn't know, and so he would say, "Now, on page such-and-such of the Plan," and then he would quote it. So, by the time Dwight got through, those commissioners were much better educated.

Chall: That's because there were frequently new commissioners? The first ones learned about the Bay from the almost thirty study reports.

Formulating the Bay Plan

Kerr: A most important time was between 1965-69 when the Bay Plan was written. The procedues reflected the successful experience of Joe Bodovitz with the McAteer Study Committee. The Bay Plan was organized according to the uses of the Bay. For example, the commissioners would listen and agree on the extent of some problem or use, then at the following meeting they would discuss and vote on policies developed by staff.

We often met with the staff then, and frequently since then. We usually met at my house or had lunch or dinner at the Faculty Club and would include one or two experts--friends--to help with the discussion of some subject. It was all very informal. In turn, we tried to help by presenting the most informed and effective statements at public hearings.

Chall: "We" meaning the three of you plus--

Kerr: Well, it was usually Esther and myself, one or two members of the Executive Committee, and whoever was appropriate at that time. Because Sylvia was usually out of town.

McL.: Or driving the children to school or whatever.

The Special Area Plan Committees

Kerr: Shouldn't we talk about the Special Area Plan? That is another innovation that BCDC put in its regulations which is not provided for in the McAteer-Petris Act which I think is a very important part of the history of the Bay. When there was a particularly critical waterfront where the local government was not coping, BCDC would set up a committee to draw up a Special Area Plan. They started it with San Francisco, because San Francisco had permitted

Kerr: things like the U.S. Steel building and some others that were obviously illegal. So I think one of the efforts was to get the San Francisco waterfront looked at as a whole. Bill Evers, who was the chairman of BCDC at the time, ran the Special Area Plan Committee.

Chall: That came out of the controversial San Francisco Port Plan, is that what it was?

Kerr: No. The Regional Port study involved only Bay Area ports.

Chall: Was it done with Suisun Marsh?

Kerr: No, Suisun Marsh was brought about by special legislation. The legislature, before the involvement of BCDC, had been concerned--I think partly because of the duck clubs, and through some of the legislators in that area--about the future of Suisun Marsh. It had voted money to study the problem and to make recommendations to the legislature for protection. It turned over the study to BCDC and eventually the legislature gave BCDC the jurisdiction to enforce this law.

Chall: After considerable effort on your part.

Kerr: We gave it support.

Chall: Then what were some Special Area Plans?

Kerr: A Special Area Plan has to do with a problem in a particular area. After San Francisco's waterfront plan, Richmond was the next one, the city of Richmond. Then after that there was the Special Area Plan for Richardson Bay, which involved the board of supervisors for Marin County and representatives of the local cities as well as the public.

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The Plan for the Sea Ports

Kerr: The study on the ports was done because the Bay Plan calls for bringing the plan up to date every five years, particularly where there's a need. And on the sea ports there had never been a final policy, because at the time of BCDC, in 1969, the ports were really not speaking to each other. I mean, you couldn't get the ports in the same room, much less to agree to decide on anything. They would all agree to be individual. So it took, what, fifteen years, before we could get the ports to agree to make a plan about the future of the Bay Area's shipping.

Kerr: San Francisco was jealous of Oakland; and Richmond was so hopeful, so ambitious; and Stockton and Sacramento were waiting for the Baldwin Ship Channel, hoping to get theirs. To get cooperation it really took the possibility of a reduction of the whole Bay Area shipping business and the increasing competition from Los Angeles.

Chall: So they finally have agreed on a plan that is functioning?

Kerr: Yes. And Save the Bay had one member on the committee. She was almost always out-voted, but--

Gulick: Because they never listened to her.

McL.: Every port had a member on this committee.

Kerr: A BCDC staff member, together with the consultant appointed by the regional port association, directed the study. We followed this closely and testified at numerous public hearings about our disagreements. Much of our disagreement was based on the assumptions involving growth of the ports.

Gulick: Another time we had problems with these kinds of assumptions was the Hamilton Air Force Base decision. A regional airport study was used, with which we did not agree. The Association had very small effect in both these instances trying to point out to staff their reliance on assumptions which, we thought, were based on unreasonable expectations of development. But the commissioners generally accepted the assumptions. Fortunately, the local community rejected a regional airport in favor of urban development.

Opposition to Placing BCDC Within a Regional Government

Chall: In terms of BCDC, one of the greatest concerns that you had between 1970 and 1974 was with the Knox bills on regional government. In one of your newsletters, in 1974, it was written, "The San Francisco Bay is facing its most drastic crisis since 1961..." [May 10, 1974] Do you want to give some background on the whole idea of regional government pertaining to BCDC or the Bay?

Gulick: Well, when the subject first came up about regional government we were enthusiastic about it.

McL.: There had been various groups working for many years for regional government; it seemed the way to go.

Kerr: We were very enthusiastic about it, especially after we'd had such terrible experiences with ABAG. We had tried to get ABAG to take

Kerr: some responsibility for the Bay, but ABAG was nothing but a collection of local governments. The executive director was sure that if he did anything to upset one local government his funding would be in jeopardy.

Chall: Actually, this was a regional issue, and I think the McAteer-Petris Act, particularly the final one in 1969, indicated that if there were no regional governments in which BCDC could be placed, it should be set up as a single-purpose regulatory agency. I guess by this time (1974) you knew how BCDC was going to operate, and how important it was to your concern for the Bay, so that if it was going to be brought in under an umbrella of regional government, you felt the effect would be to dilute the power of BCDC.

Gulick: Well, the way it was written was that they would have a veto power over BCDC.

Chall: I was looking through John Knox's material that he donated to the Bancroft Library when I was preparing an interview with him. I found that there was really a split in the citizen groups over the whole idea of regional government. You were strongly opposed, and I think the Sierra Club was opposed, but other organizations like the PCL and the League of Women Voters were for it. How did you work that out? Did it create great trouble for you?

McL.: We had our convictions, though, and people respected that.

Kerr: Well, our problem was the Knox bill. It was building up a layer of authority which had the risk of changing the McAteer-Petris Act, changing the commission, and vetoing—they had the authority to veto the decisions of the commission. It looked like it was a risk that we didn't want to take, because we thought there was still plenty of opposition to Bay regulation.

The Bay Area Council was all in favor of regional government; this was the first chance they were going to get to tell the Air Pollution Control Board and the Metropolitan Transportation District and BCDC that they couldn't do things. And they had the money to run the campaign. So we saw it, maybe in a non-realistic way, but we thought a very realistic way of special interests getting control of the environment.

Chall: What did you do to fight it? I know that you discussed it in the newsletter rather often. In fact, I think there were far more newsletters that went out at that time than normally. Besides getting people to go to the hearings, behind the scenes what did you do?

Kerr: We sat in John Knox's office and talked to Tom Willoughby and John Knox by the hour. I think we had one effect. The last time they tried to get the regional government bill through—I don't think it

Kerr: was AB 2040--

Chall: No, it wasn't; there were a couple of others.

Kerr: --they agreed to exempt the Bay. And at that point, because they were exempting the Bay, they lost a lot of support from people who would have liked to have had authority over the Bay.

Chall: And in one of those last ones somebody brought in the idea of a Super-Mayor, and it got really complicated. But Knox does remember your opposition.*

Kerr: I never could see why he was so unrealistic as not to see what would have happened. Except that I thought he wanted to be Mr. Big in the area. And just like we were able to use McAteer--though I use "use" in a nice way--because he was so set on being mayor of San Francisco, I think Knox wanted to be the Super-Mayor of the San Francisco Bay Area.

Gulick: He was very ambitious, and his personal beliefs took precedence. It was hard for him to give up anything.

Chall: Well, there's no concern now, I guess, and no push now for regional government.

Kerr: No, luckily regional government would have required the votes of the whole legislature, and I think the legislature could see that dividing up the state into different regional governments would really be a drain on the taxpayers. Because that's all work that the state government was supposed to do, and then they would have to cope with a third layer. You would have a committee of the senate and committee of the assembly, and you would have a committee of that particular region. It would be a very complicated and, I think, unnecessary third step.

Chall: But single-purpose agencies, like BCDC and the Coastal Commission and the others--

Kerr: They're all under the state legislature anyway. Their budget goes under the state legislature, their laws can be amended by the state legislature. There's no reason why you have to have a third area except to promote the special interests of that region.

Chall: With respect to issues like waste disposal, water pollution, toxic wastes, open space, and other problems that are regional, it might be helpful to deal with them as regional issues. Transportation--

*See interview with John Knox "Bay Area Regional Organization," in Land-Use Planning, Volume III, pp. 74-80.

Chall: it might be better if it were done at a regional level. In the same way that BCDC has been able to develop the Seaport Plan and the San Francisco Plan, which are regional.

Kerr: Actually, I think that BCDC and MTC and the Air Pollution Control Board have shown the viability of single-purpose agencies. I don't think you would have had nearly as good air pollution control if you had had it under a regional government. You would have had all the interests, not just the air pollution control, involved. I think one of the problems is that we don't have a single agency for waste. If we did, and it was constructed like BCDC, we would have a waste program. The Regional Water Quality Control Board wouldn't have been any stronger under a regional agency.

The place where you need a regional agency and where you're never going to get one is for local zoning and city planning and development. No city is going to give up its land use jurisdiction. We are having urban sprawl connecting one city to another, all kinds of transportation problems, MTC has no authority over land use. So a regional government that could do that would be very useful but highly unlikely.

ABAG finally did stop one city from developing. Was it Pleasanton? No, a new town out there near Livermore, they denied them permission to do it.

Chall: Oh, yes, but there was a favorable vote on it ultimately, I think.

McL.: Right now there are real problems on the shoreline of Berkeley where three cities are involved in a planning process. There's no regional group that has any authority and no single agency that has any authority, and so the result is years of talk. A strong effort is underway for a park on the shorelines of Albany, Emeryville, and Berkeley. It involves the three city councils.

Chall: This has nothing to do with the Berkeley plan--or Santa Fe's plan--

Kerr: Very much so.

Gulick: Oh, everybody is involved in one way or another in this regional shoreline plan.

The Recurring Issue of the Public Trust on Navigable Waters

Chall: Well, there have been attempts in the past few years to reduce some of BCDC's powers. I noticed that Senator [Jim] Nielson seems to be behind a number of bills which you are always fighting. How did this come about? Who is Senator Nielson?

Gulick: Nielson—he's from Central California—Stockton, or one of those cities.

[mingled discussion]

Kerr: In his constituency he has some of the Delta, part of the Sacramento River. And the state attorney general's office and the State Lands Commission have for a hundred years been exerting jurisdiction over some of "his" landowners. A hundred years or so ago, some people were able to get title for their land from the state on a fraudulent basis.

Someone would say they were dry lands when actually they were covered by the tide. The state is gradually uncovering these fraudulent claims or these honest errors—either intentional or otherwise—through historical records showing where the boundary lines really were. And when they find that an owner really had navigable water which he got credit for as swamp and overflow -- which is known as dry land—then the state went in and said, "You have to compensate the state or return it to navigable water." This, we agreed, was required under the public trust law.

This really didn't amount to much until some of the very large real estate developers came along near Stockton, and found they were going to have to pay a lot of money to the state to clear their titles. And the title insurance companies were exceedingly unhappy because they had insured all these areas and they didn't want to pay for it. So they got Senator Nielson to put in a bill saying that titles to public trust lands, which were those that were navigable, previous to this date were all legitimate. Anything that happened in the past would be forgiven and the State Lands Commission wouldn't have any right or any authority to ask for payment or restoration of the water. Then we found that public trust lands also included part of the Bay as well as thousands of acres up and down California along the rivers. So this was why the state attorney general's office, and the State Lands Commission, and Save the Bay, and almost every other conservation group oppose the Nielson bills, which are introduced almost every year.

Gulick: We have had at least four such bills. The California Land Title Insurance Company makes sure that Nielson never gives up.

Kerr: And every year we've escaped by the skin of our teeth. I mean, once we depended on Jerry Brown's veto; once we depended on somebody not showing up a critical vote.

McL.: Whoever it was went to Los Angeles or somewhere.

Kerr: BCDC has taken a very strong stand against these bills.

Chall: It would erode some of their power?

Kerr: It's not a power that anybody has. The public trust is something that was handed down from the British Common Law. And when California became a state one of the conditions was that all navigable waters were never to be destroyed. We have been involved in two important public trust lawsuits--the Westbay case and the Santa Fe litigation.

McL.: The Westbay lawsuit started with a little altercation with the city of San Mateo.

Kerr: That's right. Whether Westbay Associates had a right to fill, or something.

McL.: The state entered on the side of the city of San Mateo.

Kerr: The state spent \$5,000,000 on the Westbay case. It was a landmark in terms of conservation representation. Barry Bunshoft, an attorney who was on the Board of the Association, represented us in our request to be permitted to be an intervenor.* This was granted and it was the first time that a conservation organization had ever been recognized as a legal representative of the general public. At the end of more than seven years, the public trust was guaranteed over 10,000 acres of the Bay involved.

McL.: Barry also represented the Association in the Santa Fe case involving the Bay along the shoreline of Berkeley. The decision in this lawsuit confirmed that navigable waters are impressed with the public trust.

The One Hundred-Foot Shoreline Band

Chall: Before we finish with the McAteer-Petris Act, there are limitations that you and other conservation groups have had to deal with. Certain important areas are out of BCDC jurisdiction. What about the 100-foot band? You had to accept that with the 1969 legislation. Has that ever been a serious drawback?

Gulick: We were glad to get at least 100 feet.

*See interview with Barry Bunshoft, in this volume, p. 106. See also interview with E. Clement Shute, "The Place of the Courts in the Solution of Controversial Policy Decisions," in The San Francisco Bay Conservation and Development Commission, pp. 68-95.

Kerr: The McAteer-Petris Act provides that priority-use areas around the Bay, which had to be saved for specific purposes, could extend beyond 100 feet. We've recently been having problems with the Acme garbage dump along the Sacramento River, which was in a priority area and was inland of the 100-foot band. It was designated as suitable for waterfront industry after the garbage dump was finished. The garbage people came in and wanted to raise the land to seventy or eighty feet, and BCDC said no, because you couldn't put waterfront industry on that high a dump.

BCDC denied the permit, whereupon the Corps of Engineers then sued BCDC on the grounds that BCDC didn't have that much authority. So BCDC is now trying to decide whether the problem of an extended jurisdiction in the case of waterfront industry, is feasible anywhere on the river.

Gulick: The BCDC staff asked the advisory committee, I remember, at one time, to discuss extending some priority use areas. But there was no support from this committee.

Jurisdiction Over Wetlands Behind Dikes

Kerr: Diked wetlands are another jurisdictional problem. There has been some interest to extend BCDC jurisdiction over the diked historic wetlands. BCDC made a study of these areas about five years ago. The conclusion was that there was unmistakable evidence that the wetlands behind dikes had direct relationship to the ecology of the Bay. So then the question was: Who would protect them, if BCDC didn't have the authority?

McL.: There was a great push among conservationists, particularly the Audubon Society, to have BCDC go to the legislature and extend their jurisdiction to the diked wetlands areas. BCDC must have spent two years doing a very comprehensive study of this issue. Nancy Wakeman was in charge of it.

Gulick: Many owners of wetlands, not all, but a lot of them, came to protest such extension of BCDC jurisdiction over their lands. The Bay Area Council and, you know, just everybody that had ever opposed BCDC agreed with them. The commission finally decided to play a monitoring role with ongoing reports from the Corps of Engineers under whose jurisdiction these wetlands unquestionably fall.

Kerr: These reports are a regular part of the BCDC agenda. The commission is supposed to reconsider the matter in several years.

Chall: That's rather an important issue at the present time, isn't it?

Kerr: Now we are spending a lot of energy and activity on the Corps--Save the Bay is. The McAteer-Petris Act gives BCDC jurisdiction over managed wetlands and over salt ponds. BCDC has not clearly defined what is meant by "managed wetlands" but the legislative intent seems to have been to include the duck clubs.

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The Role of the Federal Government in the Bay

The U.S. Army Corps of Engineers

Chall: Well, we've discussed the question, then, of the McAteer-Petris Act being considered a model for regulatory bodies and whether it is still important and why. I guess we went through that pretty well. Your other question was: "What part did the federal government play in the operation of the Bay and its relationship to the Association?" The Corps of Engineers comes out first on the list.

McL.: Yes, they've been extremely important. [pause]

Chall: Explain.

Kerr: I'll defer.

McL.: [laughing] No, no, you don't have to defer!

Kerr: Well, you talk first. You remember your first talks to the generals?

McL.: Well, I was thinking first of the district engineers. Because historically I don't think the Corps of Engineers has had very much of an environmental approach, to put it mildly. We continued to communicate with the district engineer's office (they may have referred to it as harassing). Another advantage or disadvantage is that the district engineer changes every two years, so you just get acquainted with one and then you have to repeat the process.

Gulick: They have gone on to such positions as executive director of BCDC, as director of public works, or as consultant for developers.

McL.: Yes, [laughs] They like it around here. They resign or retire and settle in the area. There are several.

But I think probably a high point was when Colonel James

McL.: Lammie was the district engineer. The Bay Area Council at that time was giving an environmental award, and Save the Bay helped persuade them to give it to him for his environmental awareness and activities.*

Gulick: He was a good guy.

McL.: As I say, the Corps heard from us so much and so often that they established something which is now referred to as the Environmental Tea. I don't think they've had one this year.

Kerr: Oh yes, early, when we were both gone.

Gulick: I went to it.

McL.: They invite all the regional environmentalists.

Kerr: It's the colonel who issues the invitation to tea, only it's really a morning coffee.

McL.: Yes, and they present a program of what they are doing and what their objectives are and so on, and then they ask for questions. It's a very direct exchange of information.

Kerr: The whole staff is there to answer questions.

McL.: I think the rest of the country doesn't understand why we think our San Francisco district is really different, and so great. But it is different than some of the other districts, even in California, I'm sure.

Chall: Now we might move on to the greater area of the Corps, which is the national arena, to see how it affects the district.

Kerr: You remember when the national office tried to get rid of the local San Francisco district?

Chall: Yes, they wanted to move it into Sacramento?

McL.: I remember when we were fighting for Bay Farm Island. I spent all one summer writing to the Corps of Engineers. I wrote to the general. My theory was to start at the top. We sent copies to the President of the United States and everybody on down. Well, we lost that one, but they knew that we existed, I'm sure. And then both Kay and I did have conversations with some of the higher-ups in Washington which resulted in the Corps's turning over its authority for Bay fill to the state. We've talked about that.

*The Bay Area Council's first environmental award was given to Save The Bay in 1969.

Chall: What's the difference, if any, between the Washington people and the local people?

McL.: The Washington people make the decisions. When they sign something, that's it. Also, we've had a lot to do with the national legislation Congress wrote, the regulatory authorization, Section 404 of the Water Resources--

Kerr: Of the Clean Water Act.

McL.: Clean Water Act, yes. And then there was another one also.

Kerr: Rivers and Harbors Act.

McL.: Yes. So we had to pay very close attention to that and to the congressmen who were on the committees. So we really had a lot to do with the Corps at the national level.

Chall: Do you still?

McL.: Yes; with the regulations.

Chall: With whom do you work in Congress? Are you mostly working through your own congressmen, northern California congressmen? Or do you limit it to the Bay Area or to the committee members?

McL.: It depends on the issue; whoever's on the committees and who'd be most helpful.

Chall: How do you plan that?

Kerr: When I went to Washington to see the Corps people, I worked with Tunney--was he the Senator?

Chall: Yes.

Kerr: With Tunney's office. His secretary would make all the appointments at the Corps level or at the committee level, with either staff or people I wanted to see.

Gulick: But you didn't approach Tunney himself.

Kerr: No, but I wrote to Tunney and asked if he would do this for me.

Chall: Make the appointments for you. Why did you choose Tunney instead of Cranston?

Kerr: For two reasons. I had earlier written to Cranston, whom I did know, but Cranston's office at that time was not well organized, and Tunney's office was a model of organization. Everybody knew it; that's the only way I knew it. I wrote asking Cranston to

Kerr: support our concerns, but it was Tunney's office that made the appointments I needed.

The Albany Dump: The Bulkhead Lines

Kerr: We were concerned about the Albany dump because BCDC had no authority over Albany. As we mentioned earlier, an addition at the last minute to the McAteer-Petris Act in 1969 permitted Albany and Emeryville to expand in the Bay according to previously approved city plans. The Albany plan included three islands to be created by fill. Although BCDC couldn't stop Albany, and the city wouldn't stop the fill, maybe the Corps could. That's when we found out about the importance of the bulkhead lines. The Corps had no jurisdiction shoreward of these mythical lines which were--

Gulick: --were established by--

McL.: --the whim of the city! At the request of a city, the Corps established a water boundary line. The result was that there was no common line around the Bay. Every city that wanted one had its own location automatically approved by the Corps.

Gulick: The ones along the east shore were out to the middle of the Bay! For example, the enormous fill for the Port of Oakland was all shoreward of the Oakland bulkhead line which extended to the city line of San Francisco.

Kerr: So, because of the Albany fill, I asked Tunney's office to make appointments with the Corps. I remember there were five generals sitting around the room and three young men. They were all charming. They had sent a car for me. I found that three of them had studied at Berkeley, and they said, "What is it that we can do for you, Mrs. Kerr?"

I had information about Albany and some pictures of the dump. I said, "You know, there's no reason why the Corps should permit this filling of the Bay after all the studies have been made showing the terrible effects. The Corps has said you aren't going to fill unless the state gives the permission but in this case the state's hands are tied." I said, "It's all due to the fact that you've got those irrational bulkhead lines." They said, "We haven't paid any attention to bulkhead lines in the Bay, but we will."

Next, I went to an appointment with the attorney for the committee that had supervision of the Corps. What's his name? He really was our friend for a long time. Anyway, I went through all this rigamarole with him. He said he would investigate and see if

- Kerr: there was anything in the Corps regulations that could be changed. All of a sudden, a few weeks later, the Corps voted to withdraw all bulkhead lines from the Bay.
- Chall: Did you go to Washington particularly for this?
- Kerr: Clark was often in Washington so on this trip I went along to see the Corps.
- Chall: I see. But if you hadn't gone this would not have occurred, perhaps?
- Kerr: It would have been a lot more difficult.
- McL.: The Corps as far as we were concerned was of prime importance from the time that the 2020 report came out. They were the ones, essentially, who said that the Bay might be filled until it looked like a river. So we really were cognizant of their importance from the very beginning.
- Kerr: [laughing] They didn't know how important they were in the beginning.
- McL.: You see, we not only have the district office of the Corps in San Francisco but we have the office of the South Pacific Division. So we have the district engineer and the general who is head of the South Pacific Division.
- Kerr: One thing I didn't mention was once when I was in Washington I made an appointment with the man in the Corps who was making the study which proved that there should not be a San Francisco office. He was very nice and he showed me the statistics about all the activities that went on in other Corps districts, and their budgets, and he said, "The San Francisco and"—I can't remember now if it was the Savannah office—"those two districts have the great support of the citizens but have very little budget and no dams and no engineering responsibilities." He thought that they should just be wiped out. So I said, "Well, in public service, statistics aren't everything." We found out we had to work to get a lot of support to retain the San Francisco office.
- McL.: We were really concerned.
- Kerr: You see, the Sacramento office would have been kept because of all the dams on the rivers, and those proposed.
- Chall: You said that it had to be done through public support because there was really no reason in terms of the Corps' budget to have an office here. How did you do it?

- Kerr: Well, we all had our congressmen and everybody else involved in that one.
- Gulick: Yes, and the conservation groups around here were up in arms about it. They all wanted the Corps to stay. Everybody wrote letters.
- Kerr: I think we had BCDC support.
- Chall: And there hasn't been any attempt again?
- Kerr: Not that I know of. I think it was helpful that about that time all of the appropriation money was taken away for the studies for new dams. I know that the San Francisco District was reorganized and engineering taken away.

The Corps' Jurisdiction Over Wetlands

- Chall: I noticed in 1982 that there was a revision of Section 404 of the Corps regulations.
- McL.: Our surveillance needs to be continuous.
- There was another little sidelight on our Washington activities, and perhaps I was involved there a little bit because at that time I was on the board of National Audubon. They had an office in Washington, as did the Sierra Club. When we became very concerned about the proposed changes to Section 404, I would get in touch with people that I knew from Audubon in their Washington office and also the Sierra Club people. I wanted to be sure that they knew how concerned we were, and for what reasons.
- Kerr: They had good lobbyists.
- McL.: And they were right there on the scene. So I really tried to also let the National Audubon board know how concerned we were about this.
- Kerr: We haven't been too successful recently because they keep bringing up Section 404s for change. More often than they need to.
- Chall: What is Section 404?
- Kerr: Section 404 of the Clean Water Act is the jurisdiction of the Corps over wetlands, among other things. There was a time, under Carter, I guess, when the jurisdiction of the Corps was expanded to include even the headwaters of streams that flowed into navigable waters. And boy, that created all this terrible opposition. So then the next effort was to shrink it and shrink it, and they're still

Kerr: trying to shrink the Corps's jurisdiction.

Right now Section 404 requires that you can't fill a wetland unless you can show that it's for a water-dependent use or that there's no alternative site, and a few other criteria. There's this perpetual effort to weaken the regulations and lawsuits to delay enforcement.

McL.: Remember Congressman [John B.] Breaux from Louisiana? He caused us all kinds of trouble. He had a rice field which he didn't want to be under Corps' jurisdiction. I understand he's been good on some other environmental issues, but nevertheless--

Gulick: He probably didn't have his money invested in those issues.

McL.: Preventing the weaknesses of Section 404 was a very big battle, as I recall, and, as always in such legal battles, we tried to pull out every stop that we felt we could.

Kerr: I remember a letter you wrote to Cap Weinberger. In fact, we all wrote to Cap Weinberger, saying that he really had to recognize the fact that the Army Corps had a great responsibility for saving the Bay and the 404 regulations were being weakened. And he wrote back and said that he was confident that the Department of the Interior would save the Bay! [all laugh] He passed it off to [Secretary of Interior James] Watt. And to [William] Gianelli. [laughter]

Chall: Gianelli was the Army Corps man at that time. [Assistant Secretary of the Army for Civil Works]

McL.: We didn't get very far.

The Wetlands Coalition

Chall: Now at the present time, the Bay Area congressmen have indicated concern about the Corps and the wetlands. How was that managed?

Kerr: We have, for about five years, had a group called the Wetlands Coalition which meets monthly. Our staff person administers it, writes the minutes, and keeps it going. This coalition includes the organizations around the Bay which are concerned with wetlands: Audubon, Sierra Club, the Peninsula Conservation League, the Marin Conservation League. It has also on occasion involved the Bay Institute and the Oceanic Society and others. Anyway, there's a pretty big group of people on our mailing list. Not too many come to the monthly meetings, but it's basically an informational group. This is the group that has stimulated awareness of the wetlands. They agreed on a statement of policy which we printed. It has been

Kerr: widely distributed.

Some of the members knew that Congresswoman Barbara Boxer, from Marin County, and Sala Burton were concerned about the environment and could be interested in the destruction of the wetlands. Information on the illegal activities under Corps responsibility was sent to them and the other Bay Area legislators. Their staffs became interested, informed the media and arranged for press statements--of course with the help of members of the Wetlands Coalition. We have found out since that one of the big problems isn't only the Corps--which took all the heat--but the fact that they can't enforce the law except through the U.S. Attorney General's office and it is difficult to prepare this kind of complete case this office demands. Hopefully, interest at the national level will make the Corps turn over more enforcement cases to the U.S. attorneys. We're not sure whether it's the Corps not wanting to turn over the cases or the attorney general not wanting to take them, or both.

Chall: How about the Burtons--while they were still in Congress--John and Phil. Were they interested in the Bay as such?

Kerr: Oh, without them we wouldn't have had the major shoreline park--the Golden Gate Recreational Area. They were really dedicated to getting government property into public recreation.

Gulick: It was Phillip who led that one and Sala got the appropriation to acquire the extension of the GGNRA at Sweeney Ridge at Pacifica.

The U.S. Navy

Chall: In terms of the Bay, then, you just had to find the people who would be interested in your issues. All right, what about the navy?

Kerr: We had a really good relationship with the navy at the beginning because Admiral [Chester] Nimitz was a very ardent member and Katherine Nimitz and he were both on our Board of Directors.

McL.: The Advisory Board.

Kerr: Advisory Board. Better keep correcting me. [laughing] Admiral Nimitz told us that the navy knew there was no point in keeping shoreline installations for defense as it would be impossible to defend the Bay. At that time, we hoped to get Point Mallote as a park.

Chall: I guess it was the state that had more difficulty with the navy in

Chall: matters of pollution control?

Kerr: We had two direct relationships with the navy that I can remember. One, we met with the local navy people at the instigation of our Board member from Contra Costa County, trying to get Pt. Mallote's old winery declared an historical landmark. Save the Bay was one of the groups that worked for it and we set up the appointment with the navy officials. But the Contra Costa Heritage Foundation carried the ball on that one, and succeeded.

Then the other time we had an involvement with the navy was when they made an application to BCDC to fill quite a big area in front of the Naval Air Station at Alameda. They were going to move some navy headquarters and put administration buildings on the fill. It was about a month after the National Environmental Policy Act had taken effect, and I had been out of town. You see, just luck again. So many things happen with luck.

When I came back, I was catching up on BCDC minutes which told about this application which was to be heard the next week. And then I happened to read in the Sierra Club paper, or someplace, that President Nixon had instructed all the federal agencies to follow the National Environmental Protection Act.

So I got on the phone. BCDC didn't know anything about this presidential order. So then I called the navy, and they referred me to their attorney. I called the attorney and he said, rather impolitely, that I couldn't be right. I said, "Well, I think you should call Washington and find out." So of course he found out compliance was required.

Kerr: Before the BCDC meeting we had alerted the Ecology Center at Berkeley, which was very anti-war. The kids arrived at the public hearing with banners [laughing] something about "Go Away War!" Later, the navy withdrew the application.

Gulick: We also opposed Treasure Island and we got something there.

Kerr: The navy got permission for a new pier and we got--what--a park bench? [laughter]

The U.S. Coast Guard

Chall: How about the Coast Guard?

