# Oral History Cover Sheet

## Name: Edwin "Phil" Pister
## Date of Interview: June 9, 2005
## Location of Interview: NCTC
## Interviewer: Mark Madison

**Approximate years worked for Fish and Wildlife Service:**
**Offices and Field Stations Worked, Positions Held:** worked for California Department of Fish and Game
**Most Important Projects:** Owens pupfish litigation; Desert Fishes Council
**Colleagues and Mentors:** **S**tarker Leopold; Robert Rush Miller; Carl Hobbs; Ray Arnett; Chuck Meacham; Jim McBroom; Nat Reed
**Most Important Issues:** Owens pupfish/devils hole water litigation; conservation of native fishes; conservation of desert ecosystems

**Brief Summary of Interview:** early years in school; being in Starker Leopold's class; reading early copy of Sand County Almanac; working on Convict Creek Experiment Station for FWS; writing FWS Bulletin 103; riffed during Eisenhower Administration; working for California Fish and Game; working on the Owens pupfish with Robert Rush Miller and Carl Hubbs; setting up the Desert Fishes Council; involvement in the litigation (Supreme Court) of the Devils Hole pupfish / environmental resources / water rights case; publishing bias in federal work; being upbeat when talking to students of conservation issues; working with native fishes vs exotics (California golden trout vs browns and rainbows); bifurcation of wildlife/fish in federal and/or state agencies; importance of the pupfish court case/legislation.

**E”P”P --** … is Edwin I usually go by Phil last name Pister -- P I S T E R -- pronounced ‘piece ster’.

**MM --** Great. Phil, why don’t you tell us a little about your educational background.

**E”P”P --** Okay. Well, first off, I was born in the Central Valley of California; went through schools there. And ended up going to UC Berkley for my… all of my work -- was there for seven years. And mainly because my mother had graduated from there in 1917 and she was pretty well determined to… my brother and I were going to go there too. I was raised on a little farm in the Central Valley of California and… this ties in to why I’m in the work that I’m in -- because I learned, there on the farm, to get a great appreciation for wild things. And pretty much milked my way through college. [laughter] And so, I started out pre-med at Berkley, and then my brother, knowing my… he’s an engineering professor there… knowing my interests said ‘there is somebody over in Life Science building that you ought to go talk to. I’m just looking at the new catalogue here, there’s a new curriculum called ‘Wildlife Conservation’.’ So I went over, and I arranged an appointment with… Doctor Starker Leopold, who turned out to be Aldo Leopold’s eldest son.

**MM --** I didn’t know you studied with Starker.

**E”P”P --** Yeah. Yeah.

**MM --** Very interesting.

**E”P”P --** And so, this was ‘bout a year… not quite a year after Aldo had died -- that was in April of 1948, and I started in the fall of 1949, as Starker’s… I believe the second time he gave… his second class that took this class… general curriculum in wildlife conservation. And he was very much of a chip off the old block. And [I] learned early on what the principles of environmental ethnics were, just by… the term wasn’t used too much then, but by just inference, you knew what environmental ethics was all about. I… Starker came into class one day with a sheath of mimeograph material. He set it down on the table he said ‘here’s some stuff that you folks might like to look at’. [This] was in a graduate course on wildlife management. Turns out… he says ‘it’s some stuff that Dad wrote’ and it was the first draft of the *Sand County Almanac* -- six months before it was published.

**MM --** Oh, my god!

**E”P”P --** Yeah. So that then… I was inoculated early on. Took a while for it to become fully… to take, but this essentially directed me throughout my career. And, I think, philosophically allowed me to do many of the things I did. I wouldn’t have done them if it hadn’t been for the influence of Starker and his dad.

**MM –** Well, that’s great! What year did you graduate?

**E”P”P --** Graduated in… well, finished up my graduate work in 1953. I came in right after World War II -- I was a little bit too young for World War II and… fortunately for me, probably. But, graduated in ’53. And, at that time, was working for the US Fish and Wildlife Service. I had a job with the Division of Fishery Research, out of Washington, in a field station just north of where I live now.