Kerr: The Coast Guard was very helpful. They hosted one of our annual meetings.

McL.: That's right. Been very cooperative, always.

Gulick: And we haven't had much to do with them.

Kerr: They run the fireboats and are responsible for safety in the Bay. They gave several talks at BCDC about the problems of oil spills in the Bay. In the first Bay Plan the oil companies had succeeded in putting an island-tanker-terminal inside the Golden Gate.

Gulick: We fought that one and it was eventually taken out of the plan.

Kerr: A private organization called Clean Bay was formed by the oil companies. I understand it may not be adequate for a big oil spill.

McL.: And it would charge the oil companies to clean it up.

Kerr: I have forgotten the details, but very recently there was a close call when a tanker had trouble. It was apparently just luck that the tides didn't wash the oil into the Bay. There is currently a problem of enforcement between BCDC, Marin County, and the Coast Guard regarding illegal houseboats in Richardson Bay. The Coast Guard is dragging its heels and Berkeley is also trying to get them to give up or do something about enforcement.

The Environmental Protection Agency

Chall: Was there any relationship between you and the EPA [Environmental Protection Agency]?

Gulick: Well, we tried to have one. [all laugh]

McL.: At certain times.

Kerr: The EPA is the federal agency which has been under the greatest centralized political control of any agency, with the least authority in the region. One of those times when Clark was in Washington, I thought I would go along so that I could talk to the EPA. Russell Train at that time was the director. We had a problem of pollution from dredged spoils. The Army Corps had said that you determine pollution by the proportion of highly polluted spoils to the total number of cubic yards dredged. At the Port of Oakland there were millions of cubic yards to be dredged and one very densely polluted area. The dredging is not, of course, simultaneous so that the seriously polluted material was being dumped at the Alcatraz "hole" as it was being dredged. Much of it would be washed over the crab beds at the Gate on the outgoing tide or back into the fishing areas of the Bay on incoming tides.

Kerr: So I went to the EPA office to see if they had guidelines. A very nice staff member said he really couldn't tell me anything about San Francisco Bay, that they were in the process of doing a study for all estuarine areas. They had guidelines for ocean areas which would not apply.

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Chall: How long ago was this?

Kerr: Whenever Russell Train was there. The staff man told me that no region had authority to make decisions--all decisions came from the central office.

So I said, "All right." I went out and I said to the secretary, "I want to see Mr. Train." She said, "Mr. Train can't see anybody today because he's getting ready to go away for a few days." I said, "Well, I only want to see him for a few minutes, just to introduce myself and tell him what the problem is. Less than five minutes." I said, "Would you just ask him?" She said, "No, I just don't think he'll be able to see you."

So I said, "Well, I haven't anything else to do today or tomorrow, I'll just stay here." Within five minutes I was in the office, and Mr. Train was very nice and explained that all the rules and regulations were made in Washington and they had no estuarine policy. We have not been able to get any local EPA people to take any action until the Oakland Airport lawsuit.

McL.: They have a new director, Judith Ayres, who has a very good reputation as a conservationist. We've asked her any number of times to come and talk to the Board, but she's unable to come. We don't know whether she really doesn't have the time or she doesn't have the authority. I'm not quite sure how much authority she does have.

Dredging Policies: The Baldwin Ship Channel

Chall: I don't know that we've fully answered the question: What part has the federal government played?

Kerr: Well, there's one other very important federal authority which bothers us and that deals with dredging policies. One of our early concerns was the proposal to dredge the Bay up to the Sacramento River, fifty feet deep and put all the dredged spoils in little islands--drop it hither, thither, and yonder. We went to many hearings on that, and finally it went away because, under somebody's administration, they didn't have that much money. But

Kerr: then it resurfaced and it's called the Baldwin Ship Channel. They have got the funding—thanks a lot to John Knox and George Miller—for the section through the Bay to Carquinez. As I understand it they've got the money now to go all the way up to Stockton.

Gulick: They've been working diligently on it.

Kerr: They are not going to dump the spoils into the Bay, but they are going to create new dikes and strengthen others and give higher protection for the existing Delta islands. Dredging policies are still a problem in the Bay and Delta, and involve water quality and biological concerns.

The Bay Model of the Army Corps of Engineers

Kerr: There is a very important installation operated by the Corps in Sausalito and that's the Bay Model.

Chall: Oh, yes, I wanted you to tell about that. The Bay Model is a Corps project, right?

All: Yes.

Chall: That has been quite useful in terms of what--determining how much fill, and where it could go, and matters related to the Delta? Do you consider it a good valid scientific experiment?

McL.: Absolutely.

Kerr: Well, it depends on the research project. There are a lot of scientists who don't agree. One Delta study concerns the mix of fresh and salt water.

McL.: Inversion.

Gulick: You are talking about the null zone.

Kerr: Yes. Apparently there is quite a discussion as to the suitability of the model for detailed complex kinds of studies. But the model has been popular and very useful as an educational tool about the Bay. Many, many kids and teachers have visited it. We have had two annual meetings there and the Corps has been a wonderful host.

Gulick: We have a hard time with people not understanding that we focus only on the Bay. We may range wide within that, but it has to be the Bay, and people just can't understand it--other environmentalists who are just so wrapped up in what they're doing that they can't see why everybody isn't.

McL.: But sometimes there are peripheral issues [all chuckle] that are directly connected to the Bay, such as the Peripheral Canal issue because of the water that does or does not come into the Bay.

Kerr: That's directly--that's not peripheral. It may be the Peripheral Canal, but--[all laugh]

Chall: Yes, you've put a lot of effort into that.

McL.: Oh, yes. Anything that directly or indirectly affects the Bay.

IV SAVE THE BAY ASSOCIATION ADAPTS ITS PROCEDURES, GOALS, AND ORGANIZATION TO CHANGING NEEDS

[Interview 4: December 11, 1985]##

Chall: Last time we decided we would take up the last two questions that you have on your outline and then fill in what we might have omitted. The questions were: "What are the present problems and expectations regarding the Bay?" My addition to that is: How does the Association hope to deal with them?

The second question was: "What are the future problems, and how do you hope to deal with them?" To understand how the Association will deal with present and future problems, I'd like to find out more about how the organization, especially the Board, functions.

The Board

Chall: How was the Board established, and how does it operate? The reason that I ask this question is because I noticed that you have one-year terms, and the Board, I thought, when I looked over some of your newsletters and minutes, was relatively self-perpetuating. That is, there are several of you who have been on it since the organization began.

Gulick: The Board suggests people who would be valuable new members. The bylaws specify that new Board members can be added by Board action during the year, and at the annual meeting by membership vote on a panel recommended by the nominating committee. There can be nominations from the floor. This has never happened.

Chall: I've noticed in your minutes that you began with something like seven Board members, then you expanded to something like seventeen, and now there are, I think, twenty-three?

Kerr: The bylaws limit the number to thirty--no less than twenty, I think. The Board is informally a regional group representing different areas of the Bay and different interests and expertise. This is not a written policy but reflects Board discussion on how a proposed new Board member would contribute to the Association.

Gulick: We have had very few people refuse Board membership. I think that some people consider it an honor to be on the Board.

Kerr: I think that the principal criteria is the interest in and the concern for the Bay.

McL.: It seems to me as with many boards--and this you see particularly at the meetings in the fall and spring where we get together for a dinner meeting with the spouses--I think people do enjoy the comraderie; they enjoy discussing what's going on in different parts of the Bay with different Board members, because everyone is extremely interested, or they wouldn't be there.

Kerr: The advantage of having a Board with unlimited terms is that you have flexibility and can build up friendships. It has the advantage of being an "old Bay network," saves time and fosters confidence.

Gulick: At the Board meetings once a month, before we start the business meeting, we spend about half an hour socializing with coffee, tea, cookies. Then when the meeting is over some stay to discuss mutual concerns. We most often meet at Kay's, and at Sylvia's when Kay is out of town, so it is very informal.

Kerr: I think because the Board serves a function as a council, we make an effort to have the meetings very informative. We often have a visiting speaker who can give authoritative information on a Bay-related subject--such as the executive director of the State Lands Commission, the district engineer of the Corps, head of the Department of Fish and Game, et cetera. This background information is helpful to our small staff.

Chall: I noticed that you do that about, what, every other meeting?

Gulick: Yes.

McL.: The Board is concerned with long-run goals and policies as well as crisis-to-crisis activities; because there's generally at least one crisis going on in some part of the Bay or other.

Kerr: Those crises consume a good deal of effort and time.

Gulick: Certainly do! [all laugh]

How Kerr, Gulick, and McLaughlin Fit into the Scheme

Chall: I want to find out then, with respect to the day-to-day and the crisis-to-crisis activities, what is the role of Kerr, Gulick, and McLaughlin in between the meetings and at the meetings?

Gulick: We have our fingers in everything.

Chall: When I come here, usually, when I'm setting up and when I'm leaving, there's an immediate rump session.

Kerr: We waste no time!

Chall: Since I've been coming, only about once a month, I'm just wondering what goes on day-to-day? Do you communicate?

Kerr: There's the telephone.

Chall: So the three of you are--how shall I put it--in charge of the organization?

Kerr: No. We have what we call a staff meeting here every Monday morning. This has included over the years, Esther and myself, the staff coordinator, and often a volunteer to whom I dictate correspondence--with plenty of comments from the sidelines. Whenever members of the Executive Committee can, they come. Will Siri has recently been coming regularly.

Barry Nelson [staff] and Esther and I plan the week's work, go over public statements and correspondence, plan Board agendas, edit minutes, discuss long-range problems, the items to be covered in the next newsletter or annual conference, et cetera. It is a team approach on a regular basis. Individually we make no decisions without consultation. This prevents different versions given, for example, to the press when only one of us is available--or to other conservation groups. This takes a lot of extra time and telephoning and is the opposite of an executive director's authority.

McL.: I come sometimes. I have dropped out of the day-to-day tasks, but keep in touch by telephone, especially prior to making a public statement.

Kerr: When Will Siri and Sylvia both come we have a majority of the Executive Committee present. If we feel that there is some policy decision needed, Barry will get in touch with all the other members of the Executive Committee before an action is taken. When I am not in town, as far as I can tell, it's done on the telephone.

Gulick: I go down to the office frequently. I do an awful lot of the other day-to-day work. I open all the mail and I take care of the money and answer a lot of letters too, that are just sort of routine letters. Thanking people, or if some little problem has come up, I will take care of it, you know, in a letter. I'll draft it and either Janice [Kittredge] or Nancy [Goetze] will type it up for me and send it out. And oh, there's just all sorts of things, just everyday routine work, some not routine, that I do. I'm much more available for that kind of thing. The work that Kay's talking about is something where all of us need to get together.

McL.: In the not-so-routine workings over the years, I have given talks to many different groups generally with slides from the Association's collection. These are all manner of groups and this is one way that we help spread our message.

Kerr: Sylvia speaks for the Association at public meetings and before governmental bodies. Barry speaks before BCDC, at public hearings and at congressional and state legislative commission hearings. All of Barry's remarks, and most of Sylvia's, are written and kept in our files.

Gulick: We get requests from groups of the kind that Sylvia wouldn't generally go to but Barry will take care of--schools, men's clubs, and luncheon meetings.

Chall: Sylvia's the outside person?

McL.: Yes, and Esther's gone with me on some occasions. And also I think we all have had the experience of giving--what would you call it--counseling? I've talked to students from fourth grade to college entrance level, mainly about Save the Bay or environmental issues of the time. I try to be available for this; I enjoy it. Somehow, I'm on a couple of different lists.

Chall: I see. So each one of you has a niche, as it were?

Kerr: My role is divided. I write the newsletters, with editing from everyone. I get the ideas and make the proposals for subjects for conferences, annual meetings, et cetera. My forte is getting ideas, and their responsibility is to make them practical. I also read endless journals from governmental bureaus, law cases, news clippings, and minutes of other conservation organizations or related agencies. We all have many personal conversations from time to time with decision makers who are friends or acquaintances. We don't hesitate to introduce ourselves to strangers on the telephone to get, or give, information.

McL.: I think we all try to fit in where needed and where we can help do whatever we can.

Chall: Well, over the years I'm sure you just do it without thinking, I mean, divide the work without giving it too much thought. Each one of you knows where you're going to be working, especially if you are not all together here at the table.

Kerr: I think Esther has a particularly key role because as the treasurer she's responsible for paying the salaries, bills, and watching the budget. We have two full-time and two part-time workers

McL.: And she's responsible for the IRS.

Gulick: We were audited once, many, many years ago. That was done by a very nice young man. My office is in my house, and I work till two o'clock in the morning or till midnight, you know, whatever fits in. He came to the house; he was very nice but boy, was he meticulous. Getting every last penny and checking every last item on the record and all.

Chall: Aren't you required by law, as a 501C3 organization, to have your own internal audit? I noticed that you don't provide a financial report of your organization at the end of the year. Many others do.

Gulick: Oh yes, we do.

Chall: Oh, you do?

Gulick: We publish it.

Kerr: We have a choice of providing it to our members or publishing it. We'll provide it if anybody asks, but it's published routinely.

Chall: Where does it get published?

Gulick: Well, for years it has been in the Montclarian. If we sent it to all of our members, it would be very expensive. So we can choose either of these methods.

Chall: I see. I just wondered, because I knew it was required.

Gulick: Yes, and I make a report at every board meeting, a financial report.

Chall: How do you publicize your program?

Kerr: At the beginning, we wrote flyers for the public, teachers, and our members which concentrated on the importance of the Bay to our physical environment—the currents, weather, pollution, earthquakes, et cetera. Then we did public access and information that much of the shoreline and shallow Bay was considered private property with Keep Out signs. Then the need was to include

Kerr: wildlife and wetland refuges, then the Eastshore State Park. We print these by the many thousands. Except for the wetlands resolution drafted by the Wetlands Coalition, they are single page with factual information on the back and pictures with "headline" phrases on the front. I have designed and drafted them and appropriate authorities have corrected or written the factual information.

We also have had three pamphlets describing the history, organization and goals of the Association. The first one was mostly pictures and concentrated on the threats to the Bay. The last one is a summary of our twenty-five years. These include a membership form and we use them for many different kinds of meetings.

McL.: We also spread our message by being active in other organizations. Some of our Board are on the boards of other organizations. Kay and I also go to teas and Town and Gown affairs, dinners, et cetera, and in the early days, to social events that involved the governor or important legislators.

Gulick: We have members in--I don't know now, I haven't looked for a while--in about forty-eight states, and members in Europe that all of us have obtained. I have a couple of friends in Vienna who are members.

Kerr: We have already talked about how the message has been spread by the media, films, books and magazines.

Staff

Chall: How do you secure your staff?

Kerr: We operated without paid staff for the first few years. Our focus was on spreading the word. Mel Scott and the study commission at BCDC were providing ammunition. But the time came when some office organization was essential.

Gulick: We have had two needs--one might be called office management--someone to know where important documents are--be responsible for mailings, et cetera. This has been Janice Kittredge who has worked for more than twenty years. The other need has been for a full-time program-oriented staff member to represent the Association before the regulatory bodies, keep in touch with other organizations and agencies, make recommendations for action, et cetera.

Gulick: From the beginning I have had the account books at my house.

McL.: I have boxes of clippings and some correspondence at my house.

Kerr: Then, once again we were lucky. Out of the blue, a phone call one day from the Stanford office handling conscientious objectors asked if our Association would be willing to interview a c.o. for a job? We would have to pay a private's salary.

Gulick: About \$90 a month.

Kerr: A very attractive, quiet young man, Bill Talbot, came to the house. He was a Princeton graduate and needed a job to be allowed by his draft board to stay on the West Coast.

Gulick: He said he was willing to do anything. We asked for references, not wanting to cope with a potential demonstration before BCDC.

Kerr: I telephoned his major professor at Princeton who said that Bill was the best student he had ever had, and that when the war was over he had a graduate fellowship good anywhere in the USA. [He got a Ph.D. from Harvard.] So Bill was hired.

With this kind of talent at such low cost we decided we should hire another!

Gulick: Jim White came out for an interview. He was a graduate in economics from Berkeley, and also looking forward to graduate school. [Ph.D. Columbia.]

Kerr: The boys set the pattern we have followed ever since by handling day-to-day business, except money, preparing information for BCDC, writing and making statements at public hearings, becoming acquainted with other conservation organizations and with agency staffs, doing and suggesting needed research and becoming familiar with environmental law cases. They kept Esther and me informed by means of memorandums which gave us time at our frequent "staff" meetings to concentrate on important crises.

Gulick: These two were augmented near the end of the war by a third c.o. Mario Gutzman. [later an architect]

Chall: How did you continue when there were no more c.o.s?

Kerr: We put notices up at Berkeley, Davis, Santa Cruz, et cetera, about a job opening for a graduate interested in working for one or two years and asking for personal interviews.

Gulick: Two weeks out of our lives every one or two years.

Kerr: Generally, we got wonderful students. We not only learned from them, but they learned a great deal from us, and two later became staff members of BCDC and the Coastal Commission.

- Chall: This is how you got your present staff person, Barry Nelson?
- Gulick: Yes. Barry, however, is on his second year and would prefer to stay indefinitely.
- Kerr: There are great advantages, and a few risks, in our system of depending on young graduate students. We have benefited from new ideas, enthusiasm and energy which would not probably so characterize someone who had the job for many years as an executive director. However, pre-law or pre-teaching or pre-civil service students may not always be interested as there are more good fellowships and loans available. Also, we have always functioned with a "team" approach. Most young people cannot afford to be volunteers or put in the thirty to forty hours a week which all of us do in reading or writing, et cetera. Our present team of three is anxious to "retire" so this past approach may not be feasible for the future.

The Offices

- Chall: All right, we've talked a bit about organization. There was some talk in 1966 about renting an office. It wasn't until 1975 that I noticed you took two small offices. Had you any office space before '75?
- McL.: I had boxes and clippings and correspondence at my house.
- Gulick: I had the account books at my house.
- Kerr: I remember we kept some things on the third floor at University House in 1961 when it was being renovated.
- Gulick: Then there was one on Shattuck, you know, that scruffy little place we had.
- Kerr: When we got the c.o. staff, we used three rooms and put a lot of files and a telephone in a part of my house since my children were away.
- Gulick: That's when you hired Janice. I was in Europe.
- Kerr: But after the war ended and I needed the space, we got the offices on Center Street. Then we went to the Wells Fargo office building, where we've been for a long time.
- Chall: That's something that you have to have money available for.

Gulick: Oh yes. Offices, salaries, printing, and postage are our major expenses.

Handling Court Cases: The Legal Committee

Chall: The other area where you consistently required money was for your legal work, and that began early on. During 1967 and '68 you were concerned about the Albany fill, and Alameda, Leslie Salt, and Emeryville. And from that time right on until today, you've been, in one way or another, involved in some lawsuit.

Gulick: But until we got Clem Shute, we spent very little money on lawsuits. It was mostly volunteer.

Chall: Is that so?

McL.: We had excellent lawyers on our Board, always have had.

Kerr: Morse Erskine put together our Articles of Incorporation; Tom Jordan and Herb Rubin did Albany, and of course, Barry Bunshoft carried the Westbay case. Our current legal committee is advisory and we pay Clem and his office--although they do not charge full rates.

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Kerr: From the long-run point of view the Association has had two very important successes. First was getting the McAteer-Petris Act and second was establishing legal history about the public trust.

There was no Legal Committee until recently because our lawyers (Barry Bunshoft, Dwight Steele, and Herbert Rubin) along with the three of us and the president formed the Executive Committee.

In the Westbay case, over the years, there were some detailed proposals for settlement, initiated by the developers. I remember we had maps of the South Bay spread over my dining room table as we discussed with Barry what our position in the negotiations should be. We always followed his advice and authorized him not to settle if it meant Bay fill. Because we were intervenors, the state couldn't settle without us, and this reduced the possibility of political pressure.

Our first lawsuit was against the city of Albany. This case, after a year or so, was never brought for a final hearing because Tom Jordan was convinced we could lose it and set a bad precedent.

Kerr: So in Albany we went a different direction. We got the Corps, as we have already described, to remove the bulkhead lines. We got the State Lands Commission to hold a public hearing on whether the city was fulfilling the terms of its tideland grant--to fill in the statewide public interest. The SLC eventually told the city the tideland grant would be taken away since a refuse dump was not in the public interest. Jim Trout of the State Land Commission was very helpful on this. He wasn't so helpful years later when he opposed extensive public access on the Anza fill on the grounds that a big hotel would bring income into the state.

Our legal files will show our involvement as amicus with other lawsuits. The most important was the Mono Lake case where Clem successfully defended the public trust.

The public trust became a topic for conferences and papers after the Westbay negotiations. The state held a big conference, I remember, at U.C. Davis for the public and agency personnel and a detailed report was published.

Sometimes we have avoided lawsuits we were afraid we might have to get into against BCDC. Remember the Ferry Port Plaza?

Gulick: I certainly do. When a U.S. Steel building bigger than the new Bank of America building was proposed at the Ferry Building BART platform.

Chall: How did you stop that one?

Kerr: Well, again we were lucky. The project not only included the U.S. Steel building, but a massive shopping mall on Pier 1 which would have required Bay fill. We learned that the planning money for this came from the Ford Foundation. I knew the president, McGeorge Bundy, personally, so I telephoned him to ask if he knew that we were about to make this illegal proposal public. He knew nothing about it, but sent his vice-president for real estate investment on the next plane for an appointment with Dwight Steele and me. We found they had believed the city officials (who were pushing these projects) and had never read the state law. They withdrew their support and the project was withdrawn. The city sued BCDC but this was another lawsuit that just died.

McL.: I wrote as a shareholder to the president of U.S. Steel and to directors who were friends of Don.

Working With Other Organizations on Common Goals

Chall: Is it only in an extreme crisis where you can dovetail your work with other organizations the way you did in the 1969 BCDC

Chall: legislative activities?

Kerr: No, we dovetail our work a lot, and we often help others out financially. Over the years we have made financial contributions and given encouragement to many organizations. When we started there was only a handful of conservation groups. Now there are many and some have fairly specialized interests which we have supported, such as Citizens for a Better Environment (grants for water quality study); Audubon (lawsuit costs); Oceanic (conference reports and Day Camp grants); Sierra Club (expenses connected with Eastshore State Park); West Contra Costa County Conservation League (Point Pinole brochure and loan for East Brothers Lighthouse); Vallejoans for Cost Efficient Growth (lawsuit for wetland protection), and others.

McL.: A lot of it is a matter of information, back and forth, to know who's doing what.

Kerr: For example, right now we are trying to get an Eastshore State Park. To get this is going to require a tremendous amount of activity--public relations-wise. It's going to require brochures. It's going to require somebody to administer the efforts, probably more office space. Someone to go to Sacramento. It's going to require money. And there's a coalition of interested groups, none of which claim they can provide much money to help.

McL.: Well, it was more or less a coalition to get the park proposal known by many groups.

Chall: Will Save the Bay carry the ball on the Eastshore State Park?

Kerr: If we don't, we aren't going to have one. That's our big problem right now. And it is unresolved. How this is going to be done and how it's going to be financed.

Chall: Is that going to be one of the issues for the coming year?

Gulick: Oh yes. We're concentrating on that and the wetlands.

Chall: The two, yes. You were talking about money. I noticed that you have had some relationships with the East Bay Regional Park District, which gave you \$20,000 to be funneled into a project having to do with--wait till I find it--[minutes, January 28, 1968]

Gulick: I think it was--

McL.: Was it for Wildcat Creek?

Chall: Yes, for Wildcat Creek. Now, how does that work, that kind of cooperation?

Kerr: We were the bankers.

Chall: I see. And why did you bank it? It sounds as if you were going to be laundering money or something like that.

Gulick: [laughs] No, we're honest. Above board.

Chall: Yes. [reading from notes taken from the minutes] It was \$20,000 that came from the East Bay Regional Park District to Save the Bay Association for the Urban Creeks Council and its subcontractors relating to management of Wildcat and San Pablo Creeks. What kind of a relationship is that?

Kerr: We did it because their attorney said that it was not a direct function of the park. In other words, they were not acquiring property and they were not managing something, but they could make a grant to a non-profit organization to do this kind of thing. And so it was purely a legal thing that the park district itself worked out. We had nothing to do with it except that we held the money. It took them a long time to get a contract written that didn't put us at risk.

Gulick: [softly] I was a stumbling-block in that one.

Present Problems and Expectations

Chall: What are the present problems and expectations regarding the Bay, and how does the Association hope to deal with them?

Gulick: Hm, that's a big question!

McL.: I would say all the things we've been talking about.

Kerr: Yes, I agree.

Gulick: So do I.

McL.: Wetlands, and the Shoreline Park, pollution; legislation--local, state, and federal--the whole gamut.

Current Knowledge Changes the Association's Expectations

Kerr: I think these all indicate a certain change in circumstances from the time when we were working for the 1965 legislation.

Chall: The BCDC legislation, yes.

Kerr: Because in the first place, in terms of wetlands, we really didn't know that the areas behind dikes were so closely connected to the habitat of the Bay. At that time we were very anxious not to incur any more opposition than we already had—which was a great deal—from the local communities. And so the BCDC jurisdiction was limited to a hundred feet from the shoreline and only for providing public access.

Another area of our ignorance was the fact that we had, I think, more expectation that public access would be more park-like. The McAteer-Petris Act said that maximum feasible public access must be provided consistent with the project. And our interpretation of consistent with the project meant that you wouldn't put public access where it wasn't safe for the public. In other words, if there was a ship construction or repair operation public access might not be feasible. The developers' approach to the word is that you don't put public access where it makes it difficult to make money. For example, under their definition they should not have to reduce density and profits in favor of better public access. BCDC public access design guidelines are written for beauty and to provide appropriate public use. But in practice, access is feasible principally from an economic viewpoint.

I think that should have been much more thoroughly spelled out in the Act.

McL.: We had no idea how complicated it was going to be.

Chall: How could you? Even the speaker on your forum (biennial conference) the other day from the Fish and Game Department said that only in the last few months did he realize there was so much wildlife in the marsh, in the wetlands. My goodness, and they're the scientists, so how could you know politically what was involved if even the scientists are just learning. I suppose that's why the [Bill] Lockyer proposal looks so good: because it looks as if the areas that you left out could now be put into the McAteer-Petris Act.

Kerr: The problem with the proposed bill, if I understood you correctly, is that the Bay Area is already under the very strict jurisdiction of the Army Corps of Engineers. And there isn't any way that you could put it in the McAteer-Petris Act that would make it any more strict. The only advantage would be that the McAteer-Petris Act allows BCDC to have more direct enforcement. The Corps has to go through the U.S. Attorney General, and BCDC can have its own court case immediately.

The Biennial Conferences

- Chall: In determining what your present problems and expectations are, and what the future problems are, do you use your biennial conferences to help you determine your direction? What's the purpose of the biennial conference?
- Gulick: Education.
- Kerr: I think it's a two-way street. We get some very good ideas out of the workshops, and also we find out where some of our problems lie. For instance, this year, at the Marin County workshop that I went to, I learned that we need to spend more time on a certain subject there because there is clearly either misinformation or more information needed. So it's an education for us.
- Gulick: I didn't mean just for them; I meant both ways. It's mutual.
- McL.: I think people are always interested, it seems to me, in having the overall picture such as the conference presents. Although we focus on one theme that is very educational, I think also the various workshops give an opportunity, for the people involved in those areas, to have Save the Bay understand what their problems are. It's got a bit of intercommunication advantage.
- Chall: You surely do get the people. I mean, the heads of agencies, at the various levels--both private and government.
- Kerr: The most important purpose is to affect the decision-makers. And those are the agency staff people and the directors. Because if they come and see a lot of public interest and a lot of public concern, and if they participate as resource people and are on the panels, they show much greater restraint about doing anything that might interfere with the saving of the Bay. So that affecting the decision-makers is equally as important as educating our membership.
- Gulick: We have no problem whatsoever in getting anybody from the agencies that we would like.
- Chall: Yes, I've noticed over the years from your newsletters that that is quite true. How do you determine what you'll be concentrating on in that particular conference?
- Kerr: We do it strictly from a public relations point of view. What is a problem--we always have a lot of problems--but what is the problem that is most likely to interest the decision-makers and the public.
- McL.: And is really something pertinent.

- Kerr: Yes, but I mean of the two or three problems that we could pick. We could pick public access or the Eastshore park, but that wouldn't have had the drawing power of something like enforcement, which was a real problem for everybody. And not only us, but every other organization.
- Gulick: I don't think public relations is the right term to use.
- McL.: I'd say education. One year it was on the public trust, another year it was on--
- Gulick: Toxics.
- McL.: Yes. And another year on ownership. These general topics, I think, are of interest to the people all around the Bay as well as to the agencies.*
- Kerr: Maybe it isn't public relations, but it has to appeal to the largest number of people.
- Chall: And the number of people that were there Saturday [December 8, 1985], is that a typical number?
- Gulick: We had more that were signed up for it, but the weather was so bad that some of them didn't come. But we generally have anywhere from 350 on up.

*1969 -- "Is the Bay Saved?"

1971 -- "Is the Public Losing the Bay?" (Enforcement, parks, refuges)

1973 -- "An End to Bay Fill?" Illusion or Possibility? (When and how can a permanent shoreline be secured?)

1975 -- "Dangerous Uses of the Bay and Shoreline" (Man-made hazards, earthquakes and floods risk life, natural resources, and property)

1977 -- "The Public Trust in the Bay"

1979 -- "The Edge of the Bay in the Next Ten Years" (How many new refineries, container ports, power plants, commercial structures, subdivisions, or parks?)

1981 -- "Ignorance Invites Disaster" (Water quality, public health, Peripheral Canal)

1983 -- "Toxins in the Bay" (How dangerous? Who is responsible?)

1985 -- "What has Happened to Enforcement?" (Important environmental values are being lost through illegal actions)

1986 Annual Meeting -- "A Celebration of the Twenty-Fifth Anniversary of the Association" (see Appendix for transcript of talks relating to the history of the Association)

Kerr: Two years ago we had a smaller number. I don't know why. That was when we were doing toxics.

Chall: It worked so smoothly that I just wondered how long it took you to get to the point where there's not a hitch.

Kerr: Thank you! [laughter]

Gulick: We put a lot of time into it.

Chall: Do the three of you and your staff work very hard to put this together?

Gulick: Yes.

Kerr: We have files of what works and what doesn't work, and who ought to do what and when, and who ought to write what letter and to whom.

Gulick: We have our signs made so that people won't get lost. It's all written out in great detail.

Kerr: If we should all drop dead it would still go on. Have you got any suggestions?

Chall: I was quite impressed. I didn't find a hitch in it. There was probably one sign that I didn't see, because I started to go in through the wrong door.

Gulick: If you can tell us how to get people into the auditorium when it's time to start, that would be a great help!

Chall: Just the way you did it, except you did it later than you wanted to.

Kerr: Of course, one of the reasons that we had the business meeting at the beginning is that we don't think most of the people who are talking to each other out in the hall care about the business meeting. So we get that over with.

Chall: Well, I had planned to stay for your Board meeting, but I just ran out of energy by the end of the day. I wondered how you all managed, because I was afraid it would take a couple of hours.

Kerr: We left at a quarter to six.

Chall: That's what I thought, yes.

Kerr: Because of the Lockyer problems. I mean, we had to bring that up. Otherwise it wouldn't have taken so long.

- Chall: I was a couple of rows behind you [Kerr] while the reports were coming in after the workshops, and you had a pad and were writing in very small handwriting page after page of notes.
- Kerr: Because I have to write the newsletter.
- Chall: I see, so you were already--
- Kerr: I write the newsletter that is issued about January, and usually we summarize whatever we want people to remember about the conference.
- Chall: Were you summarizing? Is that what you were doing?
- Kerr: No, no. I was just taking notes.
- Chall: I didn't think you were paying any attention to what was being said. I thought you were just doing--that something was coming out of your own mind that you felt you had to take down. But you were actually taking notes on the reports from the workshops?
- Kerr: Oh yes. I've got a lot of them here--[showing pad]
- Chall: All right, I wondered what you were doing.

Concerns About the Future

- Chall: "What are the future problems that you see, and how do you expect to deal with them?" That was one of your questions to cover.

The Commitment of BCDC

- Kerr: I think that one of the things that we can't ever foretell is whether BCDC will continue to be like it has been in the past, composed of people who are very dedicated to saving the Bay. Every other regulatory agency in the history of regulatory agencies usually gets captured by the people they are regulating. And we have seen such an effort through the Bay Coalition in the last two years.

So far, I must say, they haven't got very far, and it's partly because of the fact that we have other agencies that lean on BCDC. This is one reason why we were opposed to regional government, because it's very helpful to have Fish and Game and Army Corps and a lot of other people, who also have jurisdictions and concerns about the Bay, to keep BCDC in line.

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Gulick: I think, Kay, that BCDC not only is influenced by the other agencies to keep on the straight and narrow, but I also think the fact that after the commissioners are on there for a while they are aware of how important BCDC is.

Kerr: Well, I think they are also aware that BCDC has a very respected and important position in the community. They are all, most of them, politicians, and they have a little hesitancy, I think, about ever being branded as an enemy of the Bay because of the fact that BCDC does have a good reputation.

There's another thing, and that is that the McAteer-Petris Act generally speaking was an amazingly good law. Because of its careful construction, BCDC has less problems than most agencies; they have their own attorney and the attorney can say to the commissioners, "This isn't legal," or, "This is what you can do that's legal." So that part of our watchdog role that we have to have for other agencies is much less with BCDC. Fish and Game, for example, has no enforcement power, and the Corps of Engineers is way down the line, it takes so long. But at BCDC, once the attorney says, "This is illegal," and there's a cease and desist order, why, we can relax because we know that the attorneys and BCDC will follow through, and can follow through because of the law.

Gulick: And BCDC always has, at every meeting, somebody from the attorney general's office—which Clem was for a long time.

Kerr: They have a counsel now.

Gulick: And Alan [Pendleton] is an attorney.

Kerr: We've never been able to achieve this situation at the Corps of Engineers. Their only attorney has been there a long time and leaves a great deal to be desired. And the Corps of Engineers are engineers and not attorneys, and their staff is made up of biologists and other people.

McL.: We've had some excellent district engineers, but they're only there for two years.

Chall: Yes. I didn't realize that they change so often.

McL.: And most of them stay around.

Kerr: And some of them haven't been so excellent! Some in the area like Frank Boerger, and Charlie Roberts left and now represents the opposition.

McL.: We keep trying to give the district engineer the opportunity to be informed.

Chall: Well, you have to do that very quickly, because if they're here only two years—is it just two?

Kerr: Two. Once in a while, I think once, they let him stay for four. Didn't they renew Charlie Roberts?

Chall: That means that they have to learn very fast, and there's quite a bit to learn.

Gulick: I agree.

Kerr: We usually invite them as the honored guests for the September Board meeting, the first time they come into office.

Chall: Well, that's a quick lesson.

The Founders Look Toward the Future Effectiveness of the Save San Francisco Bay Association

McL.: I'd say another one of our concerns for the future is restructuring Save the Bay organization so that the organization will continue as forcefully as it has up till now when--

Gulick: When we're no longer around--

McL.: When the three of us--

Kerr: Have decided to depart to--

McL.: Have taken early retirement! Well, not so early. [all laugh]

Chall: Well, that's exactly what I have as my last question.

What other interests do you think that you would want to pursue if and when you retire? [to McLaughlin] You already have moved in other directions, haven't you? Aren't you active in the People for Open Space?

McL.: Well, all my various interests were naturally started by Save the Bay--conservation, environmental. I'm sure the reason that I was asked to be on other boards is because of my work with Save the Bay. I don't know one bird from another; I guess they felt at Audubon that I played a role in trying to save the habitat. So, also I think many of these organizations historically have worked

- McL.: together, and they feel that possibly because I've been involved in other organizations that I can help in working together for common goals.
- Chall: But you at least do take on other responsibilities in other organizations, though they remain in the realm of conservation.
[to Kerr] You, on the other hand, stayed here with Save the Bay.
- Kerr: I've never wanted to work any harder than I'm working now, and it seems to me that Save the Bay is, shall we say, an all-encompassing job. I find it's a very exciting kind of job because it involves so many facets. I have a great curiosity about everything, and there isn't anything that doesn't lend itself to wanting to know more in terms of the Bay.
- Chall: Wouldn't you miss it terribly if you should decide to retire? Are you thinking of retiring or are you just getting tired?
- Kerr: I think you could still have a great curiosity about what's going on without having to meet every Monday morning, and writing the newsletter, and dictating the correspondence. So that some of the routine things I think it would be very nice to retire from.
- McL.: I think that all three of us would continue, no matter what the future, saving the Bay. I think we'd certainly continue as far as our interest as Board members.
- Kerr: As Board members, yes, but we wouldn't necessarily have to handle the routine work.
- McL.: It's pretty much in our blood, I guess.
- Chall: [to Gulick] What about you?
- Gulick: I feel much the same as Kay and Sylvia do.
- Chall: Getting tired of the books?
- Gulick: Yes, getting tired of the books, meeting every Monday morning, writing numerous thank you letters and directing the staff, at times. I do much more of the routine work than either of them do, and I'm just getting tired. I do know that I would find it difficult to truly say I was giving up the work.
- McL.: Being the glue.
- Gulick: [laughing] Being the glue, yes.

- Chall: Well, is there anything in the offing with respect to people who could take over some of these roles? Could Save the Bay retain its position if the three of you were not doing what you're doing? Could it be done in other ways?
- Kerr: It will have to be done in other ways. We aren't going to live forever. [all laugh]
- Chall: You've got a good ten or twelve years ahead of you! [laughing] Or more!
- McL.: Many organizations do face up to change during different periods, and by and large the organizations survive.
- Gulick: In different ways, somewhat.
- McL.: Yes, often restructured in different ways. I think we've led the way in a strong enough manner so that we can continue to be the watchdog organization.
- Gulick: We hope so.
- Kerr: At the Board meeting, after the conference, a committee was appointed, by the president, of the younger members of the Board, to meet, to discuss how the responsibilities could be shifted so that we wouldn't all have to do so much. How other organizations function will be one of their concerns, and what kind of financial support they have to have.
- McL.: Essentially a long-range planning committee.
- Chall: That's good, that's about the only way you can feel secure.
- Kerr: I think it will be a shock to most of them to find that there isn't any easy solution. Because, over all the years we've watched other organizations, and we know what some of the problems are which they will find out. We've also seen an unfortunate problem of the Roadside Council when Helen Reynolds retired, when she was the key person there. It was moved over to the responsibility of PCL, and from then on nothing was done because there wasn't any group that was pushing that particular concern. So there are lots of examples around the Bay of the problems. Our concern was to think about and decide on the smartest way to achieve our goals. The visibility and prestige of the Association was only a means to an end and not the end itself.
- Gulick: An executive director is not always the answer.
- Kerr: No. It requires that an executive director has to spend time raising money for his salary.

Gulick: We've never had fundraisers or anything of that sort.

Kerr: So there's a lot of policy decisions that are going to have to be made in the next years. One possibility is to go out after a big endowment fund and try to get, like the Marin Conservation League, a lot of money through an endowment fund so you wouldn't have to raise the money for an executive director. But that's very difficult to do.

McL.: There's so much competition now for the conservation dollars.

Gulick: And many of our members are such stalwarts and ambitious for the Bay to remain in good stead that, unless they will go along with the members who for example give us \$100 and \$200, there's going to be trouble with the financial side of things.

Kerr: Well, I think we could probably raise a pretty good endowment fund if we had to.

McL.: It's been in our minds for some time, but we are just now in the beginning stages of working out the solution for the long term.

Chall: That sounds like a wise way to do it, rather than just say, "I'm not going to be on the Board next year." You couldn't do that.

Gulick: No, we couldn't do that.

Chall: It's like retiring from full-time work: you have to think about not only how your work will go on, but whatever it is you want to do with your own lives if you don't have this kind of daily routine.

McL.: I think we'll be able to fill our lives! [all laugh]

Chall: Not to worry, eh?

Gulick: Not to worry!

Kerr: Especially since we all have interests. I could spend more time in the garden. I like to travel; I could go more often with my husband. There are lots of things that I don't get to do now.

Chall: I think on that note we'll call the interviews at an end.

Kerr: Well, thank you for your patience.

Gulick: I want to thank you particularly for being so agreeable about the many times we had to change the dates of our meetings.

Kerr: We had always hesitated to do an oral history because we've been too busy to take the time to look back.

- McL.: We also thought it would be awfully dull; maybe even too difficult.
- Gulick: I guess we've reached that stage in life where we are ready to look back to see where we've been and what we've accomplished.
- Kerr: And we have to admit it's really been fun.
- All: Yes, it has.

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SAVE SAN FRANCISCO BAY ASSOCIATION AND THE COURTS

An Interview Conducted by
Malca Chall
in 1986

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INTERVIEW HISTORY - Barry Bunshoft

Barry Bunshoft has been a member of the Save San Francisco Bay Association and its Legal Committee since the mid-sixties. His participation on behalf of the Association in the courts and in hearings before the Bay Conservation and Development Commission in matters relating to the tidelands trust doctrine and Bay fill have garnered high praise from the Association's three founders who claimed that there could be no thorough history of the Association without an interview with Barry Bunshoft.

Although responsibilities as managing partner of the law firm of Hancock, Rothert & Bunshoft leave him little free time, he agreed to fit a brief interview into his tight schedule. He saw the oral history as valuable "for people in the future who might take the Bay for granted. I think they have no idea how close things came to real tragedy."

So, we met in his office in mid-afternoon of February 14, 1987 and plunged right into a discussion of Mr. Bunshoft's activities on the Legal Committee. "We perceived," he said, "that the first job was to get the government to do what the government ought to do with respect to the protection of the Bay."

Then, succinctly, he explained the rationale behind the Association's actions in the Leslie Salt, Westbay, Albany fill, Sante Fe and Murphy v Berkeley suits and the hearings before BCDC relating to San Francisco's plans to build the Ferry Port Plaza, and those of Emeryville and Alameda to expand their city limits on bay fill.

Because he had no time to review his transcript, the few spelling and date questions were handled over the phone.

Barry Bunshoft's oral history coupled with his talk at the Association's twenty-fifth anniversary celebration (in the Appendix) provide solid evidence of the significance of the Legal Committee to the Association's efforts to save the Bay.

Malca Chall
Interviewer-Editor

1 November 1987
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

SAVE SAN FRANCISCO BAY ASSOCIATION AND THE COURTS
[Interview: February 14, 1986] ##

Barry Bunshoft: Background on His Relationship with Save San Francisco Bay Association

Chall: Could you give me a little background about yourself and how it was you became interested in the Save the Bay organization and environmental subjects?

Bunshoft: As you know, of course, I am a lawyer. My involvement with the Save San Francisco Bay Association came through a friend, Lew Butler. My recollection is that it was some time around 1966 or 1967.

Lew Butler and Pete McCloskey had taken on the Leslie Salt Company with respect to some tidelands in San Mateo County. They were challenging a swap of lands between Leslie Salt Company and the State Lands Commission for Save San Francisco Bay Association. I started assisting them on that case and through that got involved somewhat with the Board of the Save San Francisco Bay Association.

In 1968, it may have been 1967 in the special election, Pete McCloskey was elected to the Congress, so he was out of the case. Then in 1968, after the presidential election, Lew Butler was appointed, I believe, undersecretary of [the Department of] Health, Education, and Welfare. So Lew was gone. There I was with the case. So that is how I became involved with the Save San Francisco Bay Association.

My background was really not in protection of the environment, as such. I spent the first half of the 1960s as a deputy attorney general for the state, and my primary responsibilities were consumer protection and some legislative matters primarily having to do with law enforcement. Before that I was in law school at Harvard; before that I was a naval officer.

I think my primary interest in Save San Francisco Bay Association was due to my interest as an active sailor on San Francisco Bay and a general sense of the aesthetic qualities of the Bay.

* ## This symbol indicates that a segment of tape has begun or ended.

Chall: Did Lew Butler and Pete McCloskey come to you because you were a good attorney? Did it have anything to do with your interest in the State Lands Commission?

Bunshoft: I don't think it was that so much as the fact that Lew Butler had come back from the Peace Corps and came into our office of counsel. We became acquaintances while he was doing that work, and I became interested in the legal work.

Chall: Did you have your own law firm at this time?

Bunshoft: No. At that time the law firm was Cushing, Cullinan, Hancock and Rothert. This firm is a successor to that firm.

Chall: When did you join Save the Bay?

Bunshoft: The mid to late sixties.

The Legal Committee and The Courts

Chall: In February 1968, the board was considering taking action on the Leslie Salt exchange case, and at that time Herbert Rubin was in charge of their Legal Committee.

Bunshoft: That's right. At that time, there was a very strong Legal Committee. Herb Rubin was the chairman, a very active and competent lawyer. There were a couple of lawyers from the South Bay that were also very good.

Chall: Do you know who they were?

Bunshoft: Tom Jordan was one; another one was a partner of Jordan's whose name escapes me.

Chall: It was a committee in fact, not just called a committee?

Bunshoft: No, we had a real committee. Things were quite active then. To give some sense of the evolution of how things developed, we saw at that time that the major problem facing the environmental movement, if you will, and protection of the Bay, specifically, was lack of government enforcement of existing laws. Our main thrust was to try to prod the government to do the job.

The Leslie Salt swap was a very effective case for that purpose. In my opinion, it was a real watershed for the attorney general's office and the State Lands Commission in its attitude toward environmental protection as part of the charge of the

Bunshoft: State Lands Commission. Also about that time, the McAteer-Petris Act was coming together. As we sit here I can't remember the actual year McAteer-Petris was enacted.

Chall: It was finally enacted in 1969. Prior to that there were about four years of an interim planning-permit stage under the McAteer-Petris Act which established BCDC [1964-1969].

Bunshoft: So there was a fair amount of activity involved in getting the plan in order and the legislative process. I was not directly active in the legislative process of enacting McAteer-Petris, which was a tremendous achievement of Save San Francisco Bay Association.

We perceived on the legal front that the first job was to get the government to do what the government ought to do with respect to protection of the Bay. One thrust was the legislative side, namely the McAteer-Petris Act, and the other side was both the State Lands Commission and what we perceived the Bay Conservation and Development Commission ought to be doing with respect to exercise of governmental powers. At some point, of course, that changed.

Chall: When did it change?

The Westbay Case: Save the Bay Association Intervenes

Bunshoft: The period of the late sixties was a period of great environmental consciousness. It was a time when the shoreline of San Mateo County and the Bay was under direct threat by major development interests, which came together under the name of Westbay Community Associates.

But by this time the State Lands Commission perceived this as a threat to the tidelands, and we formed a coalition, if you will. The State Lands Commission sued Westbay Community Associates, asserting the public trust over the tidelands. We, then, on behalf of Save San Francisco Bay Association and the Sierra Club, moved to intervene in that lawsuit. It was the first time interventions were attempted by an environmental organization, and it was very hotly contested by the developer and by the real estate industry.

Chall: What was the point of intervening? What did it mean to Save the Bay to do that?

Bunshoft: It meant several things. First of all, it was a question of proving that environmental groups had standing to appear in a court and argue what it perceived to be the public interest. Just being there was significant. Second, it permitted Save San Francisco Bay Association to assert certain positions which it thought were important to assert in the lawsuit.

Chall: Different from what the State Lands Commission might have asserted?

Bunshoft: That's correct. To some extent different. We had some very strong views on what was the proper interpretation of the tidelands trust doctrine.

Thirdly, and what probably proved to be the most important benefit of intervention, the lawsuit could not be settled without our participation, so that over the nine years or so that that process continued what ultimately developed was a tripartite negotiation among the developers, the State Lands Commission, and the environmentalists over the re-drawing, if you will, of the property lines in San Mateo County, the result of which has been that there has been virtually no further encroachment on the tidelands of San Mateo County. I consider that to be a major achievement.

Chall: Let me get a feeling for how the Board came to its decisions as it went along, about going to court, in the first place, and how the Legal Committee assisted them. Who brought the rationale for going to court to the Board, or were the Board people already knowledgeable about going to court?

Bunshoft: As you have probably discovered in some of your other oral interviews, it was a very sophisticated Board and some of the people have been involved in this fight, if you will, for a good part of their adult lives. Some of the people, Kay Kerr, Esther Gulick, and Sylvia McLaughlin, keep very close watch on major developments that could affect San Francisco Bay.

How we first became aware of the Westbay Community Associates proposals, I don't remember. But sometime in the late 1960s we became very aware of it, and it was discussed at the Board meetings, at the Executive Committee meetings.

I think I am the one who came up with the recommendation to intervene in the lawsuit, but I cannot take credit for it being the most novel approach because there are others in the environmental law movement who were likewise seeking to intervene. There was a case on the Hudson River at that time that was a big case involving the right of intervention of

Bunshoft: environmentalists. It was a right that we considered to be very important, and we were actively looking for cases that were appropriate. This case was very appropriate.

Other Court Cases: The Process of Deciding to Become Involved

Chall: How did the Legal Committee work? Did you divide assignments? I noticed that somewhere--this was also in 1968 when everything seemed to be exploding--that Mr. Rubin reported on the Albany fill case and that you reported on the Leslie Salt exchange. Then the Board proceeded to discuss both cases. They were concerned, one, about finding a law firm to help out, and secondly, about raising the funds needed.

Bunshoft: The other major lawsuit we had pending at that time related to the plans of the city of Albany to create an island out of fill. I can't remember if it was to have a causeway to run out to this island or not, but Herb Rubin took the lead with respect to that matter. This was somewhat of a different matter. That was a situation where we were actively opposed to the plans of a city and whether the issue there was another aspect of the public trust--to what uses could tidelands be put. We had a very narrow view of it, that it was limited to commerce, navigation, and fishery, which was what the great case on the subject said, I refer to the California Fish Case. From our view that did not include recreation.

Chall: So did you go in on that to present that view?

Bunshoft: I personally was not very involved in that. Herb did that. I believe to this day that the city of Albany did not get to do that fill. [Looks out the window to check the view of Albany] At some point the attorney general's office representing the State Lands Commission came around to our point of view.

Chall: When, in 1968, the Board hired Cushing, Cullinan, Hancock and Rothert, for the Leslie Salt exchange, did that mean that you were paid something? Or was that pro bono--all the time and work you spent on that?

Bunshoft: I decided not to do it as a straight pro bono matter for a couple of reasons. One, there was an ability to raise funds in the Association. It was not, in my view, a charity case like other charity cases which the firm routinely takes on a straight pro bono basis. Second, I wanted people to understand that there was a kind of value for the kind of services that went into dealing with those kinds of tough problems. For those two reasons, I decided to actually bill for those cases, and the arrangement I made was to bill 50 percent of the actual time that was put in.

Chall: Was Hopkins, Jordan, Mitchell, Sullivan, re Albany, Rubin's firm?

Bunshoft: No, that was Tom Jordan. I had forgotten that Tom was in on that case.

Chall: They were hired regarding the Albany case--so that was Tom Jordan's case. He probably worked it out the same way, don't you think?

Bunshoft: I can't remember how they did it.

Chall: Now, there was a case involving the San Francisco Airport that didn't go anywhere--I think it was lost somewhere in the state-federal courts.

Bunshoft: We weren't involved in that. One of the issues which we faced frequently was requests for funding for legal action on various proposed lawsuits which did not affect San Francisco Bay directly. There was always some resentment by some other environmental groups that this was, comparatively speaking, a wealthy organization, and there was a sense that it should therefore fund all poor relations. We had a very strong view on the Board that we really should limit expenditures to Bay-related events.

Chall: When I went through their minutes I noticed that, in 1983, they funded expenses for a lawsuit in the Los Angeles appellate court regarding the Coastal Commission and public access. They must have considered that this was a test case.

Bunshoft: We felt that there was an important principle there that would affect San Francisco Bay.

Chall: In dealing with these kinds of things, was there considerable discussion in the Board so that they came to these conclusions about what to do regarding court cases and everything else they did--which was considerable--fairly openly? Was there general consensus, or was there opposition and much controversy?

Bunshoft: There has always been a lot of discussion, but on the question of whether to participate actively in a lawsuit with respect to preserving San Francisco Bay, there never was any dissent.

Chall: Generally, did that come from the Legal Committee?

Bunshoft: Generally, yes, although, as I say, usually the first alert would come from the Executive Committee, generally, Kay, Esther, Sylvia. Legal people would then be involved and make a recommendation.

Chall: Your secretary told me that the three of them would come over-- maybe not the three of them all the time--and meet with you late in the afternoons. How often would that happen?

Bunshoft: Not often enough. I have a great amount of affection for all three.

Chall: Would they always come together?

Bunshoft: Not always, but generally.

Chall: Was this in order to find out what your thinking was, or was it for you to hear what they might have thought about, or was it mutual?

Bunshoft: It was mutual. Actually, the meetings weren't just with the three. We had an Executive Committee which would frequently meet in my office. But, of course, Will Siri was the chairman of the Executive Committee as well as the Board. I can't say enough good things about Will

Chall: He was a good leader?

Bunshoft: In my opinion, he was.

Chall: What about the Cullinan lawsuit in 1985? I'm not sure I know what that is.

Bunshoft: I'm aware of the Cullinan Ranch lawsuit, but I think to get a picture of the current active litigation involving San Francisco Bay, Clem Shute is a better source than I am. My problem is that I have become the managing partner in this law firm and that has the tendency to restrict the amount of time I can spend on some things that I perhaps prefer to spend the time on.

Chall: Are you still on the Board?

Bunshoft: I'm what I would call a rather errant member of the Board, and I would suspect that at some point they would rather gracefully move me to the Advisory Committee.

Santa Fe and Murphy v. Berkeley

Chall: In 1977 the city of Berkeley took an amicus curiae position on the Santa Fe and George Murphy v. Berkeley and the State of California case. Were you involved in that?

Bunshoft: I handled that case. That was a very important case. There was a developer, whose name was Murphy, who wanted to use a part of the fill of the Berkeley waterfront, to which he had some form of title, to develop a shopping center. He had at some point joined forces with Santa Fe Land Company, which owned the undeveloped tidelands--water--in front of the Berkeley shoreline in this endeavor.

I can't remember now how this developed procedurally, but my recollection is that Santa Fe and Murphy sued the city of Berkeley. The suit had to do with wrongfully refusing to grant a use permit. Somehow the State Lands Commission became involved in this situation, but I can't remember procedurally how. The developers went to the superior court for Alameda County, and the judge ruled in their favor.

Chall: Is that the judge who said that there is no public trust?

Bunshoft: That's right. At this point the State Lands Commission and Save San Francisco Bay Association became very interested in the case. We appealed from that decision. The State Lands Commission and the city of Berkeley appealed, and we then sought leave to appear as an amicus curiae, which was granted, and we basically argued the public trust case.

The key in that case had to do with the quality of the titles. These were tideland lots, which were sold by the Board of Tidelands Commissioners.

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Bunshoft: And the question was whether under those laws the developers had the right to treat them as though they were like any other property in fee simple.

There was a case directly on point called Knudsen v. Kearney, which appeared to give them that right. Without going through all the procedural history, we ended up in the California Supreme Court. The State Lands Commission took the position that the Berkeley case could be distinguished from the Knudsen v. Kearney, so that the court wouldn't have to overrule it.

Bunshoft: I took a different position. I said that Knudsen v. Kearney was wrong, that the social climate had changed and that we had gone from a period in the history of California where the interests of the public are not served by reclamation of tidelands, but were best served by preservation of tidelands. The court basically adopted my point of view, overruling Knudsen v. Kearney, but striking some balance. Essentially, it said that insofar as tidelands were still subject to tidal action, they were protected by the public trust. But insofar as they had been filled, the state was barred from demanding a restoration. It was a very important case.

Chall: When you argued your point before the court, did members of the Save the Bay Association come to the court to hear you? Or were you standing there alone?

Bunshoft: They came in force.

Chall: So they came in force to the courts as well as to the legislature?

Bunshoft: It wasn't a crowd, but it was a well-attended hearing.

Chall: Did that have any effect on the judiciary?

The Legal Committee and Bay Conservation and Development
Commission

The Port of San Francisco

Bunshoft: I hope not. [laughs] The time when we brought out the troops was in the great hearings before the BCDC with respect to the effort of the city and county of San Francisco to fill the San Francisco waterfront.

Chall: That is the case on the Port of San Francisco?

Bunshoft: Yes, that's right. I would say most of the work I did for Save San Francisco Bay Association was related to the fights over the Ferry Port Plaza and the U.S. Steel Corporation.

Chall: That did not go into the courts? That was a political matter of winning before BCDC.

Bunshoft: It was certainly an administrative hearing before BCDC on whether or not to grant permits to the developers. BCDC eventually voted against developments, but those were real fights. We had a lot of political action as well as legal arguments and testimony. I would say that it was one of the major achievements that we had.

- Chall: Save San Francisco Bay was trying to induce BCDC not to accept the plan that San Francisco was promoting at that time for expanding into the Bay. Wasn't that about constructing the United States Steel Building?
- Bunshoft: One of them was called U.S. Steel and the other one was supposed to be called the Ferry Port Plaza, which was a development by Castle and Cooke. But Dwight Steele, who is a very great lawyer, acting for the Sierra Club, and I, acting for the Save San Francisco Bay Association, spent a few years of our lives devoted to defeating those proposals, successfully.
- Chall: How did you deal with BCDC at that time? Weren't they also opposing San Francisco on this matter?
- Bunshoft: No, they were not. It depends on what you refer to. The staff was disposed to our point of view. The commission was very divided.
- Chall: So you had to argue your case before the commission?
- Bunshoft: That's right.
- Chall: Did it take a couple of years to iron that one out?
- Bunshoft: It seems to me that it did.
- Chall: Did you do that as a volunteer?
- Bunshoft: I can't remember. From my perspective, I was doing it as a lawyer.
- Chall: If the staff of BCDC, you felt, was sympathetic to your point of view, would you have worked with Clem Shute to work out your arguments?
- Bunshoft: Let me say that Joe Bodovitz was then the executive director. Al Baum was the deputy director, and Clem Shute was the lawyer for BCDC, as the deputy attorney general assigned to that commission. I would say that they were very helpful in developing the environmentalist point of view, but also very fair in doing what they were charged to do by the commission.
- Chall: You really had to take your own stand and argue it.
- Bunshoft: That's right.
- Chall: And you were arguing against some rather big guns here in San Francisco. Wasn't Mr. [Joseph] Alioto the mayor at the time?

Bunshoft: That's right. I can remember one hearing that Joe Alioto argued the case for the city, and I got up to argue the case for the environmentalists. I remember I started a sentence, "I don't like having to look at the mayor of San Francisco and oppose a plan brought on by the city." But I paused after looking at the mayor, I stood up, and said, "I don't like having to stand up here and look at the mayor of San Francisco." I paused before going on with the rest of the sentence, and I got the most enormous ovation. [laughs] It set the tone of how things were in the audience. The mayor would not have been elected in that room.

Chall: I bet he was a tough opponent.

Bunshoft: Very capable.

Revising the BCDC Plan

Chall: After BCDC was finally made a permanent agency there was a decision made to look over the plan and perhaps revise it. This was in 1971. In one of their Board meetings, the Board was concerned with the best tactic for the Association to take before BCDC with respect to the upcoming revision. The minutes said that Barry and Will will decide on the best tactic for the Association at the BCDC meeting. [March 30, 1971] Then, in May, the minutes indicate that they had complimented you on a job well done for the Association before a BCDC meeting regarding the revised plan. Do you have any recollection of what you might have been doing?

Bunshoft: I don't remember. Over the years there were various revisions to the plan that came up. We would have been very active in participating in that process. But as we sit here today I can't remember what the issues were.

Relationships with Other Conservation Organizations

Chall: You dealt with the Sierra Club, Dwight Steele most of the time. What about other conservation organizations? Do they have attorneys? Friends of the Earth? Planning and Conservation League? Did you ever deal with any of them on these issues?

Bunshoft: We dealt with the Planning and Conservation League on some legislative matters, in fact in McAteer-Petris. We dealt with the Sierra Club Legal Defense Fund, primarily on the Westbay suit

Bunshoft: and also on the Bear Island litigation, which was against the Leslie Salt Company. But to be quite honest, other than the Sierra Club Legal Defense Fund, I never saw much in the way of competence in any of the environmental organizations in a way that would lead to effective action. I'm talking about the legal front, not the political action front.