**MM --** Which field station was that?

**E”P”P --** At that time it was known as the Convict Creek Experiment Station, and one of the eastern slope drainages is off the Sierra Nevada. And it’s now… the Fish and Wildlife Service gave it up about 30 years ago when they consolidated many of their research facilities, and it’s now run by the University of California - Santa Barbara, as part of the University of California’s Natural Reserve and Research System. So that’s… I helped build the place and this is… maintained a very strong interest in it.

**MM --** I never even knew you worked for Fish and Wildlife. I’ve always know you as a California…

[laughter]

**MM --** I mean, what did you do up there?

**E”P”P --** Well, okay, well, we did high mountain… well, a number of things. We were working at the research station itself on the… essentially, the returns of wild brown trout, and then rainbow trout. These were the main… of course, you have to look at it this way, Mark, way back in that time, our thinking was almost entirely directed toward consumptive use of fisheries. And this then, allowed us to evaluate two of the major the main species of sport fish, there in that area where I live, in eastern California, where I did my work, and where I still am, is probably the most valuable recreation area in the world right now. It supports more recreational use than Yellowstone, Grand Canyon, and Glacier Park – combined. It’s a huge recreation area for southern California, which essentially is about 25 million people. So they just come up there in great numbers. But, that’s only half of the research. And most of my work, and those… that of my colleagues, was in high mountain lake limnology -- limnology being broadly defined as fresh-water oceanography. And, this then, allowed us to learn an awful lot about how these lakes work. Along the crest of the Sierra there are probably three or four thousand high mountain lakes, all quite recent, in the later part of the Pleistocene these were formed by glaciation, and it provides a great deal of… well, back then, recreation. Now, just very much interesting from the standpoint of just biodiversity. We learn and learn… Steven J. Gould said once that ‘we are trapped in the ignorance of our own generation’. Back then, we did things very differently. We didn’t… until Rachel Carson came along in 1962, we really didn’t start thinking in terms of environmental issues. That gave us some very deep insight, and I remember going… I was out with a Colman lantern, nearly at midnight, doing titrations for pHs in those high mountain lake waters. ‘Cause we’d be working out in the field all day long, come back into camp… this - all up in the air, we were up between 10 and 12 thousand feet, way up… and, here’s all of these data, which

was published as a Bulletin to the US Fish and Wildlife Service -- Bulletin 103. It's a one of the first, and probably one of the best, studies of high mountain lake ecosystem research, before the ecosystem was really common… term, like it is today. So, it just sat there and sat there. And all of a sudden, showing you the value of research generally, sat there in this publication for… well, about 30 some years. And then, all of a sudden, acid rain comes along. People wondering about baseline out… you know, when did this start and so on. So, we had all of these data, well catalogued, and published in peer reviewed journals. And this is, to show us again.… But it was that type of thing. I worked mainly on the interaction of trout and invertebrates. That was my main interest.

**MM --** And where did you go after that?

**E"P"P --** Well, okay. So then I ran into… not an uncommon thing, I was working half time GS 7 with Fish and Wildlife Service then, and they were funding much of my graduate work. And during the Eisenhower Administration [they] had a huge budget problem. And I just got riffed. And so….

**MM --** Things haven't changed.

**E"P"P --** Yeah. With a family to feed, I had to go to work for somebody. So I went… this was about 35 miles north of the little town of Bishop, where I live now, I went down and got a job the state Fish and Game Department. And just by… just by the way circumstances evolved, I ended up with my career with them. But always very… in close relationship with the Fish and Wildlife Service.