Chall: Is there anything more you would like to say about Save San Francisco Bay Association and your work with them?

Reviewing Some of the Problems and Failures in the Battles to Save the Bay

Bunshoft: I must say that this oral history project is of real value for people in the future who might take the Bay for granted. I think they have no idea how close things came to real tragedy. The interview has been a pleasant reminder of some of the work we did and some of the successes we had.

Chall: Were there failures?

Bunshoft: I would say we had one major failure. Two.

One was in Emeryville. It never should have been built. When they built it they cheated by filling areas beyond the allowable limits of the BCDC permit. When we took the position later with BCDC that they ought to take out the fill, BCDC didn't have the will to compel it. That is a series of blunders over the years starting with the grandfathering provision in the McAteer-Petris Act, compounded by BCDC's lax enforcement and unwillingness to take the kind of an action which would serve as a warning that it means something to violate an order from BCDC.

Chall: They didn't take it to court?

Bunshoft: No, they didn't. Nor did they force them as a matter of administrative law to take out what they put in illegally. What they did was to amend the permit.

The other was over in Alameda where the developer, Utah Construction, Utah International, I'm not sure what it was, clearly violated BCDC permits, and, again, we were unable to persuade the commission to take appropriate enforcement action. As I say, the major frustration we have had has been with the unwillingness of BCDC to enforce the law.

Chall: Is this a problem with staff or a problem with the commission agreeing to certain actions?

Bunshoft: Both. But aside from that, on balance, BCDL has been a very effective commission in terms of preserving San Francisco Bay. The State Lands Commission has been very effective guarding the public trust, and I think if it were not for Save San Francisco Bay Association and the public pressures exerted on those agencies, the Bay would not be what it is today.

Chall: Simply having the law on the books isn't enough.

Bunshoft: That's right. If I have one lingering concern, it is the unwillingness of state agencies and the federal government, the Corps of Engineers, to use the enforcement powers that the government agencies possess.

Chall: Anything else?

Bunshoft: That's it.

Chall: Thank you very much.

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Transcriber: Marilyn Ziebarth
Final Typist: Shannon Page

AFTERWORD by Mel Scott

"My Role in the Creation of Bay Conservation and
Development Commission"

BIOGRAPHICAL INFORMATION

This form filled out
on August 29, 1987

(Please write clearly. Use black ink.)

Your full name Mellier Goodin Scott, Jr.

Date of birth May 2, 1906 Birthplace New Orleans, Louisiana

Father's full name Mellier Goodin Scott

Occupation cotton broker Birthplace St. Louis, Missouri

Mother's full name Ada Bell Buckingham

Occupation homemaker Birthplace Alto Pass, Illinois

Your spouse Geraldine Patten Knight Scott, landscape architect

Your children none

Where did you grow up? New Orleans, (until almost ten); Los Angeles

Present community Berkeley, California

Education A.B. from UCLA, 1927; postgraduate work in landscape architecture, U.C., Berkeley, 1928-1929; Secondary Teaching Credential, U.S.C., 1931

Occupation(s) nursery manager, 1933-34; editorial writer, Hollywood Citizen-News, 1935-1939; director of public relations, L.A. County Housing Authority, 1940-41; researcher, National Resources Planning Board, 1942-43; director, Citizens Planning Council, San Francisco, 1944-1945; writer, Building America, New York, 1946; consultant, San Francisco Dept. of City Planning and S.F. Board of Education, 1947-1949; Lecturer and Research City Planner, U.C., Berkeley, 1950-1970. Head of City and Regional Planning Department of University Extension, Berkeley, 1959-1961.

~~Other interests and accomplishments~~ Author of the following books: Cities Are for People, 1942; Metropolitan Los Angeles: One Community, 1949; The San Francisco Bay Area: A Metropolis in Perspective, 1959; American City Planning Since 1890, 1969.

Areas of expertise: I do not claim to be an expert in anything. Very suspicious of those who do claim to be experts.

Activities: No longer active in any organizations, though member of advisory committee of People for Open Space; contribute to several conservation organizations;

When I am not writing I draw--had one-man show at Pacific Basin Gallery, Berkeley, in 1986.

SAN FRANCISCO CHRONICLE

Friday, August 19, 1988

Mellier G. Scott

Mellier (Mel) G. Scott, influential pioneer planner and conservationist in the San Francisco Bay Area and in Los Angeles for 40 years, died in Berkeley yesterday at the age of 82.

His 1963 book, "Saving the San Francisco Bay," pinpointed the deterioration of the bay and its shoreline and led to the creation of the Bay Conservation and Development Commission, something he had long proposed.

Two decades earlier, in 1941, he and his landscape architect wife, Geraldine Knight Scott, organized a regional planning group in Los Angeles that stimulated official interest and led to the doubling of the budget for the City Planning Department.

Mr. Scott was director of the citizen's Planning Council of Greater San Jose in the 1940s and joined the faculty at the University of California in 1949, serving until his retirement in 1969.

At the university, he lectured on architecture and planning and was named head of a new department on city and regional planning at the University Extension. There he developed an in-service program for employees of city and county planning agencies who do not have graduate degrees in planning.

A prolific author, his most widely known book was "American City Planning: Since 1890" published in 1969.

He served on the board of the San Francisco Planning and Urban Renewal Association and was president of Citizens for Regional Recreation and Parks in the San Francisco Bay Area. He was also a consultant to the California State Library and to the Bay Area Arts Council.

Mr. Scott is survived by his wife and by a sister, Florence Scott, of Mill Valley.

No services are planned. Memorial donations may be made to two conservation organizations in which he was active, the Nature Conservancy and People for Open Space.

AFTERWORD

MY ROLE IN THE CREATION OF BCDC

By Mel Scott, author of The Future of San Francisco Bay

In the late spring of 1961 Dr. Eugene C. Lee, then assistant director (and now director) of the Institute of Governmental Studies on the Berkeley campus of the University of California, came to my office on the north side of the campus, in the old brown-shingle building at that time occupied by the Department of City and Regional Planning, and asked me, a lecturer in the department, if I would undertake a detailed study of San Francisco Bay. The Save San Francisco Bay Association, or rather its founding members, Katherine Kerr, Sylvia McLaughlin, and Esther Gulick, had proposed that the Institute prepare a study as a means of calling public attention to the serious deterioration of the bay and its shoreline. Gene declared that I was the logical person to write the desired report because I was the author of a pioneering history of the physical growth and development of the metropolitan region encompassing the bay, published by the University of California Press in the fall of 1959 under the title The San Francisco Bay Area: A Metropolis in Perspective.

Having recently resigned as head of the City and Regional Planning Department of University Extension, after holding that part-time position for two and a half years, I was free to accept the Institute's offer of a half-time job as research city planner for as long as it might be necessary to carry out an adequate investigation of the bay. Neither Gene nor I had any idea how much time might be needed to complete the assignment, which was to focus on the long-term public interest in the bay.

Although I was knowledgeable about the interdependent urban areas in the region, I must confess that I had little understanding of the bay as a highly complex estuarial system--so little, indeed, that on the very first page of my history of the Bay Area I had stated that the original area of the extensive system was 450 square miles, whereas it was probably as much as 680 square miles. To my embarrassment, that error also appears in the second edition, published in the fall of 1985, but there is a good reason why I was unable to correct my mistake. In the quarter-century since the first edition appeared, the type used for the text entirely disappeared from printing houses throughout the United States. The U.C. Press therefore decided to reproduce the entire 1959 book photographically as a historic document (it had become widely known as a "classic") and to add a new final chapter on the period 1960-1985 in a type closely matching the one originally used. Consequently, I could make no changes in the text prepared in the 1950s.

In the early 1960s most residents of the Bay Area were, I daresay, as ignorant about the bay and what was happening to it as I was. I did have the advantage, however, of having ready access to numerous sources of information, since I had arranged many conferences on regional problems while I was directing the city and regional planning program in University Extension and was well acquainted with the city and county planners in the nine Bay Area counties. I knew that I could call on them for maps of tidelands and submerged areas of the bay lying within their jurisdictions, such as lands that had been sold outright by the state to private owners, lands granted in trust to municipalities and counties, and lands held by the state and federal governments. In writing my history of the Bay Area I had also sought information from many federal, state, and local agencies and from a large number of private companies and civic groups. I soon discovered that many of these same organizations could provide me with a wide variety of data and with innumerable documents that would be useful in my study of the bay. I became, in short, an assiduous brain-picker, and when the time came, in 1963, to thank all those who had contributed their expertise to the production of the report entitled The Future of San Francisco Bay, I found that I was indebted to no fewer than eighty-five officials and private citizens.

Anyone who looked down on the bay from the surrounding hills in the early sixties could see numerous garbage and refuse dumps along the shoreline and many shallow areas in which filling was taking place, some of it by local governments and some by private owners. It was obvious that a great scenic asset was being grossly abused and diminished and that, if the filling were not stopped, the bay eventually might become little more than a deep-water channel. But hundreds of thousands of Bay Area residents were unaware of the extent of the degradation being inflicted upon the most significant geographical feature of the metropolitan region. I concluded, early on, that it was part of my job to apprise them, as soon as possible, of the haphazard, indiscriminate filling that was going on. I therefore commissioned a former student of mine, who had his own small plane, to fly around the entire shoreline of the bay and take aerial views illustrating the desecration of tidelands and areas along the shore. Ralph Barton provided me with a set of slides that I showed to more than forty civic groups while I was still conducting my research and was writing preliminary drafts of sections of my report. The graphic presentations did quite as much, I am sure, to awaken the public to the dangers to the bay as did my final report itself, because every talk I gave received considerable newspaper coverage and stimulated much discussion.

At the time I began work on the bay study, I myself was president of an influential civic group, then called Citizens for Regional Recreation and Parks and now known as People for Open Space. Almost all the city, county, and regional park directors in the Bay Area belonged to the organization, to say nothing of scores of conservationists, landscape architects, social workers, agriculturalists, planners, and professors. All these people foresaw the need for additional marinas and shoreline

parks and were instrumental in spreading the word about my slides. Other organizations to which they belonged invited me to give talks.

Throughout the period I was working on the bay study I was aided, of course, by the founders of the Save San Francisco Bay Association. So felicitous were our relations that I arrived home one evening and found at my door a large box of cymbidiam orchids, to which was attached a card with this inscription: "From your three girl friends."

Although I was intensely interested in the governmental problems of the Bay Area and had endeavored throughout my history of the Bay Area to emphasize the need for some form of limited, multi-purpose regional government as a means of carrying out a regional plan, I was not myself a political scientist and judiciously sought guidance from Gene Lee when the time came to write the final chapter of my report on the bay. I had assembled some ninety pages of material setting forth the multiplicity of ownerships and jurisdictions in the bay, the extent of filling, the economic enterprises associated with the bay, and the widespread pollution and neglect of the bay. What was needed in the closing chapter was a proposal for a governmental entity to preserve the bay as a bay. With Gene's help I formulated a recommendation that the state legislature create a bay conservation and development commission to prepare a long-range plan of the bay and its shoreline and to authorize projects conforming with the plan.

Soon after the report was published, in September, 1963, I received a telephone call from Sacramento asking me to come to the state capital and discuss the report with Governor Edmund G. Brown. "Pat" Brown was in a relaxed, friendly mood and opened the conversation by saying, "I've read your report, and now I'd like you to tell us what you think we should do."

I was astonished. "How," I asked, "did you find time to read such a lengthy document?"

"Last Sunday," he replied, "I happened to have an entirely free afternoon--no social engagements and no urgent state business demanding my attention, so I sat down and read your report from cover to cover. It's a good report. We need your advice on how to proceed."

"Well," I said, "I think you should do just what the report recommends--create a bay conservation and development commission, at this session of the legislature if possible."

"I doubt that we can move that fast," he remarked. "We may need some kind of study commission first, to prepare the way for the sort of commission you've proposed."

An astute politician, the Governor doubtless was thinking of all the legislators from southern California, the Central Valley, and other parts of the state who were unfamiliar with the problems besetting the

bay. The process of enacting legislation to establish a study commission would serve to educate them about the bay, and later a report by the study commission would pave the way for a permanent agency.

Governor Brown evidently passed along his thoughts about a study commission to receptive legislators, for only a few weeks later I was again invited to the state capital, this time to appear at a session of an Assembly sub-committee that was drafting a measure authorizing such a commission. The members, most of whom were attorneys, questioned me at great length and asked me to suggest provisions to be included in their draft, and even to help them word certain sections. When the meeting adjourned, several of the lawmakers complimented me by telling me that I should have been an attorney--if it is a compliment to be told that on occasion one thinks like an attorney.

About the time the act providing for the study commission received the Governor's signature, I heard in a roundabout way that he had spoken of me as a possible executive director of the agency, but by that time I had taken on another project at the university--the writing of a history of the American city planning profession, to be completed in time for the celebration of the founding of the American Institute of Planners, in 1967. The AIP, the Department of City and Regional Planning, and the Institute of Governmental Studies all cooperated in financing the enterprise. Like Verdi, who did not finish "Aida" in time for the opening of the Caliph of Egypt's new opera house in Cairo, I did not finish my blockbuster history of the planning profession on time, and it did not appear in print until the fall of 1969, just before I retired.

Apropos of the act of creating the study commission, I should mention that about the time the Governor was appointing members of the new temporary agency, Robert Mendelsohn, a young member of the San Francisco Board of Supervisors, and Joseph Bodovitz, then assistant director of the San Francisco Planning and Urban Renewal Association, came over to my office on the campus and asked me whom I would recommend to be executive director of the commission. I had been so engrossed in the initial stages of my new writing venture that I had given the choice of a director no thought at all. We chatted a while, and finally I said I couldn't think offhand of anyone who would be suitable. Mendelsohn and Bodovitz looked at each other and shrugged, then thanked me for my time and left.

Only later, after Bodovitz had been appointed director, did I realize that they had expected me to turn to Joe and say, "Why don't you go after the position?" Mendelsohn wanted my support for Joe, and I was still thinking of him as a former newspaperman and as second in command at SPUR. As everyone knows, he became director not only of the temporary study commission but also of the subsequent commission, which after preparing a long-range plan of the bay, became a permanent agency. Today Joe is the experienced director of the State Public Utilities Commission, a tough job that I should think anyone would find onerous, but apparently Joe finds it challenging.*

*Mr. Bodovitz is now executive director of the California Environmental Trust. [M.C.]

He remarked to me when the study commission was bringing its work to a close, "All we did was to rehash your report on the bay. We augmented some of the material, but your report had all the essential things in it."

I thought of exclaiming, "What a waste of time! A whole year lost while the bay was further deteriorating!" But then I thought of "Pat" Brown's conviction that the state legislature had to be properly educated about the threats to the bay before real progress could be made in safeguarding at least the shoreline of the vast estuarial system. A year was perhaps a relatively brief time in the whole political process of obtaining widespread support for long-term regulation of the bay.

In July 1965, after the McAteer-Petris bill, SB 309, the "Save the Bay" bill, had become law and a new commission was empowered to prepare a long-range plan of the bay and stop indiscriminate filling, Senator "J" Eugene McAteer (now deceased) sent me the following letter:

Dear Professor Scott:

Please accept my most sincere appreciation for the indispensable part which you played in the passage of SB 309, the "Save the Bay" bill. As I have stated publicly many times in the past, your superb book, The Future of San Francisco Bay, was the stimulus for all of the subsequent interest in the conservation of San Francisco Bay.

There is no question in my mind, nor in the minds of most informed observers, that your work was the single most important medium involved in arousing the effective interest of thousands of Bay Area residents in the problems of unrestricted filling of San Francisco Bay. Without this interest, SB 309 never could have become law.

It was a distinct pleasure to work with you on this matter, and I look forward to further associations with you in the future.

With thanks and with best personal regards, I remain

Most cordially,
Senator "J" Eugene McAteer

Unfortunately, all the work done since 1965 to halt unrestricted filling and to clean up shorelines has not "saved" the bay. As The Future of San Francisco Bay predicted (p. 54), pollution of the bay has greatly increased and will probably get much, much worse as the region approaches the next century. Planning for the areas not immediately adjacent to the shoreline proceeds piecemeal, witness the efforts of Emeryville, Berkeley, Albany, and Richmond to plan large acreages on their waterfronts separately rather than cooperatively; and some eighty square miles of bayside lands diked off from tidal action and under the jurisdiction of no fewer than thirty-two cities, counties, and special

districts are eagerly being sought by private developers who wish to convert them into subdivisions, shopping centers, industrial parks, or commercial recreation enterprises. Meanwhile the Save San Francisco Bay Association has lost some of its momentum and a new organization, the Bay Institute of San Francisco, has obtained large foundation grants and has begun to alert the public to the need for planning and preserving endangered baylands and for exerting every effort to decrease or eliminate pollution of the bay from inland waterways and from scores of regional discharges.

As I have pointed out in the preface of a report on baylands that will soon be issued by the Bay Institute of San Francisco, "It will take new legislation, much additional research, more planning, and--let us face it--many millions of dollars to preserve the environmental assets represented by the bay and its adjoining lands."

Mel Scott

5 February 1986
Berkeley, California

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*Portions of the transcript may not always reflect the location on the tape. Some portions of the transcript were moved in order to retain the chronological order of the Association's activities; occasional repetitions were omitted.

APPENDIX

Mrs. Malca Chall
Oral History - Regional Office
Room 486
General Library
Berkeley, CA 94720

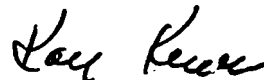
Dear Malca:

Sylvia McLaughlin, Esther Gulick and I met for several hours today and suggest the following questions which we think might be appropriate for the oral history of Save San Francisco Bay Association.

1. Why were you personally concerned about the Bay?
2. The three of you shared a common goal and undertook a major task; How did you go about it?
3. How did you get widespread support?
4. What was your experience with the state legislature?
5. The McAteer Petris Act has been considered a model for regulatory bodies. Is it still important - Why? What were the people and reasons behind its drafting?
6. What part did the federal government play in the operation of the Bay and its relationship to the Association?
7. What have been some of the reasons for the successful achievements of the Association?
8. What were the failures and why?
9. What are present problems and expectations?
10. What are future problems?

I hope this will be helpful. Will we have an opportunity to see the questions you will be asking? At the moment it looks as though February or early March will be the best time for us.

Sincerely,



Mrs. Clark Kerr

Notes on meeting - July 7 - Sylvia, Esther, Kay re Oral History

In common we had: strong commitment, persistence and expertise in both getting facts and involving others.

Together we were lucky in having different expertise -
Sylvia - very wide organizational experience; Kay
wide P.R. - journalism experience and poli sci
background - Esther with wide research experience
and willingness to watch details.

In common we were emotionally attached to the beauty of water and angry at its destruction by garbage and urban uses

In common we had no previous connection with any environmental organization nor any particular interest personally in birds, fish, sailing, native plants, etc.

We were convinced from the outset that the threat to the Bay was real and very widespread -- Corps of Engineers study and Berkeley plans and then finding out that many shoreline cities and owners had large plans for Bay fill.

As soon as we learned about the multiple ownerships; multiple jurisdictions and multiple plans we realized we three could not stop the landslide of fill. The first effort at getting someone else to do the job (meeting at Esther's) failed. So we began a single purpose organization and bent our skills to: 1) make everyone know about this problem - dramatise the visible.. 2) get the facts (by a lucky chance request for help to Gene Lee) 3) pursue the decision makers in local, regional and state governments 4) look for political help in getting regulation

Tactics: Kay talk about letters, friends, mailing lists, flyers, pamphlet
Sylvia talk about meetings with decision makers - ABAG - State
Esther talk about work to change Berkeley plan - Crum - Furst -
Mayor Hutchison - meetings with individual city council - letters
to Berkeley groups - friends lists of churches, League of Women
Voters, etc.

Encouraged by success - friends volunteered to help; people joined
some money - concern by officials like Petris - interest of Santa Fe
in making a large abortive plan - ownership studies -

Legal thrust - another way to try to stop fill - Albany - then Westbay -
then Santa Fe - with amicus briefs additional

Luck: 1) the 3 of us - not close, chance involvement 2) quality
of friends who volunteered 3) visibility and blatant developers - Berkeley
twice as big -- Santa Fe - Albany 3 islands - 4) Mel Scott
5) McAteer 6) Joe Bodovitz, Dwight Steele, Al Baum 7) Emotional
attachment of public to Bay -- keeps membership up; keeps volunteers
working; keeps attendance at biennial conferences - 8) complexity
of Bay involving all wildlife groups, recreational groups -- 9) willingness
of Corps to yield to our pressure and withdraw bulkhead lines..

June 1961

Dear Neighbor:

Because time is short and telephoning many people is a long process, this mimeographed letter will have to serve the purpose of alerting you to a situation in Berkeley which has some of us concerned.

In March, the City Planning Commission passed a waterfront development plan for Berkeley which includes a minimum of 800 acres for industrial purposes. Berkeley now has about 250 acres of industry. The additional 800 acres will make Berkeley much more of an industrial city, but it will surely not enhance its beauty or value as a residential, tourist, and cultural center. Nor is there any proof yet available that this plan will reduce the tax rate of the city.

No alternative proposal, which would not include industry in the bay, has been seriously considered. We should urge that an authoritative tax study be made of the city first.



The Marina Harbor Development plan is a separate plan and does not depend on the general waterfront development plan which is the one that includes the large amount of industrial development.

If we don't want factories in the bay, it takes only five votes on the city council to keep them out. The citizens of Berkeley will not be given an opportunity at a public election to express their views.

We do not believe that the citizens of Berkeley are in favor of this industrial development when other alternatives have not been seriously explored.

Write your friends, all the council members, phone them, and then come and bring a carload to the public hearing meetings at the City Hall. The Council expects to make a final decision soon, so this is an EMERGENCY.

Sincerely,


Keep Factories Out of the Berkeley Bay 

P.S. Because there has been no time to spend on creating an organization, collecting important names or money for stationery, please excuse the informality. Members of the City Council can be written at the City Hall. They are: Mayor Claude H. Hutchison (LA 4-6286), Arthur Beckley (TH 3-3506), John K. DeBonis (LA 5-2216), Arthur Harris (LA 5-1944), P.J. Kent (TH 8-2041), Mrs. Bernice May (TH 1-2524), Weldon L. Richards (TH 3-8959), Hurford Stone (LA 5-8453), Mrs. L. B. Thomas (TH 5-9496).

Kay Kerr, Esther Gulick, and Sylvia McLaughlin each chipped in \$25 to cover copying and mailing expenses for this possibly first letter from the nascent Save San Francisco Bay Association

Save San Francisco Bay Assn.
P. O. Box 925, Berkeley 1, Calif.
July 1, 1961

Thank you for your interest. The response to our first mailing has been very good and we have printed additional letters which are available, if you want some, for your friends. The larger our membership, the more influential we will be.

Our urgent need is to get personal letters from the area-wide membership to the Berkeley City Council incorporating some of the points in the enclosed letter.

An important decision by the Berkeley City Council may be made on July 18 so early letters are needed. However, if you are away and receive this letter after July 18, all letters will have an important long-run influence.

For more letters or information call:

Chairman :	Jan Konecny	(LA 4-9942)
Secretary :	Mrs. Donald McLaughlin	(TH 8-0699)
Treasurer :	Mrs. Charles Gulick	(LA 6-2112)

Save San Francisco Bay Association

P. O. Box 925 Berkeley 1, California

REGIONAL COMMITTEE

October 7, 1961

Ansel Adams
David R. Brower
Newton Drury
Mrs. Newton Drury
Mrs. Morse Erskine
Francis P. Filice
Harold Gilliam
Mrs. Clark Kerr
Joseph R. Knowland
Mrs. Joseph R. Knowland
Mrs. Norman Livermore
Robert C. Miller
Fl. Adm. Chester Nimitz
Mrs. Chester Nimitz

TO: The Members of the Berkeley Planning Commission

FROM: Jan Konecny, Berkeley Chairman, Save San Francisco Bay Association

SUBJECT: Extension of the Dump

I wish to state on behalf of our organization that we are unalterably opposed to the extension of the city dump west into the Bay.

Other communities have shown that it is not necessary to spread refuse thin and wide. For example, other cities have different methods of disposal and our sister city of Alameda is planning to raise the level of their dumping area and further increase the capacity.

PURPOSE

- Protect open water
- Promote regional planning
- Plan for conservation of wildlife
- Create boating and recreational facilities
- Beautify the shoreline

Certainly in the next 25 years, with the increased population of the Bay Area, a different method of waste disposal will have to be developed. In this long-range problem, our organization will be happy to be of assistance in collecting pertinent information.

Since this will involve time we recommend that for the next few years we raise the level of the present dump and extend it to the north, when it becomes necessary, in order to retain the greatest area of open water.

We are not overlooking the desire of some Berkeley citizens for airport facilities. However, an airport will involve developmental expense to the Berkeley taxpayers and its feasibility, according to the consultants,* is uncertain. The City of Richmond is also planning an airport. In any event, regional planning is necessary before any definite steps are taken.

*Tudor Engineering Company, Reclamation and Development of Submerged Lands (City of Berkeley), p 41.

Save San Francisco Bay Association

P. O. Box 925 = Berkeley 1, California

REGIONAL COMMITTEE

Ansel Adams
David R. Brower
Newton Drury
Mrs. Newton Drury
Mrs. Morse Erskine
Francis P. Filice
Harold Gilliam
Mrs. Clark Kerr
Joseph R. Knowland
Mrs. Joseph R. Knowland
Mrs. Norman Livermore
Robert C. Miller
Fl. Adm. Chester Nimitz
Mrs. Chester Nimitz

This letter is the first Report to the Membership, and succeeding reports will keep our widely scattered membership informed. First, a word of thanks to the many persons who have contributed time and effort to the manifold jobs involved in starting a new organization, and to those whose generous financial support has enabled us to go forward rapidly.

A special welcome to our two new Regional Committee members (whose names will go on our letterhead at the next printing), William N. Goodall (Western Representative, National Audubon Society), and William Penn Mott, Jr. (Superintendent of Oakland Parks).

California Conservation Council conference

At the request of its president, Dr. Robert Miller, Save-the-Bay organized an evening discussion on "San Francisco Bay, Our Area's Greatest Natural Resource." An exciting exchange of facts and questions was carried on between a group of experts after a presentation of the problem by Dr. Francis P. Filice (USF). Among those speaking were:

PURPOSE

- Protect open water
- Promote regional planning
- Plan for conservation of wildlife
- Create boating and recreational facilities
- Beautify the shoreline

Edward F. Dolder, Division of Beaches and Parks
Bertram K. Dunshee, Marin Conservation Council
Willis F. Evans, Fish and Game
Harold Gilliam, author
Prof. Joel Gustafson, S.F. State
Prof. John Harville, S.J. State
Col. Gene Huggins, U.S. Army Engineers
Jan Konecny, Save San Francisco Bay Ass'n.
W.P. Mott, Jr., Oakland Park Dept. and Roadside Council
Julius von Nostitz, Associated Sportsmen of California
Robert Williams, Alameda County Planning Commission

This discussion illustrated the complexity of the Bay problem. It emphasized the need for defining and protecting the values and use of open water and the shoreline in a context of regional planning, and provided a basis for formulating the following "Program for 1962,"

Save-the-Bay can flatly assert that at the present time no community has enough knowledge of the relation of its waterfront to the entire Bay to justify final decisions which would result in tideland filling.

Lack of public knowledge has made possible such incompatible situations as adjacent cities planning "regional" airfields, or one city's future residential area planned next to another city's proposed industrial development.

The following specific local reports are illustrations of:

1) Creative program planning: Oakland

One of the most imaginative Save-the-Bay proposals relates to the possible beautification of the freeway approach to the cloverleaf and Bay Bridge. Instead of the extensive present mud flats, a beautiful bird refuge, including nesting islands, and a landscaped highway and shoreline is envisioned. Our new Regional Committee Member, W. P. Mott, Jr., is now forming a working committee of Audubon, Garden Club and Roadside Council Save-the-Bay members to explore and plan this project.

2) Unknown and potentially critical areas: Richmond

Plans for extensive tideland filling are being actively considered by the city. The future of Brooks Island is in doubt. Point Isabel, formerly a wooded and beautiful peninsula, has been levelled and lies bare, now zoned for heavy industry without provision for minimum landscaping or limitation of the area to be covered by buildings.

3) Current crisis: Berkeley

a) Garbage fill: Save-the-Bay has taken a strong stand on the location of the new dike for future garbage fill, recommending extension north, parallel to the shoreline, rather than west into the Bay, believing that this north extension will preserve more open water and create adequate recreational shoreline. The City Council voted, pending further study, to extend the dike northward, despite the recommendation of the City Planning Commission to fill west into the Bay. Since the decision of the Council is not final, it is important that members watch this development.

b) Difficult decisions: Two separate policy decisions are critically needed.

(1) ZONING: Save-the-Bay believes that an immediate need exists for strict and detailed zoning of the privately owned shore and tidelands.

In accordance with our principle of beautifying the waterfront, it is most important to know the details of the long-advocated "industrial park." Zoning requirements are not yet established with respect to the number of square feet to be covered by buildings, their height, type of industry, amount of "green" or landscaped area, etc. Zoning restrictions which are acceptable to the citizens of Berkeley should be known to private owners (principally Santa Fe).

(2) WATERFRONT DEVELOPMENT PLAN: Save-the-Bay is opposed to "development" by the city of its tidelands as outlined in the proposed waterfront development plan. Members need to emphasize the values of open water, and the advantages of delaying major waterfront decisions pending further regional study and the clarification of the uses of the privately owned lands.

Program for 1962

- 1) Membership: So that the thousands of individuals who share the same beliefs in the ultimate values of open water and its concomitant uses can speak with authority, we work for an active and large membership. At the present time we are approaching the 2,000 mark. More people are needed to help with the secretarial work involved, and we depend on the membership to send in names of potential members, stimulate programs for groups, etc.

Welcome assistance in providing membership lists, endorsements and publicity has been received from such regional groups as the American Institute of Architects, Associated Sportsmen of California, Audubon societies, California Conservation Council, California Garden Clubs, Citizens for Regional Recreation and Parks, Contra Costa Hills Club, Federation of Outdoor Clubs, Hayward Area Recreation and Park District, Marin Conservation League, Save the Redwood League and the Sierra Club.