**MM --** Well, what was your first job at the state?

**E"P"P --** First job at the state was to take over and begin… of course, right away, [you] know, here you've got this pretty much of a blank blackboard and the boss says 'okay, you've got a lot of background in this type of thing, what do you think you ought to do?' Well, so, I started to do, early on, basic biological inventories of those waters, to kind of continue with what I'd been doing with the Fish and Wildlife Service. And we found, much to our… chagrin I guess you'd call it, not to my chagrin, but certainly to that of the agency, which is pretty much bureaucratically entrenched at that point, that the planting of trout in high mountain lakes was ecologically a no-no. These fish just ruined everything, you know, they ate up everything that they'd get their jaws around. Further more, these are not native trout. These were all brought in from… mainly eastern brook trout from the eastern part of the United States. So that was one of the first things that I did. Then… this then evolved… my own thinking then began to… one day I wasn't too sure what I wanted to… where I was going, so I took some time off. We have a little summer home up near Lake Tahoe, and I went up there, all by myself, my wife says 'you probably better get away by yourself.' So I took *Sand County Almanac* along with me, and I read it again. And it was amazing. it was almost a spiritual experience, when, many of those key paragraphs like the land ethic and things, just… it was almost like they were illuminated as I read them, 'cause I could see, immediately, this huge application of Leopold's concepts and his thinking, to what I was doing and what I was expected to do.

So, what got me then going on the work that I've done throughout much… most of my career, is on the conservation of native fish fauna, and the preservation of desert aquat… or arid land ecosystems. So, we have four native fishes up there in Owens Valley, where I live. And none of them are trout. None of them are game fishes. Yet they'd been well studied by, one of the early greats in our profession, Robert Rush Miller, a professor at the University of Michigan in Ann Arbor. Who worked with Professor Carl Hubbs of Michigan and then UC – San Diego and Scripps Institution down there. The two of them worked together. Miller was Hubbs's graduate student, and described in his dissertation the *Cypridon* fishes, these little pupfishes, that live in that part of the world, which is part of the Death Valley hydrographic area. All of that area drained, during the ice age, down into Death Valley -- that was a sump about… say 10 to 15 thousand years ago, at the end of what we would call the pluvial, or rainy periods, the last part of the Pleistocene, as we then headed into the Holocene. So, that was… we thought when Miller had described that species -- which is the Owens pupfish, the one right in my backyard, there are several of these pupfishes in different species… stages of evolution throughout that area, but the one right there in my backyard, we… Miller thought was extinct when he described it in 1948, and published his thesis. I believe it was in 1964, when the phone rang, in the outer office, and it was… the secretary says 'it's a Doctor Miller from University of Michigan' so I… he's… Bob was always just a really great, very personable guy, and he says 'Phil, this is Bob Miller, back in Michigan. Carl Hubbs and I would like to come up and see if, perhaps, some of those fishes are still there -- the little pupfishes. Maybe we might have missed them. There might still be a population of them. Would you go out with us?' So, I said 'okay, I'll be glad to do that.' I figured… back then you got approval to do any / everything, and you didn't file it under email 'cause that didn't exist back then. You wrote a memo. So I wrote to my boss and I said 'I've got this opportunity to go out with these two, very distinguished, scientists and they want me to help them' and I said 'I'll give them a day of my time, because oftentimes, these esteemed people expect you to drop everything when they come up.' Well, my boss says 'okay, go ahead.' Well, we went out within the next day or two, and found another population of these fish. They were still there. And, it's kind of interesting, I think, I've still got these memo's I wrote because they're so interesting. Not only did I drop everything, but I never picked it up again. [Laughter] I just treated a 90 degree shift in my job, and what I felt my responsibilities were, because what I saw then… it became a matter of values. And I think that had a lot to do with what I do now, in terms of environmental ethics and philosophy. Basically, values are what motivates you to do things. And I was motivated then into the arena of biodiversity -- far more than just sport fishing. We could handle the sport fishing, had a very good system of hatcheries there. And I could take my time, and my own mental capabilities, and devote them to something, which, in the long run, obviously, was much more valuable. So this then started us, in the late 60s, into… well, me particularly, and several of us… people in Fish and Wildlife Service, Park Service, BLM, and so on, to set up what we call now the Desert Fishes Council. It's kind of modeled after the Desert Bighorn Council, a group of… a diverse group of people, mainly university and agency scientists, concerned with the preservation of our land ecosystems.