- 2) Local Councils: To be effective, action on the local level can be
 - 1) short-run delaying measures to prevent ill-advised and irreversible decisions, and
 - 2) constructive inquiries and proposals with long range values.

Save-the-Bay is now stimulating the organization of local councils which include representatives from our membership as well as local organizations which share one or more of our goals, such as garden clubs, Audubon societies, conservation councils, sportsmen's associations and local park and recreation groups.

- 3) Regional planning and study: Save-the-Bay is encouraging and assisting various area-wide organizations to collect basic information. To this end, we are working in close cooperation with the University of California on a study now being conducted through the Bureau of Public Administration under the direction of Professor Mel Scott using funds from the Lane Foundation which were granted to determine the future use and development of the Bay in the best public interest.

Announcements and articles about Save-the-Bay are in preparation, and several have been published already in house organs such as Contra Costa Hills Club Knapsack, The Gull, the Outdoorsman, Redwood Log, and the Western Outdoor Quarterly, as well as in a number of Bay Area newspapers.

When seventy percent of the Bay is less than twelve feet deep, it is a natural temptation for many to consider open water as potential real estate. But the widespread support of Save San Francisco Bay Association gives rise to the hope that the immediate threat to the destruction of our great natural resource can be averted.

Save San Francisco Bay Association

P. O. Box 925 - Berkeley 1, California

July 12, 1962

REGIONAL COMMITTEE

Ansel Adams
 Mrs. Harmon Bell
 David R. Brower
 Newton Drury
 Mrs. Newton Drury
 Mrs. Morse Erskine
 Francis P. Filice
 Harold Gilliam
 William N. Goodall
 Mrs. Clark Kerr
 Joseph R. Knowland
 Mrs. Joseph R. Knowland
 Mrs. Norman Livermore
 Robert C. Miller
 William Penn Mott, Jr.
 Fl. Adm. Chester Nimitz
 Mrs. Chester Nimitz
 Ralph Shaw

Notice - to Bay Area Members:

During the first year, the primary concern of the Save San Francisco Bay Association has been to alert and inform a large number of persons and groups of the threat to seventy percent of the Bay which is less than twelve feet deep, and therefore susceptible to filling.

The need is urgent since filling is continuing around the Bay; yet, at the same time, interest in preserving the Bay is increasing.

This second year can be more effective if individual members and groups participate actively in local committees organized in each of the nine Bay counties and in major cities with waterfront land.

The following list of proposed activities will indicate the complex problems involved. Please check and return the list to inform us of your committee preference or of other ways in which you can participate.

PURPOSE

- Protect open water
- Promote regional planning
- Plan for conservation of wildlife
- Create boating and recreational facilities
- Beautify the shoreline

Some new slogans . . .

BOARD OF DIRECTORS, 1962

Jan Konecny, President
 Mrs. Clark Kerr, Vice President
 Mrs. Martha Benedict
 Mrs. Newton Drury
 William Penn Mott, Jr.
 Mrs. Donald McLaughlin, Secretary
 Mrs. Charles Gulick, Treasurer

ENJOY do not DESTROY the Bay!

Clean up - don't cover up the waterfront!

SAVE SAN FRANCISCO BAY ASSOCIATION
P.O. Box 925 Berkeley 1

STANDING COMMITTEES

Note: These committees are to be organized on a local basis.
Time and place of meetings will be determined according to
the response.

Local Policy: _____ A nucleus of concerned local citizens
to help determine the present and future
waterfront activities planned in your city, to
recommend action, and to report problems for regional
study and policy decisions.

Education:

- _____ To collect slides, photographs or other material
suitable for visual presentation.
- _____ To write or collect information for publication
on subjects relating to our goals.
- _____ To speak, using slides and available information.
- _____ To coordinate programs - speakers, posters,
slides, etc. when programs and/or exhibits are
requested in your locality.

Liason:

- _____ To receive minutes and attend meetings of local
city planning commission, city council or county
boards of supervisors relating to your community
and the Bay.
- _____ To represent Save San Francisco Bay Association
at meetings of organizations to which you belong,
which share one or more of our goals, such as
Garden Clubs, Yacht Clubs, conservation groups,
civic planning associations, Sea Scouts, Rod and
Gun Clubs, etc.

Please note your organization _____

Office Help:

- _____ To keep local membership records and assist in
mailings. (Note filing, typing, telephoning, etc.
preference.) _____

STANDING COMMITTEES - page two

Local Fact-Finding:

- _____ Legal: To collect and organize data on the legal problems involved in tideland grants or other restrictions applying to owners of local waterfront lands.
- _____ Transportation: To provide and assess current information on the plans and related problems involved in the second Bay freeway proposed at the "edge" of many waterfront cities.
- _____ Air pollution, refuse disposal and water pollution: To advise on local situation, current proposals and future implications.
- _____ Landscape and urban design: To advise on the current status of plans concerning beautification of local waterfronts - (policy recommendations on landscaped parking lots, zoning regulations, etc.)
- _____ Park and recreation: To advise on current local status and future proposals relating to the Bay.

Permanent protection:

- _____ To explore methods to insure permanent regional protection, such as a regional waterpark with Federal or State matching funds, outright purchase of waterfront areas, state laws, etc.
- _____ To explore advisability of securing substantial contributions to augment the educational purposes of the Association.

Remarks

Name:

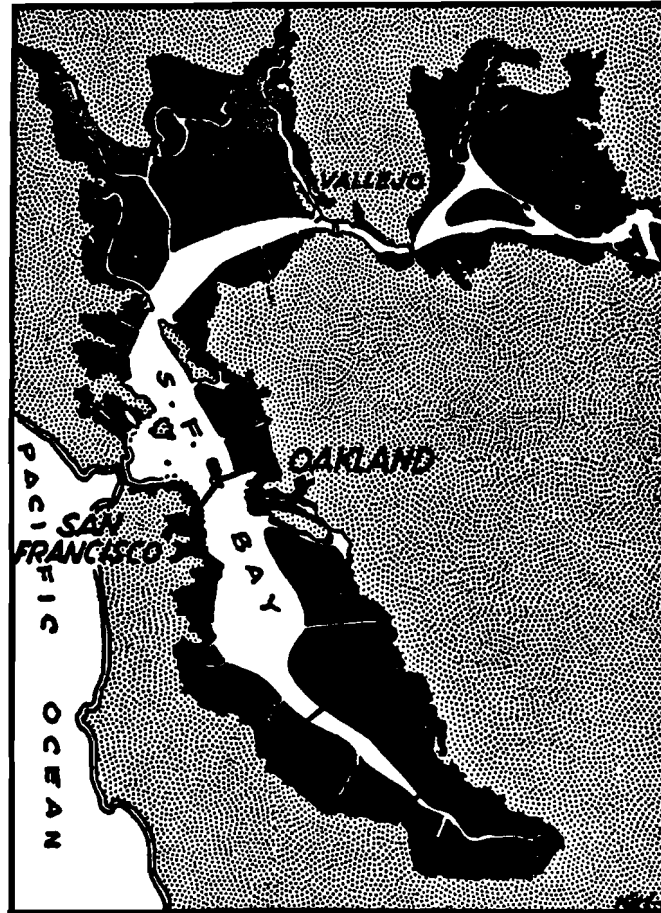
Address:

Telephone:

Mail to: Save San Francisco Bay Association, Box 925, Berkeley 1, California

SHALLOW... and VULNERABLE

Bay or River?



Courtesy Oakland Tribune

The white area, according to an Army Engineer's study, shows what would be left if all shallow parts were filled.

Twice a day the tides surge through the Golden Gate across the deep channels and into the shallow waters. Both channels and shallows create the huge volume and vast water surface necessary for proper sewage oxidation and dilution. The scouring action of the tide, dependent on the volume of water, is vital for the exchange of usable urban water, and for fish and bird survival.

Many studies relating to the Bay, such as the exact determination of essential areas for fish and wildlife, the effects of certain fills on navigation channels, and the relation of currents, shallow water and tides to sanitation problems, among others, are in process. What happens in one part of the Bay affects many other areas. These complex relationships need to be understood to prevent the loss of crucial water uses.

The San Francisco Bay is irreplaceable. Water areas lost to land cannot grow back or be recreated when covered by streets and buildings. The Bay itself provides the environment that makes the *Bay Area* an enviable place in which to work and play.

Save San Francisco Bay Association

P. O. Box 925 Berkeley 1, California

February 4, 1966

REGIONAL COMMITTEE

Ansel Adams
 Mrs. Harmon Bell
 David R. Brower
 Newton Drury
 Mrs. Newton Drury
 Mrs. Morse Erskine
 Francis P. Filice
 Harold Gilliam
 William N. Goodall
 Mrs. Clark Kerr
 Joseph R. Knowland
 Mrs. Joseph R. Knowland
 Mrs. Norman Livermore
 Robert C. Miller
 William Penn Mott, Jr.
 Fl. Adm. Chester Nimitz
 Mrs. Chester Nimitz
 Julius von Nostitz, Jr.
 Mrs. Henry T. Read
 Ralph Shaw
 Mrs. Herbert W. Warden, Jr.

To: Members - Newsletter

Bay Conservation and Development Commission: The BCDC has been in operation for more than three months. As you will remember, it was established by the 1965 legislature with overwhelming state support to work on the problems of San Francisco Bay by studying its physical characteristics and planning for its future uses. To facilitate these two purposes, further filling of the Bay was halted unless the fill was needed to provide for the health, safety and welfare of the entire area or was of such a nature that it would not interfere with a comprehensive regional plan.

Commission membership: (A copy of the Act has already been sent to members. If you need another, please send a stamped self-addressed large envelope.) In general, there are three principal groups represented on the commission: 1) the Governor's appointments representing the general public, 2) representatives from related federal and state agencies and 3) representatives of local cities and counties. In addition, a citizen's advisory committee is to be appointed of professional experts helpful in the planning process.

Permit decisions: With few exceptions, all requests for permission to use the Bay have fallen into the category of not interfering with a comprehensive plan. This Association has, as a matter of interpretation of the law, questioned this basis of issuing permits when no information about a general plan has been collected, goals or criteria established, or even a planning staff assembled. However, permission has been given by the commission for a variety of shoreline uses, the most important being the Sequoia Refining Corp., in Contra Costa County.

The City of Berkeley was denied a permit for 3.7 acres of fill primarily for parking. The request was based on the desire to take advantage of cheap fill and represented only one of several future requests for small fills in connection with the proposed recreational development. The Association has urged the staff of the BCDC to establish criteria for recreational uses of the Bay as soon as possible so that if the city wishes to resubmit its application in 90 days there will be progress made in this aspect of the over-all plan.

Speakers and program: The staff of the BCDC has excellent maps of the Bay and is willing to arrange speakers for programs: BCDC - 507 Polk St., S.F. (557-3686)

BOARD OF DIRECTORS

William Penn Mott, Jr.
 President
 Mrs. Clark Kerr,
 Vice President
 Francis P. Filice
 Mrs. Murray Benedict
 Mrs. Newton Drury
 Mrs. Donald McLaughlin,
 Secretary
 Mrs. Charles Gulick,
 Treasurer

PURPOSE

- Protect open water
- Promote regional planning
- Plan for conservation of wildlife
- Create boating and recreational facilities
- Beautify the shoreline

Alameda: Dredging and diking for fill continues at Bay Farm Island. A test case raising questions on the legality of the title and the city's proper use of its tidelands has been brought by the Alameda Conservation Association, Box 341, Alameda, which will appreciate any financial contributions for this purpose.

Albany & Emeryville: Filling is continuing in these two cities. However, a strong citizens' group has recently established the Albany Bay Committee which hopes to stop the filling there and improve the proposed waterfront master plan. Both cities claim exemption from control by the BCDC on the ground that projects were started before the effective date. However, there may be decisions by the Attorney General's Office which can legally put these cities under BCDC authority.

Brisbane: What was originally the concern of a small number of citizens is now the concern of the city which has employed Caspar Weinberger to defend its action to prevent the use of Bay at Brisbane as a garbage dump by the Sanitary Fill Corporation.

Corte Madera: Conservation groups in Marin are opposing the creation of a new garbage dump on Corte Madera marshlands. The Board of Supervisors has postponed its decision.

Oakland: The BCDC granted the Bay Area Rapid Transit District permission to dredge the Bay for the proposed tube. Since their contracts to dump the spoils in the Oakland portion of the Bay had been signed with the Port of Oakland before September, the BCDC was unable to take action on the fill, but passed a resolution condemning both the Port and BARTD for filling the Bay to such an extent that the current of water to the South Bay would be seriously diminished. It was announced that federal funds could not be used for any project which would contribute to water pollution. Is BARTD therefore jeopardizing the possibility of securing federal funds? Will the proposed large fill by the Corps of Army Engineers at its Oakland terminal also be curtailed because of this federal policy?

This policy to prevent water pollution through the use of federal funds will be strengthened by letters to President Johnson approving his new regulation.

Richmond: The San Pablo Bay Development and Conservation Committee has concluded an extensive study of the shoreline area between Pt. San Pablo and Pt. Pinole, with a recommendation to the city council that a 3-year moratorium be invoked so that further diking for garbage and refuse areas be halted. However, the present dike has never received a permit from the Corps and is thus probably legally within the control of the BCDC.

The City Council recently passed a policy resolution requiring special consideration before a use permit can be issued which will involve a change in land forms, such as quarrying. In addition, Brickyard Cove was designated an area for even more restrictive action regarding grading.

San Bruno Mountain: The owners, Crocker Land Company and the Pacific Air Commerce Center, are completing their plans to substantially lower the mountain - one of the most massive earth moving projects in the world. The dirt is to be sold for marshland and shallow Bay fills such as Leslie Salt Lands and the San Francisco airport.

A grading permit must be secured from the San Mateo County Planning Commission. If appealed by an "aggrieved" party within ten days, it must be brought before the Board of Supervisors.

San Leandro: The city is still engaged in its suit to condemn privately owned property to permit purchase of a larger waterfront recreational area. A new current problem involves the extension of a waterfront garbage dump by the Oakland Scavenger Company.

San Mateo County: Within the next few weeks, 18 city councils within the County will be acting on the proposed revisions of the County Master Plan. Our Association is particularly concerned that the following recommendation of the Bay Front sub-committee be adopted as written:

"A Bay Front Freeway is recognized as undesirable and reference to it should be removed from existing maps but when proven necessary should be constructed with a minimum of landfill and a maximum of access (through trestles, bridges, tubes, etc.) to properly flush inner water, wildlife and recreational areas; and further, it shall never be proposed as delineating outer limits to any bay filling operations."

Let your city councilman know your concern. This is a critical policy statement which will need support at the local level.

General: Election time for many local officials is approaching. It is a good time to find out what your elected officials have done and will do with regard to plans for your local waterfront. Many state legislators have remarked on the fact that no single bill within their experience has ever had so much mail or such consistent attendance at hearings as the McAteer-Petris bill creating the ECDC. Now is the time to get results on your waterfront.

Reorganization: To meet the need for greater regional representation and more effective communication throughout the state, the Board of Directors is planning an Honorary Board, Advisory Board (professionally qualified experts), a Council for Information and Education (persons in leadership positions in organizations throughout the state) and an expansion of the Board of Directors to a minimum of 15 persons. Suggestions of names are most welcome.

Award: An award was presented by the Governor at his conference on California Beauty to our President, William Penn Mott, Jr., for the Save San Francisco Bay Association. This is a tribute to the achievements of our organization brought about by the persistent efforts of our members.

At the Governor's request, the conference resulted in many specific recommendations for his action.



Tidelands

(in Japan!)

Save San Francisco Bay Association

P.O. Box 925

• Berkeley, California 94701

• (415) 849-3053

• 849-3044

June 20, 1986

ALERT

To: Members

With the merger of the Santa Fe and Southern Pacific railroads, there is a once-in-a-life-time chance to improve the shoreline access along the scenic Carquinez Straights and elsewhere in the North Bay.

The current proposal, however, is that all the cargo will be consolidated and sent on the shoreline route. With more and longer freight trains, an iron wall will extend for many miles at the edge of the Bay without overpasses and adequate rights of way to cross.

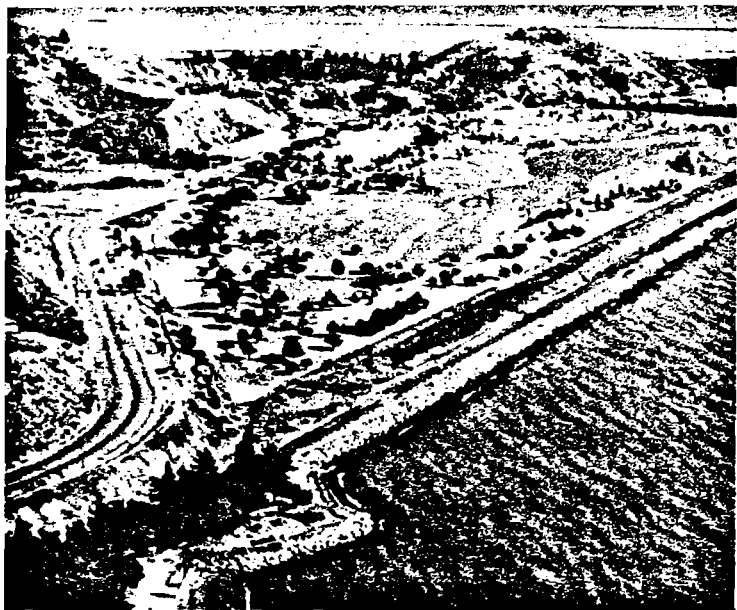
Federal Action Needed

Conditions determining the use of the tracks can be included in the decision on the merger by the Interstate Commerce Commission (I.C.C.) Unfortunately, the

Association can find no precedent that would lead to optimism about I.C.C. concern for public park values.

The area is in the district of Congressman George Miller, a long-time supporter of Bay values. Congress can affect I.C.C. decisions, but at a recent hearing, Congressman Miller was refused time to testify about the need to require adequate public protection and compensation for the loss of public values.

Freight and passengers have been shared by these two lines for decades. There does not appear to be a question of abandoning either. An I.C.C. study shows, however, that it will be economically advantageous to the newly merged railroads to consolidate freight on the double-track shoreline route.



Miller Knox Shoreline Park



Longer and more freight trains will prevent access to the Bay

Recycled Paper



The line between park and Bay

The result will be a moving wall of box-cars, oil tankers, noisy diesel engines and the like. This is a serious infringement on both Bay access and the enjoyment of parklands.

Members can visualize the hills that line the curve where the Sacramento River joins the Bay. Along the shoreline lie the cities of Martinez, Richmond, Hercules and Pinole; the sugar port of Crockett and historic Port Costa. Precious tax dollars have been used to buy hundreds of acres of adjacent parklands.

The Miracle of Public Opinion

The miracle of public opinion can bring consideration of public values by the I.C.C. or with Congressional intervention. George Miller needs help in achieving this.

If members wish, letters can be sent. They can oppose additional use of the shoreline tracks without provision of overpasses and more frequent access to the Bay.

Congressman George Miller
Rayburn House Office Building #2228
Washington, D.C. 20515

Save San Francisco Bay Association

P. O. BOX 925 - BERKELEY, CALIFORNIA 94701

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From: Collected Poems by Josephine Miles

When I telephoned a friend, her husband told me
 She's not here tonight, she's out saving the Bay.
 She is sitting and listening in committee chambers,
 Maybe speaking, with her light voice
 From the fourteenth row, about where
 The birds and fish will go if we fill in the Bay.

The fish, she says, include starry flounder,
 Pacific herring, rockfish, surfperches,
 And the flat fish who come to the spawning flats
 In the shallow waters near the narrow shores.
 The shadow-look you know, the fish shooting
 In that light green shallow, a dark arrow.

Otherwise we will get a bowling alley,
 A car park and golf course, with financing,
 Sift up the shallows into a solid base
 With sand dredged from the deeper channels, brought in scows
 Or hopper dredges, and dumped on the fish, and then paved over
 For recreation with no cost to the city.

And so we hear the sides, the margins speaking:
 To allow the Commission in the public interest
 Permits for the recovery of sand and gravel
 From the submerged tidelands of the state,
 Fill of unlimited quality, clean sand
 Replenished by the southern littoral drift;

Or yet, Dear Sirs: Your bill flies in the face
 Of the U.S. Army Engineers' Barrier Study,
 The Delta Study, Transportation Study,
 Even the Petroleum Institute plan for bringing freighters
 And hundreds of workers in to Contra Costa
 To boat, bathe, drink, and return these waters.

A student I remember said to me, My mother
 Wants me to be a banker, but I want to be
 A sanitary engineer, spending all that money
 Back toward the sea. Do you think it's possible?
 See how these hills shape down back of the college
 In summer streaked with little dry arroyos,
 In winter running over, rush and freshet,
 Through storm drains, cellars, sometimes parlors, straight
 away
 Down to the sea. Think of the veins
 Of this earth all flowing raining water,
 The drove of rivers in the pipes we've laid.

Effluent, said my student, there's a word.
 Give me a choice between it and *débris*
 And any day I'd choose *effluent*.
 Cover and fill is bleach and burn, with tires
 Sticking up out of the muck, and loads
 Of old brush and tree branches crisping away there.
 Not for me, I like the purest water
 Sparkling green under a soil, and it can breeze
 Out of our pipes and chemicals, lucent as
 The rain itself, around the bodies
 Of fish and swimmers.

Saving the bay,
 Saving the shoals of day,
 Saving the tides of shallows deep begun
 Between the moon and sun.

Saving the sidings of the Santa Fé.
 Saving the egret and the herring run,

Cane and acacia, mallow and yarrow save,
Against the seventh wave,

Boundary and margin, meeting and met,
So that the pure sea will not forget,
Voracious as it is, its foreign kind,
And so the land,

Voracious as it is, will not redeem
Another's diadem.
Saving the shores,
Saving the lines between

Kelp, shrimp, and the scrub green,
Between the lap of waters
And the long
Shoulder of stone.

Therein, between, no homogeneous dredge,
But seedy edge
Of action and of chance
Met to its multiple and variable circumstance.

Though a news column says that Aquatic Park is a police
headache,
In the past year, eighty-seven arrests
Of characters for crimes better not talked about,
That the lake is a favorite dumping spot for hot safes,
Burglary tools, stripped bikes, even a body,

Yet a notice says, Next week at Aquatic Park,
The V-Drive Boating Club holds its annual race—
Everybody comes out for this event—

These are the world's fastest boats, faster than hydros,
 Needing the quiet water the embankment provides.

And a letter from a statistician, fond of the facts,
 Compares the use of Aquatic Park to the Rose Garden:
 the same pattern;
 Fewest people, about five each, on a Friday of terrible
 weather,
 Next, about fifty, on a warm Wednesday afternoon,
 Most, a hundred and fifty, on a clear windy Saturday.
 Signed, sincerely, Statistician.

Some live in the deeps, a freighter
 Plying between here and Yokohama.
 Some live in the rose gardens,
 Deeps of a street, a two-storied
 Observer and participant, daily
 Moving out into the traffic, back into it
 Where curtains billow in their breakfast room.
 The deeps. Some
 Live in the margins. Have they the golden mean?

Freight whistles reach here and the fire engines
 Coming from town, foundry hammers
 Among the wash of waves.
 Kelp drifts them up afloat, and suddenly
 They are in the tinder world of lizards.
 Cut ashore they bask and breathe
 And then plunge back
 Down the long glints that take their weight.
 At home. At home. But which?

Likely a sea captain will live in a margin
 But never wants to, wants a deep molded farm;

Likely an architect, but mainly weekends.
 On the weekdays, along the Bay margin
 Little happens, small objects
 Breed and forage. Flights come in and vanish.
 Solicitudes entail solitudes.
 Dredge the channel, reinforce the sea wall
 And we shall have deep calling to deep directly.

She starts to speak, my friend in her light voice,
 Of margins: marshes, birds, and embarcaderos.
 Truths spread to dry like nets, mended like nets,
 Draw in at the edges their corruptions,
 To let the moving world of bay and town
 Mingle, as they were amphibian again.

Saving the bay. Saving the blasted bay.
 That there be margins of the difference,
 Scrap heap and mobile, wind ridge and ledge,
 Mud and débris. That there be
 Shore and sea.

"Seventy Miles"

words by Malvina Reynolds
 music by Peter Seeger
 c. 1965 Abigail Music Co. (BMI)

What's that stinky creek out there,
 Down behind the slum's back stair,
 Sludgy puddle, sad and gray?
 Why man, that's San Francisco Bay!

(Chorus) Seventy miles of wind and spray,
 Seventy miles of water.
 Seventy miles of open bay -
 It's a garbage dump.

Big Solano and the Monticell',
 Ferry boats, I knew them well,
 Creak and groan in their muddy graves,
 Remembering San Francisco Bay.

(Chorus)

Joe Ortega and the Spanish crew,
 Sailed across the ocean blue,
 Came into this mighty Bay,
 Stood on the decks and cried, "Ole!"

(Chorus)

Fill it there, fill it here,
 Docks and tidelands disappear,
 Shaky houses on the quakey ground,
 The builder, he's Las Vegas bound.

(Chorus)

"Dump the garbage in the Bay?"
 City fathers say, "Okay.
 When cries of anguish fill the air,
 We'll be off on the Riviere."

(Chorus) Seventy miles of wind and spray,
 Seventy miles of water.
 Seventy miles of open bay -
 It's a garbage dump.

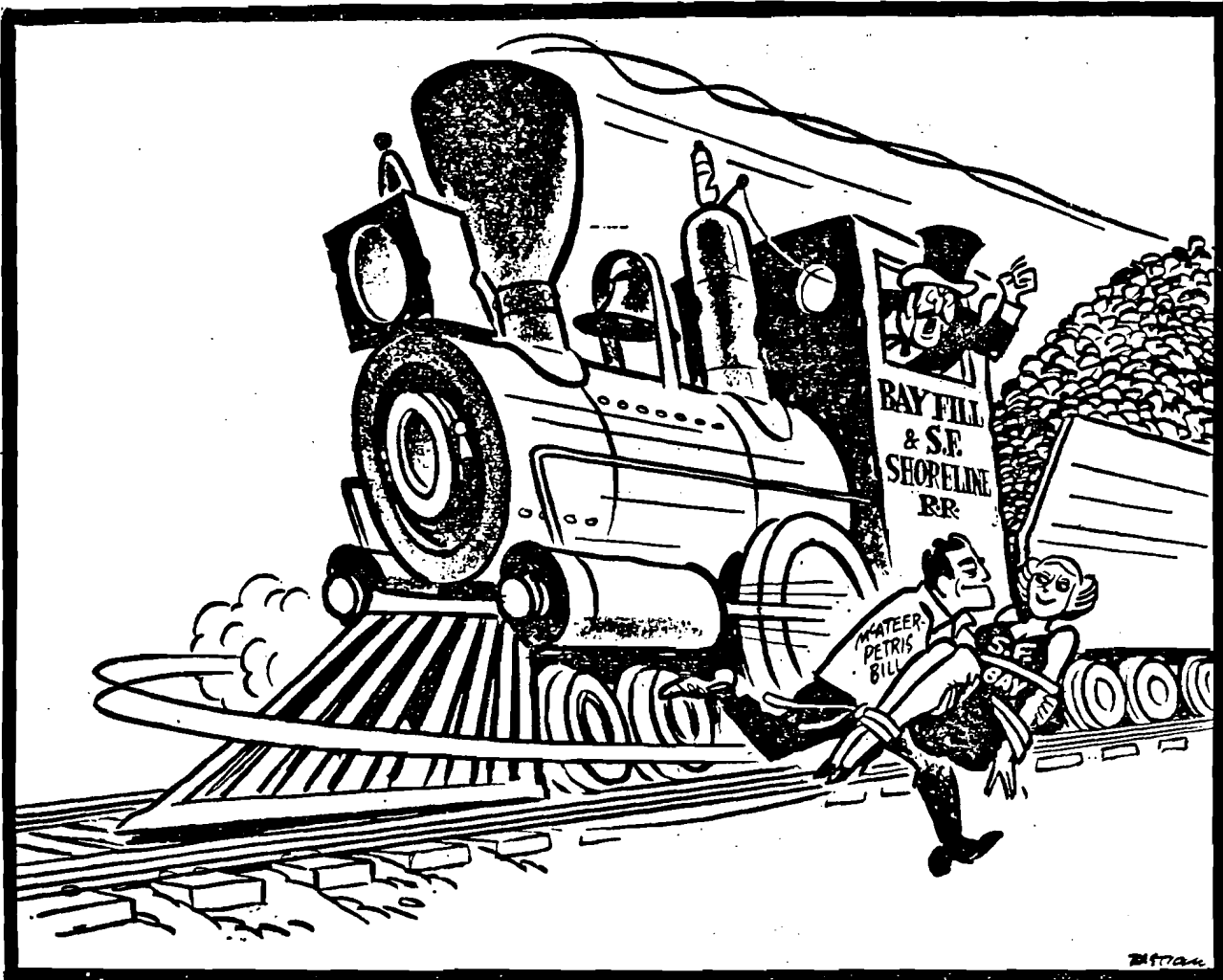
recorded by Pete Seeger
 in "God Bless the Grass"
 Columbia album devoted
 to conservation.