**MM --** And when is this? When did you found the Desert Fishes?

**E”P”P --** This was in 1969. We held our first meeting in 1969. And I ran that meeting myself, and I still do pretty much, even after 35 years now. But I think that the one thing we've been able to accomplish… back then, there was a lot of… I… we shouldn't say ill feeling, but probably just [you] might say, distrust between different agencies -- particularly between the academic community and government. And the Death Valley auditorium is set up in -- the left side, the right side, or the center aisle. And when I started this meeting, I looked out, and it was just so impressive. Here, on the right side of the aisle, were the university people -- the professors and their graduate students. On the left were the agency people. And they weren't even talking to each other. Yet, they were there for the same reason. So we were able to break that barrier down to where that doesn't exist anymore. That's been a real valuable thing. One of the first things we got into… we jumped deep into the cauldron of bio-politics, because we had some fish out there in Death Valley National Park that was going extinct. So we took this clear to the US Supreme Court. That was in 1972, the Court proceedings started. Finally, the Court rendered judgment there, to protect the fish, in 1976. This is during the Burger Court. And this was, itself, quite a thing to be able to do that. And to think that a little 20 millimeter fish could get the same consideration that you see chiseled out over the Supreme Court building in Washington, of equal justice under law. Because that was just… kind of what it came down to. So then, things took off from there. We… that was about… that was sometime after Rachel Carson's *Silent Spring*, but she had sown the seed. And so, agencies then began to… begin to think somewhat differently. I've always been somewhat motivated by one of Aldo Leopold's great comments that… how does he put that… yeah… 'nonconformity is the highest evolutionary attainment of social animals'. That's what he said. And I've always believed that, because unless you are a nonconformist, you don't evolve. That's what evolutions all about -- the creatures that start doing things differently. So that kind of got us going there. In the meantime, we've not only have… does this work really well, it's… the group we've got in the states, but we've also branched deeply into México. So we have a number of a Mexican scientists, graduate students, conservationists, that come now, and meet with us. We meet every third year in México. And this year we'll be meeting in November of 2005, in northern Coahuila, at a place called Cuarto Ciénegas, or in Spanish the Four Marshes. And it's an area… it's kind of like Darwin's Galapagos Islands, but they're islands of water in a sea of sand. You get these evolutionary perspectives in aquatic systems, as opposed to terrestrial systems. So, that'll be, I think about the fifth or sixth meeting we've held in México. And they're very, very popular. We make it easy as we can for the Mexican folks, with the economic problems they have down there. We pay their registration, much of their travel, and their lodging, just to get them to meetings. Found out, awful long ago, the Mexicans have very good people and their problem is… they're just as competent as ours are, they just have more difficulty with…

**MM --** Resources.

**E”P”P --** … the resources to get the job done.

**MM --** That makes sense, yeah.

**E”P”P --** So, then, this has branched out into… to try to go on with this, as I mentioned - the nonconformity thing, one thing I felt I needed to do… and this is kind of rare, was rare enough in the federal service, but… now I wouldn’t say unheard of in state service, but very few people spend the time to publish things. So I began then, as I made a major part of it… and I was blessed, I might add, all through this, to have good bosses who did not impede what I was doing.