S. F. Chronicle

PAGE 44

CCCCAA

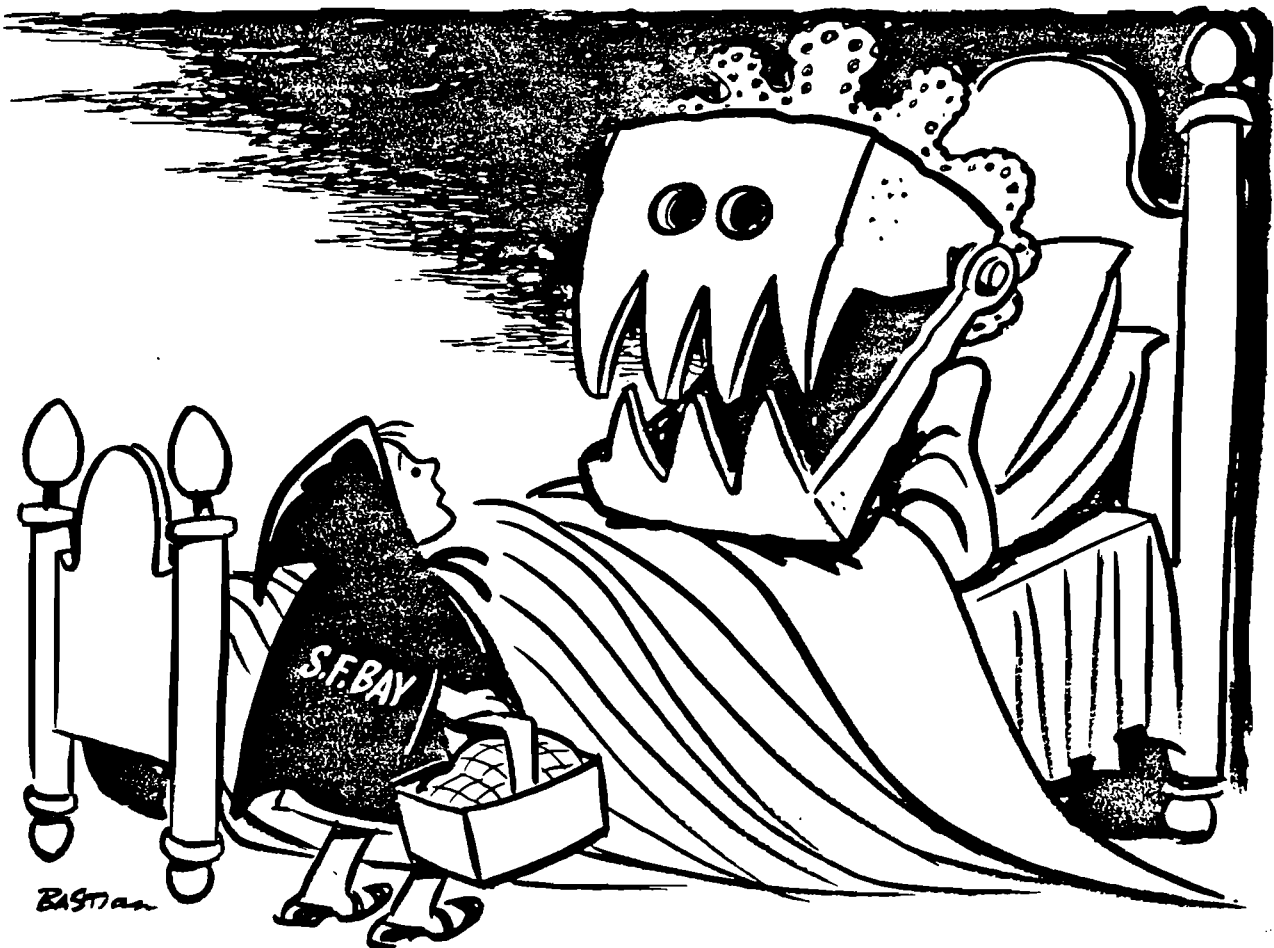
Friday, June 18, 1965



"Curses—foiled again!"

The Legislature can

SAVE THE BAY and NOT THE WOLF



WEAK LEGISLATION: "THE BETTER TO EAT YOU WITH, MY DEAR."



SOL FEINSTONE ENVIRONMENTAL AWARDS

STATE UNIVERSITY OF NEW YORK □ COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY □ SYRACUSE, NEW YORK 13210

DIRECTORS

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National Audubon Society

WILLIAM G. CONWAY
New York Zoological Society

HELM CRONIN
Actor

HENRY DIAMOND
Attorney

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National Park Service

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The New York Times

HENRY M. JACKSON
United States Senate

MICHAEL McCLOSKEY
Sierra Club

BESS MYERSON
Consultant

RICHARD H. POLGH
Natural Area Council

WILLIAM K. REILLY
Conservation Foundation

GENE W. SETZER
National Audubon Society

EZRA STONE
Film Director

1981 SOL FEINSTONE ENVIRONMENTAL AWARD

ESTHER GULICK, KAY KERR, and SYLVIA MCLAUGHLIN, concerned environmentalists, dedicated volunteers, and methodical organizers, because of your efforts to mobilize a citizens' campaign to protect, enhance, and appreciate San Francisco Bay, you are among the most respected conservation leaders in the State of California.

With broad vision, commitment, and involvement, you began 20 years ago to raise the consciousness of residents to the diking and filling that was taking place around the Bay at the rate of several square miles a year. From a modest beginning, and against great odds, the Save San Francisco Bay Association evolved, and eventually grew to some 20,000 members. You conceived the idea for, and insured the passage of the McAteer-Petris Act, which created the Bay Conservation and Development Commission, a strong regional authority with the power to plan and regulate development in the Bay and along the shoreline. Using films, educational materials, and other promotional activities you increased community awareness of the Bay's value and its jeopardy. Your interest and work has continued unabated, as witnessed by your stand on the Peripheral Canal, and the recently passed State Park Bond, a portion of which will be allocated to shorelines. Your early success in the 1960's is credited with creating a ripple effect throughout California, resulting in a number of other citizen-based environmental initiatives.

Believers in government by and for the people, you have shown citizens how to work within its framework and to bring about change where change is needed. Architects of volunteer citizen's coalitions, you have consistently looked ahead to the welfare of future generations, making certain that portions of the natural environment survive in the metropolitan areas where we live.

Protectors of the irreplaceable, we are proud to present to you the 1981 Sol Feinstone Environmental Award.

The INDEPENDENT & GAZETTE, Wed., May 6, 1981—3

Environmental award goes to 3 local women

Three local women have been named recipients of a prestigious national environmental award.

Kay Kerr of El Cerrito, and Esther Gulick and Sylvia McLaughlin of Berkeley, founders of the Save San Francisco Bay Association, have won the 1981 Feinstone Environmental Award.

The award, given annually to five persons for significant contributions to the environmental movement, is named after historian Sol Feinstone and includes \$1,000 cash. It is administered by the State University of New York's College of Environmental Science and Forestry in Syracuse, N.Y.

Ms. Kerr, Ms. Gulick and Ms. McLaughlin began the local environmental group 20 years ago to protest the filling of 2,000 acres of the San Francisco Bay off the Berkeley shoreline.

LEADERSHIP IN THE COMMUNITY

Kirkwood Award, San Francisco Foundation

David P. Gardner, President
University of California

March 12, 1986
San Francisco

The Japanese refer to a work of art as a "national treasure" when that object is unique and has such value and significance to the nation as to warrant that appellation. The San Francisco Bay--living, changing, uniquely beautiful--surely qualifies as one of our "national treasures" just as it is one of California's most prized and enduring possessions.

And so too are those unusual individuals who have cajoled, persuaded, and convinced the people of this community that the San Francisco Bay is worth saving and worth preserving. We often hear these days that devotion to the common good is slipping away from American life. Tonight is splendid proof to the contrary. Community leadership means the ability to go beyond personal concerns and preoccupations to work on behalf of the human family as a whole. It also means the willingness to give the extra or final five percent of effort that makes the difference between an adequate or an excellent outcome, failure or success. There may be few people capable of giving that crucial five percent, but fortunately there are some, and we honor three of them this evening. Their vision of what could and should be done to save the Bay has helped to preserve the Bay from public indifference

and neglect and for the common weal of generations to come. That is community leadership of the highest caliber.

The Kirkwood Award, of course, is intended to honor inspired leadership of this kind. Mrs. Kerr, Mrs. Gulick, and Mrs. McLaughlin richly deserve this recognition. I am delighted to express my congratulations to them and to the San Francisco Foundation on having made a superb choice for this year's Robert C. Kirkwood Award.

On behalf of Esther Gulick, Kay Kerr and myself, I want to extend our sincere thanks to Martin Paley and the San Francisco Foundation, to Henry Mestre and the Awards Committee and to David Gardner and Martin Rosen for their very kind words. It is really heartwarming to have so many friends and relatives here with us this lovely, rainless afternoon.

It is a great honor to be the 1986 recipients of the Robert Kirkwood Award and we deeply appreciate being given this recognition.

Save San Francisco Bay Association, also affectionately known as "Save the Bay", was started 25 years ago. At that time, it never occurred to us that we'd still be at it a quarter century later!

The University has a fine Extension Program called "Lifelong Learning". Although not a part of this curriculum, our Save the Bay work over the years has been a continuous learning process. A multitude of subjects are related to the Bay. With the help of interested colleagues, we have tried to pass along to others this complex information so that there will always be those who care about the Bay and who combine their concern with factual knowledge.

Saving the Bay never has been just a three person undertaking. It always will require the well informed, coordinated and determined efforts of many committed persons with a variety of different skills.

One of the things we learned early was that, very fortunately, San Francisco Bay has many wonderful friends. We are grateful for the support of Save the Bay's 22,000 members, who live not only in the Bay Area, but in 49 states and 8 foreign countries. We are likewise most appreciative of the interest and help given over the years by many legislators and for the assistance of numerous public agencies and non-profit organizations sharing our concerns. We are grateful to all those who continue to safeguard the quantity and quality of the Bay's water and to all those who create opportunities for public enjoyment of the Bay's shoreline. The Bay Conservation and Development Commission has achieved a fine record of Bay protection while balancing it with appropriate development.

We have learned in these 25 years that the price of a beautiful Bay and accessible shoreline is constant vigilance. Like housework, conservation is never done. Over the years, different problems demand attention and require resolution. During the 60s, Bay fill was the big issue. Now, it is toxic waste and fresh water diversion plans that make headlines. Since our resources and staff are limited, Save San Francisco Bay Association is currently focussing its principal efforts on two primary concerns. One is the protection and preservation of the Bay's remaining wetlands; and the other will be to make a dream come true with the establishment of a significant Eastshore State Park, from the Toll Gate Plaza north to Richmond- an East Bay Recreation Area directly opposite the Golden Gate. We need a big support team for these objectives and we know that in the process there will be a great deal more to learn.

Again, thank you San Francisco Foundation and thank you all so much for being here and sharing with us this very memorable occasion.

Sylvia McLaughlin

THE ANNUAL MEETING
WILL BE A CELEBRATION
of the
TWENTY FIFTH ANNIVERSARY
of the
ASSOCIATION



Berkeley Waterfront Marriott Inn
Saturday, December 6, 1986

Save San Francisco Bay Association

Founded in 1961

Box 925

Berkeley, California 94701

(415) 849-3053

ANNUAL MEETING AND LUNCHEON

December 6, 1986

- 9:00 - 9:30 Registration and coffee. Marriott Inn at the Berkeley Marina.*
- 9:30 - 10:15 Welcome by President Will Siri. Annual business meeting and election of 1987 Board of Directors.
- 10:15 - 12:30 Twenty-fifth anniversary program: Introductions and comments -- Barry Bunshoft, Chairman of the Legal Committee.
- Harold Gilliam, Author: "Early Concerns"
- Joe Bodovitz, First BCDC Executive Director and advisor to Senator McAteer: "Landmark Legislation."
- Melvin Lane, First BCDC Chairman: "Setting the Pattern."
- Greg Taylor, State Attorney General's office: "The Fight for the Public Trust."
- Joe Houghteling, BCDC Chairman and Commissioner: "The Public and the Bay."
- Alan Pendleton, BCDC Executive Director: "The Bay Today."
- Congressman George Miller: "Agenda for the Future."
- 12:30 - 2:00 Anniversary Luncheon.
- Senator Milton Marks -- Presentation of resolution of congratulations.

* Please turn over.

Introductory Remarks

BARRY BUNSHOFT

Board Member, Chairman of the Legal Committee
Save San Francisco Bay Association

I wasn't there at the beginning. Actually, I was a new boy in 1968. I was commandeered by my good friends Pete McClosky and Lew Butler to help them out with a lawsuit they had filed for Save San Francisco Bay Association against the Leslie Salt Company that had to do with a swamp in tidelands that the State Lands Commission arranged with Leslie Salt, which we opposed with some violence. So Pete and Lew got me involved doing the heavy legal work in that case. Then Pete got a chance to take on Shirley Temple in a primary in San Mateo County and went on to get elected to the Congress in 1968; then Nixon won the election and appointed John Venable to be secretary of HEW, and John appointed Lew Butler to be undersecretary of HEW, so I ended up holding the bag of the lawsuit. I said to myself, "That'll teach you to hang around with Republicans."

In any event, I soon became a member of the Board of Directors of Save the Bay Association and I learned what an extraordinary group of people are devoting their lives to saving the Bay. You've heard some of the names on the Board, and you'll hear more today, I'm sure, about the work of Esther Gulick, Kay Kerr and Sylvia McLaughlin. But many, many others also have really devoted their lives to this effort. The Board has always had a legal committee. After Lew, was Herb Rubin, who was a very distinguished lawyer from Albany who had an untimely death. Then I took on that task. As a lawyer who generally finds himself devoted to preserving the wealth of the up-trodden, this has been a very personally rewarding experience for me. The goals of the legal committee, then and now, are very simple: to preserve the Public Trust over the tidelands of the Bay for open water uses; to persuade the government to enforce the laws which are designed to protect the Bay; and to be a monitor, a watchdog if you will, on those agencies which are supposed to guard the Bay, particularly the BCDC.

I can tell you we've come a long ways since those early days of the State Lands Commission and the Army Corps of Engineers and even the BCDC. If I had to pick the one great achievement of this Association, it's been the greening of the government to the needs of environmental protection of the Bay.

We've had some great successes as lawyers for the Save San Francisco Bay Association, but the three that really spring quickest to mind are the Westbay Community Associates, the Ferry Port Plaza and the Murphy-Santa Fe cases. I'm just going to very briefly mention these to you.

Westbay, for those of you whose memories are not so long, wanted to put residential housing communities on fill all along the Bayshore of San Mateo County. Now this was no mean small group -- this was a consortium of the Rockefellers, the Crocker Land Company and Foremost-McKesson, well-financed, with very competent legal counsel and the best talent that

money could buy. If they had succeeded, we would have had Foster Cities from the airport south to Palo Alto. Fortunately, the State Lands Commission took up the fight against Westbay and we intervened in that lawsuit. The case went on for years. In the end, thanks to Henry Dietz, who was a fellow alumni years ago at the attorney general's office -- Henry served as a mediator -- we actually settled with Westbay all the tidelands along the San Mateo shoreline. That was an extraordinary achievement. After that, there were no more Foster Cities on the shoreline of San Mateo County.

The Ferry Port Plaza -- again, for those of you with short memories -- was a company that was really Castle and Cook. Castle and Cook wanted to put up a massive structure of offices and hotels and shops on piles in the Bay just north of the Ferry Building on the San Francisco waterfront. They had a lot of momentum. They had going for them, in particular, the Port of San Francisco, which was very anxious for this development -- Cyril Magnin, in particular -- and the City and County of San Francisco with a very powerful thrust from Mayor Alioto. And when I first got involved in this, I said, "This isn't one I think we can win. I think we're going to have to negotiate something." We thought about how much open space we should seek to have dedicated. But very quickly we discovered we had an enormous constituency. Ultimately, the developers were unsuccessful in persuading BCDC to permit that development. And to this day, there are no developments on piles along the waterfront of San Francisco.

Murphy and Santa Fe wanted to put in an enormous development here on the Berkeley Waterfront. We fought them, with the State Lands Commission, ultimately all the way to the California Supreme Court. In a really historic opinion, they overruled some of the ancient cases and said preservation of open water in San Francisco Bay is what the Public Trust is all about. We've had a few failures along the way, too, but I can tell you that, as a result of Save the Bay's legal efforts, the Bay is a better place.

TOM BATES

California State Assemblyman, 12th District

Introduction - Barry Bunshoft

Let me introduce a man who is a dedicated environmentalist, who has represented this district in the Assembly with great distinction, and has legislation he is in the process of preparing both to protect the wetlands and to plan for the uses of the water of California on a state-wide basis -- Assemblyman Tom Bates.

Tom Bates

It is a great pleasure for me to be here. I do not know if you realize it or not, but I am pinch-hitting for Congressman George Miller. George Miller, who is one of our real champions, unfortunately got called back to Washington because of the Irangate situation. Congressman Delums is also back in Washington. And you know we are so blessed to have these two people, as well as the entire Congressional delegation of the Bay Area. We do not realize how fortunate we are to have this wonderful group of people. I guess that is a direct reflection on the kind of constituency we have here; the kind of people who live in the Bay Area. I have an opportunity to do some traveling around the world. After I identify myself as being from the Bay Area I explain that it is a very special place with twice as many Nobel Prize laureates living in the region than in the rest of the world combined. We have more innovation, more creativity, more people like yourselves who have been involved in a twenty-five year struggle to preserve San Francisco Bay. We have some of the strongest environmentalists in the country.

I remember when I first got elected, I identified myself as an environmentalist. People could not believe it. When I went to Sacramento in 1976 they used to call me an "environmental freak" and a "posey plucker". I always liked that one: "posey plucker". However, it has developed in the state of California, thanks to the consciousness of this area, at a point where 82 percent of all Californians now consider themselves environmentalists. I think it is fantastic that the consciousness has reached this point and I am really delighted that it has occurred. Even with this spreading environmental ethic, when we look at our planet we have to weep a little bit. When we think about what is occurring with such things as the greenhouse effect, acid rain, and the poison we're putting into our water and our air, you have to wonder if we are really living up to our stewardship of the planet; that special responsibility that we have to future generations.

And then we have the crisis in government that has recently occurred with Irangate. I rarely agreed with the President on environmental policies -- I mean, anyone who can't tell the difference between one redwood tree from another one! However, the damage from Irangate has not

only made the President a lame duck, but has done real damage to public confidence in the institutions of government, to the trust that they place in their legislators and their leaders.

President Reagan is an interesting public official. When people are polled on his policies they disagree. However, they vote for his personality rather than the issues he represents. If they voted on the issues, he would have been a lame duck president long ago. In fact, he would not even have been elected. The reality is that they voted for the person. They voted for his magnetism and salesmanship abilities.

As a consequence of Irangate, the cynics and the people who look for the worst in people, look for the worst in politicians, look for the worst in government have been justified, they have in fact been shown to be correct. I am really sad about that.

We need to get beyond Irangate, we need to get beyond a crisis mentality so we can truly deal with the problems we have. If we have ever needed leaders, we need leaders now. In fact, we need leaders in this room. We need for us to recognize the fact that we politicians rarely lead. There are very few leaders. People in government follow, they tend to reflect what is going on in society. When they see a movement headed in one direction, they want to be a part of it. They do not want to start the movement, they do not want to start the direction. To me, the current crisis is an opportunity for us to reorder our priorities. The President has been brought down; he may still be able to rebound. However, an opportunity now exists for us to put forward our programs and to provide public debate that will increase public knowledge and build public opinion so that our so-called leaders can then follow. The opportunity now exists for us to say we've got too special a relationship with this planet to not let it deteriorate without fighting, without doing everything in our power to make sure our children's children live on a healthy planet; the opportunity to have a clean environment that will allow them to live their lives and pass on that stewardship to their children's children.

I am really concerned about the long-term view, but in the short-term, we have to keep working. I am going to give you a brief update on what I am doing in Sacramento in the next few months and next year. First of all, I am continuing to press the issue of water quality and water development, to offer some alternatives to the kind of thinking that has taken place in the past. We've actually made substantial progress. One of the things that I was very concerned about, and very interested in, was working out a coordinated operating agreement between the Federal government and the State government. Thanks to George Miller, thanks to a lot of the people in this room, and a lot of people all over the state, that has actually occurred. The coordinating operating agreement has been signed. So, for the first time, we will have a coordination between the two systems. And, more importantly, we also get recognition on the part of the Federal government that their water will, in fact, meet the State water standards. Now, there are some problems that still need to be worked out but a very important step was taken by the Federal government to recognize their responsibility for the health of

the San Francisco Bay. That is a major step forward for us.

The other thing that has occurred has been progress on the issue of water transfers. It actually is happening. Legislation that I was involved with ten years ago is now on the books and is offering the opportunity to transfer water more freely and more openly in the market-place setting. We have to keep our eyes on how the program works to make sure that it does not get abused. But having transfers is also a major, significant improvement.

The San Francisco Basin Plan will be adopted shortly -- that is, of course, known as the "dischargers plan". I have been active with a number of citizens and coalitions to try to strengthen the Plan. Right now, it looks like the plan will be adopted in the next few weeks. It is not perfect, by any stretch of the imagination, but I want to let you know that it is certainly improved. It is a plan that, if modifications are made and some loopholes closed, will be one of the finest Basin plans adopted anywhere on the entire planet. I think that is a major development that we can hopefully be proud of.

For me, personally, I am going to try to make sure that the State Water Board adopts adequate standards for the San Francisco Bay and adopts them in ways so that we, in fact, will get the most possible water coming into San Francisco Bay; that we will guarantee a proper amount of water no matter what happens to the water that is exported for the southern part of the State. So, within the next few years, the State Water Board will adopt some kind of standards. I plan on continuing to push them to adopt the best possible standards.

In addition, I look forward to working with people in this room on legislation which will preserve the wetlands. As we sit here the wetlands are disappearing, we see the swamp and overflow land being gobbled up, being developed and lost. It means that wildlife coming through this area will no longer have the opportunity to nest, to feed and be able to live here.

In addition, I will be pushing for the establishment of a park in this very area. In fact, I think it is appropriate that we are here today honoring three wonderful women in a location that, in fact, will be part of that park. A park that will allow generations upon generations to come here and enjoy this beautiful area. We are moving forward on the park which will hopefully stretch from Richmond to Oakland. There has been movement recently; the City of Berkeley has adopted a plan for their property which is a very important step because now we can establish the dollar value of the land. In addition, there will be a need for money for acquisition. I will be working with the Planning and Conservation League about the possibility of doing an initiative to make sure there is enough bond money to purchase the land. I hope we can move forward with acquisition within the next two years. It is estimated that we need somewhere in the neighborhood of \$20-30 million to acquire the land.

I hope that you will join me in trying to get the Legislature to place a bond act on the ballot or, if need be, to qualify an initiative

to allow the people of California to vote on whether they want to acquire parkland here and in other parts of the state.

So I am looking forward to protecting the wetlands, establishing standards for San Francisco Bay, and being able to do something about the East Bay Shoreline Park and I look forward to working with you and others on these goals.

It is a great pleasure for me to have the opportunity to represent you and present an award to three wonderful women, three heroines of mine, three women to whom we owe a great debt of gratitude. Their vision and pioneering spirit in 1961 really moved and founded this organization. The Save San Francisco Bay organization has been instrumental in Sacramento in getting legislation passed to establish BCDC and in raising the environmental consciousness. Having an organization of 22,000 members is just fantastic. I was not in the legislature at the time BCDC was adopted but people who were there have told me about your lobbying efforts. They have told me about your tenacity. They have told me about arguments that were used to convince people that it was an appropriate step to establish BCDC and stop the runaway development and indiscriminate filling of San Francisco Bay.

It is with great pleasure for me to present this legislative resolution to Kay Kerr, Esther Gulick and Sylvia McLaughlin. Will you come forward please? I can read this to you: "Twenty-five years ago, when the San Francisco Bay was in serious jeopardy, Catherine Kerr, Esther Gulick and Sylvia McLaughlin committed themselves to preserving this invaluable ecosystem. In founding the Save San Francisco Bay Association, these three pioneering conservationists mobilized the citizens of California to protect one of California's greatest treasures. By inspiring the legislation that created the Bay Conservation and Development Commission, they imposed strict controls on those who would modify the Bay for the benefit of a few. Through their constant vigilance and unfailing perseverance through the years, they protected and preserved the Bay system that is a haven for wildlife, a cornerstone of our economy, and an inspiration for people throughout the world. On behalf of all of us who stand in awe of this magnificent body of water, as well as for generations to come, we express our gratitude to these tireless visionaries. December 6, 1986." It is signed by George Miller, Milton Marks, Mel Lane (first chairman of BCDC), and Harold Gilliam, writer. So, congratulations to three wonderful, wonderful people.

Sylvia McLaughlin (speaking on behalf of all three awardees)

Thank you very much, Tom, for presenting us -- Esther, Kay and me -- with this really overwhelming honor. What can I say? We never could have done it without our 22,000 members. Thank you.

Tom Bates

I am sure other speakers will talk more about the work of these

three women. It really was a pleasure for me to come and have the opportunity to share with you some of the ideas I will be working on. I have always considered myself to be basically a conduit, someone who can act as the bridge between good ideas and the governmental process. I look forward to working with you in that role in the future. Thank you very much.

Barry Bunshoft

Thank you, Assemblyman Bates, for that very thoughtful talk.

HAROLD GILLIAM
Author, Journalist

Introduction - Barry Bunshoft

Our next speaker is Harold Gilliam, whom Tom Bates mentioned as the last person who signed this resolution to our favorite ladies. Harold Gilliam was there at the start; he was one of those who started the Save San Francisco Bay Association. He is very well known for his dedication to the Bay, and he has put his thoughts on paper. Harold Gilliam is the author of the landmark San Francisco Bay book, and Between the Devil and the Deep Blue Bay: The Struggle to Save San Francisco Bay. His work has appeared for years in the Sunday "This World" section of the San Francisco Examiner/Chronicle. He was the principal author of that major series which appeared in the Chronicle on the Bay which I cut out, and I hope everyone in the room cut out. It's the best piece of work I've seen in years. So let me now call on Harold Gilliam.

Harold Gilliam

Thank you, Barry. I don't know how I can follow an act like Tom Bates and the three women who were up here a minute ago. I don't know what's the matter with this mike -- I sort of suspect it has something to do with the fact that we're meeting here on Bay fill this morning. I'm also intimidated by being here on the platform between people like Will Siri, who has climbed Mt. Everest, and Mel Lane and Joe Bodovitz and others who have climbed figurative Mt. Everests in saving the Bay and another Mt. Everest in saving the coast. I'm a Tamalpais man myself; I'm a little out of my depth here.

I see by the program I'm supposed to talk about "Early Concerns." My earliest concern in this whole thing was that saving the Bay was impossible. In fact, it wasn't a concern, it was a conviction. I'll have to point out that I grew up in Southern California, and lived near the foot of the Hollywood Hills. Now, at that time, you had nearly an urban wilderness in some areas of those hills. As boys we could go up there and play we were pioneers, Daniel Boones or Davy Crocketts -- I always wanted to be Sitting Bull or Crazy Horse -- and we had a great time. We had a little bit of the taste, maybe, of what it was like in this country in the days when people were coming across the plains in the wagons. A taste of the frontier, a taste of the wilderness. As you know, those hills were amputated and became pads for subdivisions. Well, I came up here to school in Berkeley. I lived in International House and looked out across the Bay to the green hills of Tamalpais and Marin County and I thought, "Well, it's going to happen here." I didn't know about Bay fill at the time, but if I had I would have assumed that the Bay would have been filled, too, because, after all, you can't stop progress.

I first heard about the filling of the Bay (when I was writing the book, San Francisco Bay) from Dr. Francis Felice, the marine biologist

at USF, who was talking about the damage done to the biology of the Bay from the filling. Then, in January of 1961, there was a meeting up there on Grizzly Peak Boulevard in the Gulick home, when Kay and Sylvia and Esther called a group of conservation leaders together to decide what could be done about saving the Bay. All of them said, we're working hard on so many other projects it looks as if -- I guess it was Dave Brower who finally summed things up -- it looks as if we're going to have to start a new organization. So, instead of turning the job over to some existing organization, as they had hoped to do, Kay and Esther and Sylvia became the founders of the new organization. I can't believe it's been some 25 years since that night in January, 1961 -- almost 26 years.

Why did I figure it was impossible to save the Bay? Well, as you've heard this morning from Barry, the Bay was owned and leased and otherwise possessed by some very big interests with some very big money: Santa Fe, Castle and Cook, the Rockefellers, other New York financial interests. Not only they, but a lot of local people were involved: developers, contractors working for developers, trucking companies, political figures who felt that by adding to the extent of their cities -- such as extending Berkeley out into the Bay here -- it would add to the tax base, bankers who were bankrolling a lot of these operations, cutting down the hills and moving them into the Bay. A whole army of well-heeled people, the big bucks, were in favor of the filling of the Bay. How could you beat an outfit like that? Kay and Sylvia and Esther were too politically naive to realize that it was impossible to stop that kind of organization.

I won't go through the story of what happened over the years, but just mention what I'm sure you're already familiar with, that there followed years of very intensive grassroots efforts, led by these three: talking to influential people, stuffing envelopes, organizing petition campaigns, organizing car caravans to go to Sacramento whenever a bill was being considered up there, making an impression on the legislators by filling up the hearing rooms. Everybody was for filling the Bay except the people. And the people, working through Save San Francisco Bay Association, won that battle. In 1969, as you know, BCDC was made permanent. Governor Reagan signed the bill, saying this bill will save the Bay. I think he was prodded a little bit by people like Ike Livermore and Bill Mott. He had good advisors in those days. It was really an amazing victory.

It's amazing particularly if you will remember the context, if you were around during that period. Nobody had ever heard of, for example, an Environmental Impact Statement. This was long before Earth Day and the National Environmental Policy Act, which both came in 1970. Not only had nobody ever heard of an Environmental Impact Statement, but very few people had heard of the environment. It's hard to recapture the feeling of that time, and the atmosphere of that period. I remember when John Gardner came here to Berkeley and made a speech in Wheeler Auditorium. He had held various cabinet posts and was the founder of Common Cause. He gave a talk on the problems facing the nation. Afterwards Kay Kerr went up to him and grabbed him by the elbow and said, "Why didn't you talk about the environment?" And he looked rather non-plussed and said, "Environment? Oh, yes, yes, environment. That's important," and went on

to change the subject and talk about something else. He was not alone in regarding the environment as peripheral. It's hard to recall, but we were living in an entirely different era then, when it seemed crazy to try to stop "progress." The Saving the Bay effort was the first major urban victory over the developers who felt that everything should be cut down, filled up and built upon. It was a victory for the democratic process, and I think Thomas Jefferson would have been applauding, from Monticello or wherever he was. More than that, it marked a watershed in our national history. I want to simply close by reminding you that one of the greatest, perhaps the greatest, development of the 20th century has not been the development of nuclear energy or lasers or satellites or space travel or computers, microchips or even VCRs. The greatest development of the 20th century, I believe, is the beginning of the growing realization that nature is not an enemy to be conquered, but a community to which we belong, in the words of Aldo Leopold. As we damage that community we damage ourselves and future generations. As we nurture that community, we nurture the quality of life for ourselves and for those who will come after us. I'm talking about the natural system of which we are all a part. The Bay is a natural system, an ecosystem; it's a community of life. It's part of the larger community of life on earth. I think we're on the threshold of an era in our history when this concept is going to have a very revolutionary impact on our politics, our economy, on the way we live and work. And we need to remember that one of the roots of it, one of the roots of that environmental movement and the creation of that environmental threshold on which we stand was right here in the Bay Area. As I said, this was the first major urban victory over the developers.

There were some other things going on after that night in January, 1961. Dave Pesonen, who I think is here today, was up there saving Bodega Head from a nuclear power plant. People in San Francisco were rebelling against the tyranny of the highway engineers, who wanted to build a freeway through Golden Gate Park and around San Francisco's northern waterfront. All of these actions together constituted a revolt of the masses, you might say. A revolution which began here, with the three people who were just up here on the platform. I've never known exactly what to call them...I started out, in writing, calling them "Three Berkeley Housewives" but we don't use those words anymore. Then I thought, well, "Three University Wives" and that wasn't quite appropriate. You wouldn't talk about Clark Kerr and Donald McLaughlin and Charles Gulick as "Three University Husbands." So, I just decided to call them "The Indomitable Three." And I just want to say to "The Indomitable Three," on behalf of those of us who are here and those members of the organization who are not here, on behalf of our great-grandchildren and their great-grandchildren, who will love and admire and be inspired by this Bay, and be inspired by this example of grassroots democratic action that they started, I just want to say thank you, Kay, thank you, Sylvia, thank you, Esther.

Barry Bunshoft

Thank you, Harold.

JOE BODOVITZ

First Executive Director,
Bay Conservation & Development Commission

Introduction - Barry Bunshoft

Our next speaker is a pioneer. Joe Bodovitz started out as an advisor to Senator McAtter at the time the BCDC legislation was "inchoate," as the lawyers say, which means "hasn't formed yet" for the rest of the world. I've never asked Joe this question...I knew Gene McAtter fairly well, but I never thought of him as an environmentalist. So I just knew that a lot of the McAtter-Petris Act is the "Bodovitz-Petris Act." Joe, once there was a BCDC, was its first executive director, when that was truly a time of creativity. What BCDC became took a shape that was very much in Joe Bodovitz' image. Joe has gone on from BCDC: he was again a pioneer as the first executive director of the California Coastal Commission and he's currently serving as executive director of the California Environmental Trust.

Joe Bodovitz

Thank you very much, Barry. Not only has our electrical system been affected by standing on fill, this platform wobbles. Those of you who know about fill considerations in an earthquake, my fellow speakers, will not want to be standing here, if there should be an earthquake.

I would like to do three things very quickly in the time I have this morning. One is tell you about a fantasy I've had for a number of years that something Harold said reminded me of. Second, is to do what I was asked to do, which is talk a little bit about the early history. And third, to conclude with a sentence or two about what it is I think we're really celebrating this morning.

Now, first, the fantasy. Some of you know that in large corporations over the last few years people have decided that the job of chief executive is so big and overwhelming that they formed things called "Office of the President" or "Office of the Chairman." And there are two or three or four people who are given that collective title and responsibility. I've often thought that the job of Secretary of the Interior in this country is one of those jobs that ought perhaps to be looked at in that way. The fantasy I've had is what the history of the country might have been over the last 20 years if Esther and Kay and Sylvia had been the "Office of the Secretary of the Interior."

Now, to talk a little bit about the early history...I'll do this, if I may, in terms of something personal. When I got started in this work, which was the middle 1960s, my son, who finished high school last year, had not yet been born. As he grew up, I became less involved in some of the issues regarding San Francisco Bay. Eventually, my son played on his high school tennis team in San Francisco. One night he came home and

during the dinner table conversation we said, "Steven, what did you do today?" and he said, "We had a tennis match." I said, "Oh, whom did you play?" And he said, "We played McAteer." That's one of those lines that in a "B" movie would trigger a flashback to 20 years before. What he meant, for those of you who may not know, is that the principal memorial to Senator J. Eugene McAteer is a high school in San Francisco. What my son meant was that his high school tennis team had played the high school tennis team from J. Eugene McAteer High School.

And that set me, as you might imagine, to reminiscing a little bit about the early days with the senator. Last night I dug out a copy of the report of what was called the San Francisco Bay Conservation Study Commission, of which Senator McAteer was the chairman. I have, I suppose, one of the last copies of it. In reading the letter of transmittal, which was dated January 1965, one of the things I noted was that we had been given \$75,000 by the legislature to make this four-month study of fill in the Bay. We had given \$35,000 back, so we'd only spent \$45,000, a governmental precedent that I've never been able to live up to in anything else I've ever done.

What had happened, briefly, was that, thanks to the work of Kay and Sylvia and Esther, there had been some initial legislation introduced in the early 1960s to control Bay filling. And Assemblyman, now Senator, Nick Petris had carried some bills -- he was a member of the Study Commission, as was Joe Houghteling, from whom you'll be hearing shortly. As other speakers have pointed out, this was before Earth Day, before the oil blowout in the Santa Barbara channel, before Environmental Impact Statements, before there was any kind of serious environmental consciousness, really, I think in the legislature or, for that matter, much outside the Sierra Club or a few other organizations. And, for various reasons, the early bills in the 1960s didn't go anywhere. It was Kay and Esther and Sylvia who persuaded Senator McAteer to become interested in the problem. Barry pointed out that he (McAteer) was not perceived to be a conservationist. But he became very interested in the issue. He had been a partner in a couple of restaurants that were on San Francisco Bay, so he had some knowledge of and some interest in what went on around the Bay. He was very shrewd and knowledgeable about government and politics; almost certainly, had he not died, he would have been elected mayor of San Francisco, and who knows what his political career might have been after that. He was, as those who had any dealings with him would testify, a very effective and strong legislator. When he became interested in this issue, he really didn't know quite what to do. He was aware that the early efforts at legislation had not succeeded, and he didn't think that initially it would really do much good to try again with a fill control bill. So he persuaded the legislature to set up a study commission, which is what the legislature used to do in those days when there was not enough consensus to enact legislation. The legislature appropriated the \$75,000 and a study commission was formed. It had four months in the fall of 1964 and I became its executive director.

We held a dozen hearings -- it's interesting to go back and read the report, to see who testified, the very high level of public participation, and the conclusions we were able to arrive at. One of the things

the study commission did that I think we all should be very proud of to this day is that it set a strong example of public participation. This was not a program that was begun by government foresight and initiative. This was a program that was begun by citizen concern. In that way, I think it's been a forerunner for much of the environmental movement in this country. In many instances, the people themselves are out in front of their leaders on environmental issues. From the first hearing of the study commission, the pattern was set that, I think, has been marvelously maintained: that protecting the Bay is a program that exists because there is a strong public concern about it. The subsequent laws would never have been passed, the Bay Plan would not have remained the constitution it has been for 20 years, and BCDC would not be functioning as well as it has over that period of time had it not been for the concern of people such as yourselves, manifested through the leadership of the Save the Bay Association. The corollary is that if public concern ever fades away, the people that Barry and Hal were talking about would not be far behind to take advantage of it. As other people have said, eternal vigilance is still the price of environmental protection.

As a result of the study commission's report in 1965 and the recommendations that are in it, the early BCDC legislation was enacted in 1965, and the planning and control mechanism was set in motion. When you pick up a report that was written more than 20 years ago, you become nervous about how it's going to sound now. Is it still going to make sense? To an amazing degree, the work of that study commission remains very relevant today. The initial outlines of what became the BCDC law, the McAteer-Petris Act, were in here. I'll read you one paragraph as an example. This is the concluding paragraph of the recommendations of the study commission in the fall of 1964, and it's entitled "Pollution Threat Today": "The State should give high priority to the clear and present danger to San Francisco Bay posed by the pollution of Bay waters. In this connection, the proposed San Luis Drain should not be permitted to deposit harmful agricultural wastes in the Bay. Instead, the legislature should act promptly to obtain studies by the appropriate Federal and State agencies leading to a solution of the San Joaquin Valley drainage problem without harm to San Francisco Bay." Well, I think we were right and I think we could all write the same recommendation today. At least, the San Luis Drain has indeed not been built.

Let me conclude now by saying what I think it is we really are celebrating today. We're obviously celebrating the foresight and determined leadership of three remarkable women. Like Hal, I've tried to decide what name there ought to be for them. Driving here this morning I reflected on the word "triumvirate." Those of you who took high school Latin will know that the middle part of that does not work, so I wound up with "trium-feminate." But I'm not sure that's an improvement over "Three Remarkable Women." What I think we can take pride in today is not only the effort made towards saving the Bay -- it is larger than it was in the fall of 1964 -- thanks to BCDC the quality and amount of shoreline access around the Bay is absolutely stunning to people who remember what the shoreline was like in the fall of 1964. That's an accomplishment that should not be overlooked. Those of us who were in at the beginning remember the people at the Port of Oakland and the Port of San Francisco

saying, "No one ever wants to get near ships, there's no access in the ports now, and there never will be." You only have to look at the waterfront in both of those areas to see what a difference 20-odd years have made.

But I think there's much more to celebrate than the physical accomplishments regarding the Bay as a resource. I think what else there is to celebrate is that we have done this in the best manner of American democracy. After all, the Bay could have been "saved" by a dictatorial form of government; you could have a czar with absolute powers over the Bay. What I think there is to be proud of is that in the kind of messy, tedious, often difficult way of democratic proceedings, we have protected the Bay through democratic self-government. We have not only done a great deal towards protecting the Bay for the future, we have done it in a way that shows how democratic government can work very well. I think those are two things to be very proud of indeed. Thank you.

Barry Bunshoft

Thank you, Joe.

MELVIN LANE

First Chairman,
Bay Conservation & Development Commission

Introduction - Barry Bunshoft

The McAteer-Petris Act created the Bay Conservation and Development Commission. I think it's a very significant title because there's more than one community to be served in the Bay. There are many competing interests arguing for their views with respect to what the McAteer-Petris Act should be. Quite frankly, this is a reminder that there are some legitimate uses, there are some developments which are permissible around the Bay. So, it was important, in naming the first chairman of BCDC, to find a man who had the respect of the conservation community and, if you will, the development community. A man who could create in BCDC an institution that would last. I think we are very fortunate in this community that we found such a man in Mel Lane. Mel Lane was a prominent businessman, the publisher of Sunset Books. He also had a reputation in the Bay Area as a genuine and dedicated conservationist. Mel Lane was the right man for the job, and the legacy we have in BCDC, mind you, is very much a function of the way Mel started BCDC. Let me call now on Mel Lane.

Mel Lane

I'm very pleased to be here to help you celebrate your 25th birthday and certainly the chance to share in congratulating our three heroines, or other titles we have for these ladies. They were the ones that started it, and we wouldn't be here today, I don't think, unless those three had gotten things off the ground at that time when it was almost past the point where we could have accomplished some of the things that have been accomplished. You've certainly accomplished a great many things in the legal area, and that need will never go away. We're never going to totally Save the Bay; we're going to be fighting forever, I think. The legal side is certainly one of them.

"Activists" -- that word gets used in different ways, but I think that is what you are, and you're crucial. Somebody has to stand up and say this is what counts for environment. The money-makers and my business friends will tell you the glories of development and whatever. The two poles have to be set. Somebody has to do that unpopular job out here and you've done that in the Bay and you're continuing to do it. The fact that you've survived after 25 years is a compliment to you. You had another role, which was to hold the chairman of BCDC's feet to the fire. Bob Tufts, I'll share with you that there were times when I wished these people would go away. Looking back on it, they were doing exactly what they were supposed to be doing and that was reminding us what the resource was and not to get blinded by making compromises and being "reasonable" and all those words that were used.

To reminisce a little bit here, I had rather a poor start in this

job actually. I was on vacation in Montana and received a message at the ranch I was at that Governor Pat Brown had phoned. I knew Governor Brown very slightly through my business. I called him back and he asked me if I would be chairman of BCDC. I said, "What's BCDC?" There was a silence at the end and then he said, "Hold it, let me check something. I'll call you back." He checked his sources and verified that he was talking to the right person. He said, "I'll mail you a copy of the bill." I knew there had been a battle in Sacramento, but I have to admit I didn't know what the pieces of it were, including the specific name of the commission and what all was involved. I read the bill and talked to some friends and told him I would be pleased to do it, even though I didn't understand parts of it. He said, "Well, you should now talk to Gene McAteer." I made a date with his office in San Francisco. Again, Gene McAteer was another person I knew a little bit through my business. Gene said, "Let me make one thing very clear: you are not my choice to be chairman. I thought that in sponsoring this bill through the legislature that, even though technically it said the governor would make the appointment, that I really would make it and he would just approve it. There are a lot of people that I think would be better than you." We worked that around a little bit. He admitted he was kind of stuck with me. He kept saying, "There's nothing personal in this at all. I just think that somebody I'd appoint would be better than somebody that someone else appoints." He then said, "I've decided that the executive director of BCDC should be Joe Bodovitz." I had to tell him that I didn't think that was his appointment, either. He was in kind of a huff as I left his office. I had dinner with Joe Bodovitz that night and, in spite of Gene's direction, I decided he was the person that ought to have the job anyway, so that one worked out fine.

The Commission went to work and we had our first meeting in September and it was a wonderful first meeting. The State Controller, Alan Cranston then, came by and said some nice words and Senator McAteer said very nice words, even about me, and we were off to a good start. We then got to the fact that we had the first four permits for us to act upon. That was when I began to cross some wires with this organization. The permits were all very innocuous; I think we'd been "set up," in hindsight. I remember one of them was a farmer in Napa County who had a stream running through his farm and he wanted to build a little bridge across it. How do you turn that down? Well, they were all that minor, in my opinion. But the Save the Bay group said you cannot approve all four of the first permits; that sets a precedent that we just can't live with. Dwight Steele was really on our back, I remember. Kay had some words for me. We approved them anyway, but the start wasn't that great.

I next realized I had to run a Commission of 27 people. To have an organized discussion and decision-making process for 27 people is a little overpowering. One of the advantages in running my own company is we don't have many big, democratic committees, so I wasn't very used to that sort of thing. Yet, it worked surprisingly well. I still don't quite know why. We took enough time so that everybody had a hearing, and I learned different ways to shut people up. Seriously, that took some study. I figured out that the way you do that is to pit the person who's talking too long against the other 26 and say "these folks aren't

going to have a chance to talk unless you leave time for them," you crowd people against each other and it isn't as tough for the chairman.

We hunted around for a year to find a chief planner. Joe Bodovitz and I went to many cities, looking for candidates, and fortunately we did find one in Jack Schoop.

The planning process is the one I want to speak of for a minute. The initial bill said that we had three years to develop a plan for San Francisco Bay and then take it back to the legislature and they would decide whether or not to approve it. It also said that we had the power to approve or disapprove permits, but we should not approve a permit if it would be in conflict with the plan. The only problem with that was that we didn't have the plan, so we didn't know whether it was in conflict or not. So we had to proceed on the vision each of us had of what might be in that plan. The actual planning process was one that was new and strange to most of us. Jack and Joe Bodovitz came up with the process, where we divided the plan into, I think, 21 parts. We did a study of each one of those 21 things. We hired consultants for each. One of the things we did was to get the Commission to formally adopt the assignment of each report, as to what things would be covered in them, what the consultants would do, and so forth. So that when the report came back, and some of the commissioners realized that they didn't like it -- it was going to do something in their county that would be unpopular or whatever -- it was too late to say, "Well, I didn't approve our doing that report." We had everybody on the line first. We went through that 21 times, put them together, resolved the differences and that was the Bay Plan we took to Sacramento three years later.

One of the things I learned in that process is that if you sit down 27 people (it was even double that when we were allowed to have alternates) and walk them through the same homework, they will come out with close to a unanimous decision. We had a lot of people who were very pro-development, and some just as far in the other direction, on the Commission and yet, in nearly every case, we had a unanimous approval when we came down to the fact, e.g. that it was harmful to fill a marsh; we had done the homework in detail and after that educational process, they had to admit that it indeed was harmful to fill a marsh. We built up our information in that manner, and eventually we had a plan to take to Sacramento. The great bulk of it was approved. Hal Gilliam mentioned that the governor said that this bill would save San Francisco Bay. Governor Reagan also had another statement, which was a little harder for me to understand. He said, "This will prevent our having regional government in the Bay Area." Which I thought was exactly what we just did. That planning process was picked up in many other places, including the Coast Act.

One of the areas in which I think we were most fortunate in the early years was in our legal advice and representation from Clement Shute in the Attorney General's office. It was challenged from every direction -- one of the first things the development interests, and local

governments who were opposed to us, did was find something they thought was a weak link and then take us to court to try to break down the force of law in the McAteer-Petris Act. We won every single important decision, to my knowledge. Barry, tip me off if we lost any serious ones, but I don't remember any. The grandfather powers were challenged right from the start -- who was exempt from the law because they had already thought about developing their piece of the Bay or whatever? It was called a three-year moratorium -- a slight exaggeration, but in some cases, no question, we had told people that they couldn't do anything for three years, until this plan was finished and taken back to Sacramento and the legislature had made a final decision. We won all the test cases, including one at the Supreme Court.

I came out of this experience with 5 or 6 principles. The logic of each of them, which was in this Bay Plan, became the basis of the Act in '68 which went into effect in '69. They were the heart of the Bay Plan. One was that filling the Bay was harmful, damaging the resource was harmful. That may sound simple, but you have to start someplace and I think that was the place to start in planning San Francisco Bay. We said don't fill the Bay for something that can just as well be done on the existing shoreline -- all you've done is move the shoreline further out. We said don't put anything on the shoreline that can just as well go inland. The shoreline is a limited resource. There are some things which need to go next to the Bay -- a boat harbor, maritime, and so forth. Use your shoreline for the things that need the water and put the houses, the warehouses and that sort of thing back behind it someplace. Another was that public uses should take preference over private uses. Again, if all other things are equal, public use ought to get the first priority. We said owners of land that is under water don't have the same rights as owners of land that is above water. Again, that answered a lot of the questions that came to us, as simple as it may sound. Last is the one that you've heard in various ways today, and one we'll always live with, I think -- that the actions we take today should be judged by how they'll look 10, 20, 50 years from now. If we think they look OK out there, they'll probably look OK today. So, with that, thank you very much. I'm pleased to be here.

GREG TAYLOR

Assistant Attorney General,
State of California

Introduction - Barry Bunshoft

Our next speaker is Greg Taylor. Greg Taylor is a man who has played a very important part in saving the Bay for the last two decades. Greg, for those of you who don't know him, is the Senior Assistant Attorney General in the State of California, in charge of the Lands Section. And that very bland title hides within it the representation of the State Lands Commission, the Coastal Commission, the Coastal Conservancy, BCDC, the Lake Tahoe Conservancy and others I could name, but I think you get the picture. Greg has the key role as the lawyer for the State of California with respect to preservation of its natural resources. I remember Greg most of all from the Westbay Community Associates case. Prior to Greg's time, the State Lands Commission was not what I would call dedicated to the preservation of the environment. In fact, there was a group that considered that its role in life was how to get off-shore oil leases. Those times have changed. They've changed very much because of the work of people like Greg Taylor. And while we've heard a lot about the BCDC and its very significant role in the preservation of San Francisco Bay, there is another agency that is, in many respects, just as important, and that was the State Lands Commission. Because that is the commission which actually administers the land which we consider to be under the Public Trust. Greg's role in developing and preserving the Public Trust over these 20 years has been major. Let me call now upon Greg Taylor.

Greg Taylor

Thank you very much, Barry. A couple of months ago I went out to the receptionist's desk and picked up a message that said "Kay Kerr called" and I thought, "My God, what have we done now?" I was racking my brain to figure out what reasonable explanation I could give her about whatever agency action it was that concerned Kay. I'm headquartered in Los Angeles, so it's not common for me to get a telephone call from her. I was quite relieved and honored to find out that she was calling to ask me to speak to your group today. I want to thank you for this opportunity. I certainly don't consider myself in the same class as the other people who have spoken here. I'm certainly an interesting choice for selection to speak to your group because the original introduction to San Francisco Bay that I had was as the attorney who succeeded in making the Leslie Salt settlement. There are probably those of you who are here who circulated pamphlets and other things in Sacramento criticizing Frank Hortig and me while we were negotiating with others of you in San Francisco. So we had sort of a mixed beginning.

I got the Leslie assignment when the State Lands Commission headquarters was still in Los Angeles. One night a deputy couldn't attend a public hearing in the San Mateo City Hall on the approval of the Leslie

Salt settlement. I was naive enough to think it would be interesting to have a casual evening in the Bay Area with a good dinner and a pleasant flight home before midnight. In fact, I didn't get out of the hearing until about 1:00 a.m. I had Pete McCloskey beating on me from 7:30 at night until the end. He never smiled once at me, I guess for fear that some constituent might think he was fraternizing. As he drove off from the parking lot that evening, we made the commitment that the place to fight the battle to save San Francisco Bay, from the land title standpoint, was not in the Leslie Salt Ponds, but was in the Bay itself. This was because the issues were much clearer in the Bay than they were in the back marsh areas. Quite frankly, I think that Leslie probably might have been better advised to have fought the lawsuit. I think we owe the settlement of that case to a gentleman by the name of Vince Companga, who was the senior partner at Chickering and Gregory. He decided, after educating all his nephews at the University of San Francisco, that it was then time to settle the case. He had several advantages with regard to representing the Leslie Salt family, which was really the Schilling family. One was that he was a very respected senior member of the bar in California, as well as being nationally respected. He had better stability than most attorneys with his clients and they listened to him better since he personally owned a large chunk of the Leslie Salt stock. So, as a result of that, when he made the decision that the settlement would be made, it was made. He wasn't fired, and we didn't see another group of firebrands coming in to try to exploit the situation with wild charges.

When I made the commitment that we would go out in the Bay and fight Westbay, I made it rather casually and probably somewhat naively. I think I still would have made the promise, I just wouldn't have made it so glibly. It took two years to get together the resources necessary to launch the lawsuit and to get the necessary acceptance of local governmental agencies that if we did file such an action, we weren't going to have the world fall in on the State Lands Commission and the Attorney General. I spent a year going to local agencies, saying "We're thinking about doing this funny lawsuit. You know some people think they own the Bay; we don't think they own anything beyond the low-water mark and there's a Public Trust easement between high and low." I can remember the City Attorney of San Mateo at that time saying, "I don't care what kind of a frolic you're going to go on, you're gonna get the hell beat out of you. But if that's what you want to do, we aren't going to give you any trouble." So, at least, that was the kind of acceptance that we needed to be able to go and talk the State Lands Commission into agreeing to do it. I remember the day we filed the lawsuit, some of the very senior members in my office in San Francisco commented that "some wild nut in Los Angeles had filed an action saying that the public owned the Bay." I was happy to go back and tell them that the public did own it.

Westbay Community Associates, or Ideal Cement Company, which had originally bought up the old oyster rights and patents, claimed to own almost 30,000 acres of the open waters of the Bay. Basically all that would have been left of San Francisco Bay -- that is, from a line drawn across the Bay from the San Francisco Airport to a point just below the Oakland Airport -- was a narrow trench. We called this "the battle of

the trench," because if Westbay had been successful, they would have filled the south Bay to the limit of that area. The fill was to have come from San Bruno Mountain. In the early '60s, if you had gone into the Crocker Land Company offices in San Francisco, you would have seen a beautiful scale model of the mountain. It was specially designed, so you could lift the top 25% of the mountain off and see what it would have looked like when that had been taken and transferred into the Bay. They had a conveyor belt that would have gone across the Bayshore Highway, the railroad tracks and present freeway on to the Brisbane dump at Sierra Point. The Brisbane Dump was not filled with as much garbage as it was capable of accepting because they wanted to make sure that they didn't have to wait for it to be seasoned before they could start running large earth-moving vehicles over it. When the dump was filled, they were going to take the top of the mountain off, put it on a conveyor belt and ship it to the dump. From there the dirt would have been placed on barges and taken down the Bay to be distributed along 25 miles of shoreline from the San Francisco Airport to below Palo Alto -- virtually to San Jose. I have trouble in this day and age with people believing there was ever such a plan, so I have brought a copy of the Westbay proposal for you to see.

Three things that were interesting happened in 1968.

The first one was that you defeated the proposal to build the Southern Crossing. No one's mentioned it today, but the Southern Crossing was a "wonderful" bridge that was to go across the Bay, terminating at the San Francisco Airport. There was also to have been a cloverleaf on the outside of the Airport and a new freeway was to go south beyond the outer edge of the marsh in the Bay. That was probably intended to be the beginning of the dike system to allow fill to be placed in the area to be enclosed. Generally, filling of the Bay and marshlands has followed construction of freeways and roads because they enclose the areas to be filled and there's a tremendous amount of expense involved in building such structures to hold fill in place.

As an aside, I will say this about Westbay: I think I saved it from bankruptcy because everyone who has attempted to develop anything in the Bay or marshes has gone bankrupt. Leslie Salt probably made the all-time record with Redwood Shores. It usually takes three or four bankruptcies to season a Bay fill project so that it will be in a position to survive. A good example of this is Foster City. Bay fill is very expensive; you can't imagine the cost. Enough of this digression.

The second event of significance in saving South San Francisco Bay which occurred in 1969 was the passage of the McAteer-Petris Act, which made the San Francisco Bay Conservation and Development Commission a permanent agency. Without the legislation, BCDC would have died that year. This was the result of a grassroots effort involving everyone in the Bay Area. Each time a hearing was scheduled on the bill in Sacramento, buses from all parts of the Bay arrived full of people supporting the bill. This occurred time and time again despite many postponements and other efforts to discourage their support. This was a triumph for the people, the likes of which has been seldom seen in California's

history.

The final event in 1968 which contributed to preserving San Francisco Bay was the filing of the Westbay case.

In April of 1968, the State Lands Commission, without debate and with only one question, authorized the filing of the Westbay case. The question asked was by Lt. Governor Ed Reinecke. His inquiry was, "Can Westbay Community Associates afford the litigation?" I said, "Yes, I think they can afford it better than the State can." That statement proved to be true.

We didn't have a budget for the lawsuit; we suddenly sat down and figured it out. The cost of this lawsuit, not counting my salary or that of the other attorneys who worked on the case, was a half million dollars a year. We went to the legislature to try to get that money. The law firm that represented Westbay bottled the appropriation up in legislative committee. One reason I wanted to come here today is to tell you that without the assistance of your group and the Green Foothills organization and the other people in the Bay Area who started a letter-writing campaign, we never would have gotten the appropriation out of the legislature. That took all summer. Finally, we got the money to hire the experts but we didn't get the money in the State Lands budget to fund the people who were necessary to do the day to day work. I finally left on vacation at the end of the summer, feeling we had lost the battle and somehow we were going to have to figure out how we could put the case together without sufficient funding.

The letter-writing still continued from the Bay Area despite my going on vacation. A lady wrote a letter to Senator Randy Collier, who was holding the bill hostage in his committee in the Senate. She said, "Senator Collier, if you don't release that bill, I promise you that every bus that has been going to Sacramento this year is going to go to your district and campaign for your defeat." Apparently, the lady had enough credibility with him that he believed her. The next time the committee met, he made himself a co-author of the bill. He pushed it through the Senate so fast you wouldn't believe it. We had our budget and were going.

One of the things that was difficult about the lawsuit, as I told Kent Dedrick, who drove me over here today, was that people couldn't comprehend the magnitude of the project. You cannot inspect by land all of the property in the Westbay case unless you take about two and a half days. With the beginning of the lawsuit, Westbay did a very strange thing, probably prudent from their standpoint, but it couldn't have been better from ours. Westbay, along the entire 25 miles of its asserted ownership, erected signs that said, "Right to use the Bay is revokable." I have brought a series of photographs showing the signs. As a result of this people who were fishing from various spots along the Bay suddenly saw that they were fishing in an area in which they supposedly had a "revokable" right. If you thought the Bay wasn't going to be filled, here is a nice shot showing the sign out of the middle of the water clearly demonstrating the threat to the Bay. Finally, down in the area

near Palo Alto, we had one that showed right where the project was going to be in the middle of a beautiful marsh. These signs brought the reality of the situation home to those that thought this was only a speculative proposal. With this and the support of the press and the people, we started the lawsuit.

Before going on I'd just like to briefly note another thing which Westbay apparently caused to happen at this time. The U.S.C.&G.S. decided to change the color designation of all shallow South Bay areas on navigation charts from light blue to light green. The thinking was that it wouldn't be as hard to get permission to fill light green colored areas as it would be if they were colored blue. Irrespective of what the expected result was believed to be, I can tell you that it so enraged the sail boat owners of the South Bay that we had another group of tireless volunteers. They believed this was the first step in destroying an area which they used for sailing. They gave us a day-long tour of the South Bay to prove to us that a Cal-29 yacht with a heavy keel could navigate in all parts of the South Bay -- from shore to shore -- with no difficulty provided the tide was right.

The next problem we had was that Westbay said the State patents (deeds) it held were valid. Although we disputed this, to counter the assertion in the event Westbay prevailed, we began to acquire information on public use of the Bay. A case came down called Gion v. the City of Santa Cruz. That case said that if the public used an area for a long enough period of time, it had some rights in it, irrespective of who claimed to own the underlying title. We organized everyone along the west side of the Bay; every library, every school, every club was given a poster and questionnaires to fill out and turn in on their historic use of the Bay. I met some of the most amazing people I've ever seen in my life. Just wonderful!

With this we began to reconstruct the history of the South Bay.

It's interesting that this search went back to 1852, which is the earliest accurate Bay map -- although actually the Beechey map in 1826 was the first but it wasn't to the degree of detail that we needed. (Captain Frederick Beechey -- an Englishman -- received permission from the Spanish to enter San Francisco Bay by agreeing to draw a map of the area.)

The first precise mapping reconnaissance of the Bay was done in 1852 by the U.S. Coast and Geodetic Survey. There's a wonderful description of the U.S.C.&G.S. Survey Party camping on the side of Redwood Creek in the redwoods. The location of that camp is today about where the Bay-shore Freeway in Redwood City crosses the creek. You can see how things have changed.

Then we found an area of Chinese fishing villages; people who lived along the edge of the Bay, refugees from whatever. They made their living by fishing, living in groups in stilt houses. You can find these on the historic maps.

The next development of the Bay was of the abundant shellfish resource. There were boils of freshwater that came up in several locations out in the Bay. Factories were built on stilts over these boils. People lived six days a week at these locations -- harvesting, shucking, canning and shipping oysters, all in a single operation. In five or six places you can find those on all of the maps of the early times of San Francisco Bay, until pollution killed the oysters.

Then, Westbay's predecessors (Morgan Oyster Co., Pacific Portland Cement Co. and Ideal Cement Co.) changed course and began to take the shells they had shucked and turned them into cement.

During that time, you also had the duck hunters. We found some men well in their eighties, duck hunters, who during the depression sold ducks for 50 cents and a dollar to make money. They went out from Redwood City in single-oar scull boats. The oar extended from the rear of the boats and were operated in a figure-eight turn. Not only did these men ply the sloughs but they also went all the way across the Bay, over to the Oakland-Alameda marshes and back.

We interviewed the power boaters who power-boated on the inland waterways within the marshes from above what is now the San Francisco Airport to San Jose.

Generally, we reconstructed and relived the history of this area.

We also had another problem in this lawsuit, and that was the fact that no one had ever surveyed the mean low-water mark. This was the bayward limit of the area in which the State could have conveyed any private title interests under the State's theory of the case. I don't know if you've ever tried to get out on South San Francisco Bay and measure the mean low-water mark, but you're liable to go up to your waist in mud. Figuring out where the water ends and the mud begins is quite a problem. What we did was to shoot a picture of this water mark by aerial photography. Again, we went out for volunteers. We got Palo Alto Yacht Club boaters, fishermen, hunters, Fish and Game people, State Lands people, students and conservation group members. These people were placed at strategic locations from Fort Point to the South end of the Bay. Two radio networks were established for control and coordination purposes. For twelve hours, every 15 minutes, they read the level of the water on the side of the gauges and recorded it. One of those people had his notes blow out onto San Francisco Bay near the end of the day. He got a boat and with a broken broom handle and a broken oar went paddling out after his notes, which were going out through the Golden Gate with the changing tide. Fortunately, he salvaged the documents.

These are the kinds of things that we did. Our opponent, who was a very able man, Mr. Littman, called all of these people who helped, our "irregulars." But without our "irregulars" we never would have made it, because the cost of what was undertaken in this was quite something.

The net result of all this was that we perfected public titles in the west side of South San Francisco Bay through a settlement of the

case. All the areas you see on this large map in blue and which are speckled are now in public ownership free and clear of any private title claims. Over 7,267 acres of land were confirmed in public ownership. On the areas in green (the most landward portions of the open Bay waters in the litigation comprising 2,325 acres), there is a Public Trust easement, which gives the State the ability to control development on that without any fear of compensation having to be paid to the underlying fee owner. When we finished the west side of the Bay -- the State Lands Commission proceeded to clear the public's title on the east side of the Bay. Last year, in December, it finished the other side; 16,500 acres of baylands were agreed to be in outright public ownership with the public trust easement over the remaining 4,600 acres. Title to another 468 acres on the west side of the Bay, including Bird Island, also became State-owned, free of any conflicting claims as a result of a further agreement. Perfection of public titles and interests in the southerly open water portion of San Francisco Bay is now complete. As a result of this, the public's title interests have been cleared to over 31,160 acres of lands.

Let me compare this experience, where public titles were cleared in an area this large, with the experience we've had in trying to assert the Public Trust in Lake Tahoe, in Clear Lake and in the rivers and streams. There is no constituency in the Delta similar to that here. I can tell you that at the public hearings in the Delta on public title interests in that area we are asked, "Why are you taking back land which we bought from the State many years ago?" There is none of the concern in preserving the public interests which you have here. Trying to assert public ownership in such other areas, with the exception of the tremendous support which we have received from the League to Save Lake Tahoe, the acrimony which has come down on government officials for trying to protect public rights in these other waterways is quite a different situation from what you provide here in San Francisco Bay. So the judgment was correct; the place to fight the battle to reassert the Public Trust, to reassert the public interest and the importance of saving these vital water areas, was San Francisco Bay. The reason that this was the case was that there was a constituency that gave us the ability and the time to make the effort to prove our case.

It may come as a surprise to you to know that when we got into the records of Ideal Cement Company they knew what the condition of their title was. It also may come as no surprise to you that at the end of the Anza Pacific settlement Dave Keyston, for whom I have a great deal of respect for his resourcefulness, said after we made the settlement with him, "Is it all over now?" We were sitting in this room, absolutely quiet, and the title companies people said, "Yes, all the recording has now been completed." He said, "I just want to tell you something. My engineer told me we'd never do this." Someone said, "Why?" He said, "Because my engineer told me that I didn't own it." So I want you to remember that no matter what you hear from somebody who's trying to do something in sovereign water areas, that there is a very consistent body of law in California which has had its ups and downs -- but which has always come back and has always been very consistent. It has always been one of the great traditions of California that where there are sovereign tide and submerged lands, the public has a right to make sure

that those lands are protected.

A few weeks ago, I was in Boston for a conference. I went up to the top of the John Hancock Building; I don't know how many of you have done that. I want to tell you that if you looked at one of the scale model exhibits at that location it shows how Boston has changed over the years; over 50% of Boston is on fill. The John Hancock Building sits on what was the middle of the Charles River. It's interesting that the recorded commentary which explains the exhibit remarks that Bostonians, after having filled such significant water areas, wondered why they had done it when there was so much vacant land to the west. I think that you can be very proud of yourselves to say that at least, in this kind of an area in California, with this kind of concern, that hasn't happened here.

From my standpoint, I want to thank you for giving me the opportunity for ten years, every Monday morning getting on an airplane with the "Streets of San Francisco" crew in Burbank and flying up here and spending five days, and Friday night getting back on the plane and going home again, of practicing some of the most wonderful law that I've ever had the opportunity to do. That's only because all of you made that possible. Many of you contributed substantial time and effort. Kent Dedrick, when we filed this lawsuit, sat up all night when we rented a darkroom for him to make blowups of the pictures of the Bay, so that when we had a press conference we were able to show people what the case really meant. His dedication and the dedication of your organization and many other individuals throughout the Bay was very much appreciated. The outpouring of help was just unbelievable to me. I thank you again. You should be proud of yourselves for the result. I think that this is probably one of the best stories, as to the effect of what you can do if you try, that anyone could ever tell. Thank you very much.

Barry Bunshoft

That was the retelling of a great story. I can tell you, it was great at the time. Thank you very much, Greg.

JOE HOUGHTELING

Former Chairman & Commissioner,
Bay Conservation & Development Commission

Introduction - Barry Bunshoft

Our next speaker is Joe Houghteling. I mentioned earlier in introducing Mel Lane that it was important when the BCDC began to have the right kind of a commissioner, to earn the respect of both the conservation and development constituencies. That quality did not diminish with time; if anything, it accelerated. So that, as successors came after Mel's tenure ended, those qualities were the qualities that BCDC still was going to need to survive. When you think about it, there are not that many people who can qualify as people who earn the respect of a variety of constituencies. Joe Houghteling had been the publisher of a newspaper; he had been very involved in Bay issues with the Metropolitan Transportation Commission and, if my memory serves me, Joe was on the Study Commission for BCDC. A lot of issues came up during Joe's tenure as BCDC Chairman. It was a time when agencies could be co-opted by those whom they are organized to regulate, a time when staff begins to weaken, when year after year people saying something is "reasonable" begins to sound more plausible. It took a strong hand to hold the line, and in Joe Houghteling, BCDC found such a man. Let me introduce now, Joe Houghteling.

Joe Houghteling

Thank you, Barry. That kind introduction is compensation for my coming on the program so late that everything I was going to say has already been said. Kay Kerr very nicely stressed the number of members you have and the effect this has on the legislature and on the public generally. I was going to make that point myself, but instead I want to make a point about Kay Kerr.

When you sit there as BCDC chairman, often she's right in the middle of the auditorium, about two rows behind staff, looking at you. Kay Kerr was never born to be a poker player. As the meeting progresses, you can see her mouth moving as she says something to her neighbors, or whatever, but you can't hear it as chairman because you're too far away. But, you can certainly tell what she's thinking.

I remember after one meeting on a very involved subject, I was mentioning to Mike Wilmar, then the executive director, how difficult it is to have these continual editorial facial expressions coming at you as the meeting progresses. But, I said, I couldn't hear what she was saying. And Mike replied, "Well, you're lucky. I can hear everything she's saying."

I think that I will simply try to fill out some of the statements that others have said. I have to be a bit guarded with Greg Taylor here

because I'm now on the Tahoe Commission, where the Attorney General is not only suing us, but also is our ally in some other cases. I hope today we are allies and not opponents. Although may I also add that the Attorney General is generally correct at Tahoe, as he is here in the Bay. And I think, Greg, you could take that Bay map up to Tahoe, change a few names and make your case strongly with us.

I'd like to talk a bit about Gene McAteer, too. I was vice-chairman to him on the Study Commission, which was like Hubert Humphery under Lyndon Johnson. I think there was a discussion that there was a democratic procedure in the McAteer Commission; I assure you that democracy ran only so far as you agreed with Senator McAteer.

I had a feeling he knew at the beginning where he wanted to come out. It was more an educational process than it was a debating process to reach our conclusions. Someone questioned today what got Gene McAteer into this subject. He was a duck hunter; he loved to go out early mornings and shoot ducks. Occasionally, he did this on the Bay and began to discover that there was less Bay to shoot ducks in. And so that was one of the reasons he got interested in this great endeavor.

Let me say something, too, about a matter that the Study Commission insisted upon in its report. This, in a way, is somewhat like speaking with some approval of the devil in church on Sunday. I would like to turn your attention to the word "development" in the name of BCDC. That's a very important thing, because if you don't have development, you will not have the economy that can sustain the environmental movement. In other words, saving the environment has certain costs. Somehow, your economy has to make up those costs. So there ought to be some appropriate development; let me say that strongly, appropriate development in most environmental endeavors. It seems to me that it would be useless, trying to build a containership pier a hundred feet back from the Bay's shoreline; it just doesn't work. Yet we very much want a maritime industry flourishing in San Francisco Bay and since this is an appropriate Public Trust use, we do allow new piers. Albeit, there is the other side of that: mitigation. Obviously, there are some lines you must draw here, but I think the success of BCDC and the success of Save the Bay is having the idea that development has a certain place within this planning process.

I think one of the problems we have at Tahoe in trying to reach a conclusion on a regional plan is there's nothing in the Interstate Compact that set up the Tahoe Regional Planning Agency saying anything about the economy. We're beginning to get that sort of input now in the discussion trying to come to a Tahoe plan. It seems that if we're going to throw on local governments a lot of environmental demands that they must meet through tax dollars we have to think of their economy, the economy of the basin, even as we're busy through the Tahoe Conservancy and now the Nevada Conservancy buying up private property to put into tax-exempt open space. So you have to look at the economy, and development is part of the plan. I think you get a broader respect for BCDC in the legislature when they're aware that all of us think of the two components,

conservation and development, that we are responsible for here.

Let me tell you a few of the memories I have as proof of the efficiency of Save the Bay Association. Perhaps there are those, and I suspect many here, who recall several years ago when we discovered there was too much "there" there in Emeryville. There was something like four acres too much "there" there. So, naturally, there was a long process of trying to come to a decision of what Emeryville should do. An Environmental Impact Report in essence said it would be more damaging to pull the four acres out than it would be trying to find a mitigation approach. Well, when the solution was before us -- and there was an adversary proceeding with the City of Emeryville -- Emeryville produced at the public hearing every conceivable sort of witness, from both sides of the highway, the apartment owners, the minorities, the wealthy, the poor, what have you. It was a kaleidoscope but, by gum, Save the Bay did the identical thing. They produced people from whole different cuts of the community, testifying on the importance of mitigation and the goals of BCDC. It makes it a lot easier for a Board or a Commission to come to the decision if both sides have a suitable range of witnesses.

As evidence of the other situation, at Tahoe about a year ago we hoped we were at a solution to this regional plan, which has been in court for some time. We met at Harrah's Club -- it's interesting to meet at Tahoe. It's a bit different than the Bay because in the back you can hear the clicking of the roulette wheel, the slot machines and what have you.

But we meet much as you do for BCDC: in an airless, windowless room. We held a day-long meeting. There were 64 witnesses to discuss the plan that was proposed; 62 were against it, two were for it. This makes it very difficult for Board members to operate, because if the public hearing process has some sense to it, then the Board must respond to what is said; not completely, but at least to take recognition of what's been said. Well, that hearing sent us back to the drawing boards. Perhaps we came up with a better product, but a couple of months ago we held another hearing on a Revised Plan. There weren't quite as many witnesses, but the League to Save Lake Tahoe had almost an identical number of witnesses in support of the plan that was proposed than those who would ding it.

I think that was very important, to be able to recruit people to come just because they believe in the environment as against the ease in getting those who have a pocketbook interest in the decision. I think a pocketbook interest is a legitimate interest, but it certainly does act as a catalyst for people to spring into action when a planning process is underway. It's a lot harder to get people who are there for the love of what they see of the Bay or the air or what have you. Save the Bay has been excellent in doing this.

Let me tell you how Save the Bay works in the legislature. A few years ago, somehow, in the governor's budget we came up \$37,000 short. Now, this was Jerry Brown's budget, and it was surprising that we couldn't get that \$37,000 out of the governor's office, so we went to

the legislature. The subcommittee handling it in the Assembly was chaired by Leo McCarthy, who knows BCDC. He had been a McAteer aide. I said to Leo, "I'm here to testify. I can sing, I can dance, I can cry, I can laugh. How do you want me to do it?" He said, "Just sit there, please. We have gotten an incredible number of letters. Just sit there, introduce yourself, see if there are any questions." So, I sat there. Were there any questions? One member of the committee said, "Is this the issue we got all those letters on?" Indeed, it was. So the \$37,000 was added to the BCDC budget.

In the State Senate, let me tell you what happened. I think they were so surprised on the Senate Finance Committee to have so many letters on a \$37,000 issue they put in twice that amount in the budget.

Again, I remember there was a distinguished senator from California named Clair Engle, a very wise man, who always said, "Two letters make a draft -- three postcards, perhaps -- but just two letters." I think that is something that Save the Bay Association has been magnificent on, its cranking out the letters when we are all summoned to do so.

Finally, if I were to suggest a project for Save the Bay Association, I would like to see a poster, say a recruiting poster if you remember from the World Wars and the like, where there's an Uncle Sam pointing at you with steel in his eyes. Except I would put three women on that poster, and they would all look at you with their fingers out, saying that the Bay needs you. Well, we're all trained to respond, but there are a lot of others out there that we need to recruit so we continue this relationship with the Bay, with BCDC, with the environmental movement generally, and with Save San Francisco Bay Association. Thank you.

ALAN PENDLETON
Executive Director,
Bay Conservation & Development Commission

Introduction - Barry Bunshoft

Our last speaker this morning, before we turn the program back over to chairman Will Siri, is Alan Pendleton. Alan is the current executive director of BCDC. He's been with BCDC a long time; he started in 1972. He's been the Staff Counsel, he's been Chief of the Permits Section, he's been the Deputy Director. Now he holds what I will call the torch, of a standard, started by Joe Bodovitz, passed on to Mike Wilmar. I now call on the holder himself, Alan Pendleton.

Alan Pendleton

Thank you, Barry. This, of course, is the impossible position. We all want to get something to eat and you've heard all of the wit and humor that can be mustered together already. So I will just, perhaps, try to be a little more serious and, I hope, not too pessimistic in addressing the state of the Bay today, the subject I was asked to cover. Before getting to that, I want to introduce to you the current chairman of the Commission, Bob Tufts. It's been my pleasure and privilege to work with him while I've been executive director and I want to let you know that he really carries on the fine traditions of the past chairmen that you have heard from today. He's very fair-minded, objective and courteous. He is interested in the Bay and, I think, has led the Commission very ably. Bob has a resolution that the Commission adopted last Thursday to present to the Association, both to honor the three ladies we honor today and to recognize the Association itself on its 25th anniversary. Bob, could you come present the resolution to Will?

Robert Tufts

I think it's obvious, Will, but to me it's still very meaningful to point out that BCDC, in my eyes, is really the brainchild of your organization and its heroine founders and the others who were instrumental in getting it going. With that in mind, we did adopt a resolution, and I would like to read a portion of it. I really want to point out the fact that the appreciation and gratitude comes not only from BCDC but also from the public in general. The portion that I will read makes that clear as well: "Now, therefore, be it resolved that the Commission hereby congratulates the Save the Bay Association for its meritorious service to San Francisco Bay, to the work of the Commission, and to the public of the San Francisco Bay Area, the State of California and the nation." And I add my personal thanks as well.

Will Siri

This does come as a surprise, at least it does to me. We thank you, on behalf of the Board of Directors and the members you see before you and the 20-odd thousands, in gratitude for this expression of appreciation from BCDC. Thank you very much.

Alan Pendleton

The Commission would not exist without the efforts of the Association. More importantly, the Commission would not and will not be able to fulfill its responsibilities to protect and preserve the Bay without the Association's continued efforts. Only constant and regular attendance at Commission meetings, participation in planning studies and testimony presenting the public's view of the policies the Commission must carry out assures that the public's interest in San Francisco Bay is heard. In California where special interests are increasingly powerful and well funded, the Association is a vital and necessary force. This expression of appreciation is well deserved. Thank you.

I would also like to take a few moments to thank Kay Kerr, Esther Gulick and Sylvia McLaughlin for their continuous vigilance. These three women represent democracy at its best -- citizens who volunteer their time, intelligence and energy to assure a strong and informed management of an unparalleled resource and who have stuck with it over several decades. Now I recognize that these women are representative of the many members of the Association who work on a large variety of Bay related topics. But these are the women I most frequently see at Commission meetings and who most often telephone me to make sure that my staff and I are doing our jobs properly.

The Association has benefited greatly from the different qualities of these three ladies' distinctive personalities. I think they can be compared to a triangle, the strongest geometric design. Kay is thorough and persistent. She is the first of the women that I met. She often telephoned to point out an error of fact or analysis and to demand that it be set right. Esther I met next and she represents grace. Esther is so nice that you want to accomplish her goals because of her grace and kindness. I did not meet Sylvia until much later and I was not at first sure of her role. But I came to learn that she has the pragmatic skills and intelligence to understand what can be accomplished by whom within what period of time. The three together are far stronger than each would be alone. The staff and the Commission would like to thank both the Association and these three women for the efforts they have given to the Bay and, we expect, will continue to give to the Bay in the future.

I was asked to tell you about the present state of the Bay. However, before discussing San Francisco Bay management I will give my usual caution that these are my personal views only and do not necessarily represent the Commission's point-of-view. First, the bad news and there is plenty of it.

San Francisco Bay estuary continues to be rapidly urbanized,

particularly in the buffer areas: those diked wetlands that are just outside the Commission's jurisdiction. Nor has there been any significant increase in the Bay's marshes and wetlands of which 80 to 90 percent have been lost. There is little federal or statewide interest in reversing these historic losses. Both the North Bay and the South Bay have lands suitable for enhancement but are in jeopardy of conversion to urban uses.

50 to 60% of the fresh water that formerly flowed into the Bay system continues to be diverted to the Central Valley. Over six million acre-feet of water a year is diverted primarily for irrigation in the Central Valley and for Southern California use. Pressure continues to build for further diversions. California has now spent more money impounding and delivering water than any society in history -- billions for dams, aqueducts, canals, channels, pumps, filtration plants and treatment facilities. Evidence continues to accumulate that this large-scale change in the water regime has altered for the worse the Bay's animal and plant communities as well as the total health of the Bay.

Much of this water returns to the Bay system but with selenium, agricultural wastes and pesticides. The Department of the Interior has announced a program for addressing the Kesterson pollution but there is no plan to cope with other Valley runoff into the Bay. The Valley's topography suggests that the Bay will continue to be the State's main sewer.

Wastes and toxics contaminate Bay sediments and organisms. And wastes continue to pollute our wells. Statewide, nearly one-fifth of our wells are now affected, placing more pressure to divert more water. We still do not have a comprehensive system to monitor wastes and toxics. We do not fully know what quantities of wastes and toxics are already present in the Bay and in the many waterways that lead to the Bay. Without an inventory and objective reports of discharges we cannot fully assess what harm is being done or what preventative measures are most appropriate. We do know of the harm: fish kills, finless striped bass, legless crabs, and inedible shellfish.

We still have mounding at Alcatraz Island and yet we are approving more dredging and dredge disposal than has been done in many past years. Recently I had the privilege of visiting Japan and was surprised to learn that for Tokyo and Osaka Bays, the Japanese absolutely prohibit the water disposition of dredge spoils because they consider it to be a pollutant, as they would discharges from municipal sewer plants. We continue to allow disposal of dredge spoils into the Bay, relying on Corps information that we needn't worry much about the impacts. Others, however, do seem to worry a great deal more about these impacts.

Though the Bay Area has two of the finest universities in the world, neither has an integrated and comprehensive coastal management program to train students, to do Bay related research and to allocate funds to Bay problems. Of the institutes we do have, Bodega Bay Lab was transferred to Davis and the National Oceanic and Atmospheric Administration proposes to close the Tiburon Research facility.

Federally we seem only to have money for terrorists in Iran and

fighting revolutions in Central America. The federal administration continues to propose zero funding for only a modest national coastal management program. The President also recently vetoed the Clean Water Act amendments as "too costly." That bill contained \$65 million for EPA to use on San Francisco Bay problems as well as several millions for waste treatment improvements.

During the last year, the Corps continued efforts to revise its regulations in a way that many believe diminish the wetlands protections that are now provided in the Clean Water Act. While these efforts by and large have not been successful, the proposals require careful analysis by other agencies. Last year the Office of Coastal Management proposed regulations that would weaken federal consistency and others that would make routine changes to programs harder for state managers.

After this could there be any good news? Well, there is some very good news. With the leadership of Congressman Miller and Senator Pete Wilson, as Assemblyman Bates has pointed out, Congress passed landmark legislation to guarantee federal water quality protections for San Francisco Bay and the Delta. A key provision obligates the federal government, for the first time, to meet current and future water quality standards set by the State Water Resources Control Board. The bill also authorizes construction of waterworks to help sweeten the water in the Suisun Marsh.

The Coastal Conservancy has funded several public access projects to continue their objective to bring more people more easily to the Bay. Though access continues to be challenged in court, it is commonly accepted by Bay Area developers and local governments. Senator Lockyer is now studying the feasibility of a bill that would promote continuous access in urbanized parts of the Bay. Hearings are now being held on this bill.

Last year considerable useful scientific information about the Bay was made available. Sound, practical scientific work on the Bay is essential to underpin funding, grants, acquisition and public capital improvements. Good science about Bay processes also garners public and political support for meaningful regulation.

Doctors Rozengurt, Josselyn and Herz compared adverse impacts on the Sea of Azov thought to have resulted from fresh water diversions with what is occurring in the Delta and the Bay. Fred Nichols, Jim Cloern, Sam Luoma and Dave Peterson, research scientists at the U.S. Geological Survey, published a thought provoking article summarizing the impacts of man's activities on San Francisco Bay. Doctor Whipple continued to provide information on abnormalities of Bay striped bass. Perry Herrgesell of the Department of Fish and Game continued to share information on efforts to explain why Bay fish and wildlife are diminishing and stressed. Phil Williams suggested that sea level rise will change the Bay and Delta significantly in the next century. EPA began attending to the Bay in a comprehensive way similar to the approach taken for Chesapeake Bay. The veto of the Clean Water Act amendments is bound, however, to impede its efforts greatly.

In 1986 the Commission held the line on fill and increased access to the Bay while approving a large amount of new development. About 9 acres of new floating fill, mostly for boat docks, and a little less than 3 acres of solid fill for water-oriented uses were approved. Mitigation requirements will open about five and one-half acres of new area to wetland and tidal action. Twelve acres of riparian habitat will be the result of the Corps' Wildcat Creek flood control project in North Richmond. About 18 and one-half acres of new public access will be approved by applicants.

The Regional Water Quality Control Board revised the Basin Plan and, importantly, added a wetlands policy, addressed dredging and the disposal of spoil and honed in a little more on non-point pollution.

Because I don't often have an opportunity to talk to folks about the future, I'll get a little bit on the bandwagon and let you know what I think are the major issues for next year. By far the most important issue for the next couple of years will be the consideration of the Delta standards by the State Water Resources Control Board. These hearings will require a great deal of time and attention. Strong efforts to gather and present hydrological information are necessary. Neither the Commission nor the Regional Board were able to secure State funding to support the hydrological work to help the State Board set appropriate standards to protect fisheries. This can probably best be done by setting the "null zone" where fresh and salty waters are balanced nearer its historic location. Perhaps non-profit or university efforts can help assure that crucial hydrological information is before the Board.

Mitigation is creaky and will be under attack unless we can find an administratively convenient, efficient and comprehensive approach to enhancing resource values for the Bay while avoiding an open invitation to buy out impacts. Asking small developers to come up with mitigation parcels and plans is unwieldy, expensive and causes unnecessary unhappiness with the basic requirement. A better way must be found. Great policy consensus among the agencies and mitigation land banking are the likely solutions.

The North Bay presents the last great opportunity to enhance the Bay's resources. A wildlife refuge exists there now. Large parcels of land with relatively good wildlife values can still be found but they are under development pressure. Only there the Bay is not ringed with urbanization. Special efforts should be directed toward protecting diked areas in the North Bay between Napa River and Sonoma Creek. If the public believes these areas should remain open and enhanced for wildlife, some acquisition may be needed.

Citizens look to the Association to provide leadership on Bay problems and initiative and energy to carry out what sometimes is viewed as the impossible. As Joe Houghteling pointed out, our economic well-being is closely connected with our will to provide open space, to reduce pollution, to care for fish and wildlife resources. I continue to believe that economic well-being is inextricably linked with the high environmental quality and livability of this area, which is our most distinctive and valuable asset. To protect environmental quality we must utilize our

upland intelligently to relieve pressure on our unique focal point and vital resource, San Francisco Bay.

Our somewhat haphazard and uncoordinated efforts to plan and regulate uses on the uplands in the watershed of the Bay jeopardizes the Bay, the greenbelt and the livability of our communities. The Association and other Bay Area citizens should devote special efforts to issues, policies and decisions taken up by the 25 cities and 9 counties that ring the Bay. It is the small, single decisions in our cities and counties that now add up to what the region is and will become.

I hope the Association will continue to devote its efforts to all these critical areas. Thank you.

STATEMENT FROM GEORGE MILLER

Congressman, 7th District

Will Siri

Ladies and gentlemen, we had anticipated having as one of our speakers this morning Congressman George Miller. Something happened in Washington this past couple of weeks which has required his return to Washington. However, he did send a message to us, and let me read it; it's quite short:

"Welcome to your 25th anniversary celebration. While my schedule now has me in Washington this weekend, I wanted to share with you my thoughts on challenges facing us in 1987. The convening of the 100th Congress next month will offer many opportunities to lock in stronger protection for our precious natural resources, such as San Francisco Bay. Among the critical issues we will face are the passage of the Clean Water Act amendments which the President vetoed last month, and tough provisions to stop the flow of selenium-laced drainage water from irrigated farms that is destroying the San Joaquin River, the Delta and the Bay. I encourage Save the Bay to work hard for tough water quality standards in the Bay and to participate again in our subcommittee's next hearing on San Francisco Bay issues, which will be scheduled early next year. With best regards, George Miller."

And I will convey to George the message that he was applauded for his message.

MORE AWARDS PRESENTATIONS

Will Siri

Now, the last item before we break for lunch...Before I do that, let me acknowledge the presence of at least one or two people who have joined us today. Delaine Eastin, who was just recently elected to the Assembly from the Union City area. Congratulations from all of us. I think some of you have already seen David Pesonen, from the East Bay Regional Park District.

(At this point, Alan LaPointe presents awards to Esther Gulick, Kay Kerr and Sylvia McLaughlin.)

Sylvia McLaughlin

Thank you Will, thank you everyone. We're really overwhelmed with all these verbal and material accolades. We'll try to carry on, and I know we'll have lots of help from all of you here. Thank you very much.

Will Siri

I would like to call on the person Senator Milton Marks has sent over to represent him, a very charming and beautiful young lady, Rochelle Baxter, staff assistant to Milton Marks.

Rochelle Baxter

I'm glad to be here today to represent Senator Marks on this very special occasion. The Senator regrets that he cannot be here, but he sends his best wishes, and is hopeful he will be able to do this within the next 25 years. I'm going to read a couple of paragraphs from the resolution: "Senate Rules Committee, Resolution by Senator Marks, the Save San Francisco Bay Association. Whereas, the Save San Francisco Bay Association was established in 1961 and for 25 years has served as an effective public voice to protect the Bay's open water, improve recreation opportunities, support wildlife conservation, beautify the shoreline and promote resource planning; and Whereas, the distinctive recognition of the Association is attributable in large measure to the dedication, persistence, vision and untiring efforts of the founders -- Catherine Kerr, Esther Gulick and Sylvia McLaughlin -- prominent Bay Area residents; and Whereas, the Association continues to make its voice heard in the entire range of concerns about the Bay, from water supply to quality to land use and habitat protection as well as public access to the Bay; and, Whereas the achievements and accomplishments of Save San Francisco Bay Association command the respect and appreciation of the public; Now therefore be it resolved by the Senate Rules Committee, that the Save San Francisco Bay Association be commended for its efforts to improve and protect the San Francisco Bay for future generations."

Will Siri

Please convey our thanks to the Senator for this grand honor. Now, ladies and gentlemen, proceed with your dessert and we will now have the candle-lighting ceremony for each of your tables. Thank you for joining us on this 25th anniversary, and we will see you in 25 more years. You are at liberty now to light your candles, and thank you all again.

It's been proposed that we have a toast to the next 25 years. Let's hope that the Bay, and particularly its wetlands, will be restored to their original configuration when we next meet in 25 years.

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