**MM --** You’re right, it’s very rare, even at the federal level…

**E”P”P --** Yeah.

**MM --** So much, I’m shocked.

**E”P”P --** Oh, yeah.

**MM --** Coming from academia, I can’t believe how…

**MM --** Well, yeah!

**MM --** … little we publish.

**E”P”P --** Yeah. And I think it’s a real shame. I’ve published now… I think it’s something like 85 peer reviewed publications. And, these have been valuable. People refer to them all the time. This is one thing we’ve done in our Desert Fishes Council, we put out a proceedings. And this takes all of the papers that are presented, both in English and Spanish, at these meetings, puts them under one cover. It’s going to go all electronic pretty quick. But, makes this all available. in addition to that, I think, another thing that I found to be very valuable in promoting the things I believe in, is I’ve done an awful lot of teaching. And I go to universities all over the place. I came from… just about a week ago, from a couple of lectures up in the northwest -- one at Oregon State, and a couple weeks after that at Central Washington University in Ellensburg. One of my former grad students I had there in Bishop, is now Provost, doing his work on desert fishes. So he wanted me to come up and talk to his students. But I find when I tell about what I’ve done in my career, I find students paying rapt attention to this. and often at the end of it, I always try to be… take an upbeat look on these things, say, ‘oh, yeah, we got a lot of problems, but these a lot of hope out there too.’ And they come up afterwards saying ‘you know, we really needed to hear that, because we wondered if the work we’re going into…’ most of them being students in… maybe wildlife, or fisheries, or perhaps more likely, conservation biology. This will be where they’re focusing, and they’re beginning to wonder, ‘well, do I want to make my career out of something that’s dying?’ And I said, ‘no, it’s going to be expanding greatly.’ and I’ve seen this… just the perception of the American public now, I think, that even though we get kicked around a lot by politicians, whatever, by and large, I think the American public tends to be with us, and I think that’s going to show up more and more. So we build on that, and try to emphasize

the political expediency of good resource management. Of course, that's what NCTC is all about.

**MM --** Like to think so.

**E"P"P --** Yeah. Yeah. That's true. So, the students we… I never… I've served on a number of graduate dissertation/thesis committees, and… trying to guide students through into productive things, and it's been really gratifying to see where some of these folks have gone. They've done good things. One guy headed up this recent thing… this came out not too long ago, on a Millennium Ecosystem Assessment -- that Millennial thing. And he went from where I was, over up to University of Washington for a PhD, was Conservation International for several years, and then headed up this Millennial Ecosystem Assessment.

**MM –** That's great!

**E"P"P --** He's down in Indonesia. He was there when the tsunami hit. Killed a bunch of his friends. Yeah, he was in an apartment house in Jakarta, or somewhere down there…. And others have gone on to be professors, and lot of people in agencies, so on and so forth. a number of them gone to Fish and Wildlife Service too, so…. So, that kind of sums up the early part of the career, you know.

**MM --** What were some of the hands-on species you worked with?

**E"P"P --** Well, okay. That's a good question, 'cause that's one I might handle later on in one of our evening programs even, showing that there… things like biodiversity conservation, and all of my undergraduate work was all in wildlife. My grad work was all in fishes, sort of the aquatic systems. So, that got me thinking about the integration of all of these things. One of the big ones, the one that I'm just finishing up now, is a huge thing, that turned out to be an 80 page manuscript, is on the work that I've done, along with others in other agencies, on the California golden trout. California golden trout is an incredible creature, it's just a beautiful thing. And we nearly lost it, about 40 years ago, in the mid 60s… almost exactly, I think in 1965 when I began to see the problems there, way, way in the… down at the very southern end of the Sierra Nevada mountain range, and the Curran River Plateau… the Curran being the Pacific Coast drainage. Where we are everything goes into the Great Basin, and there are no outflow to the ocean, but over there, there is. And the golden trout were nearly eradicated by an invasion of brown trout, which browns of course, being native to Europe. As is like… just a classic example of why species run into trouble. Two things -- habitat destruction, and the competition / predation with introduced creatures. When I first… several of us went into there with a fish shocker, we got word that these big brown trout were in there. It's a lot hard to get in there. It's not like it's in your backyard, it's about a full day pack trip into there, and so on. And so, the first fish we netted, in a stream about… about as long as this… wide as this table is long, maybe 10 feet…

**MM –** Yeah, better describe it, since it's an audio tape.

**E”P”P --** Yeah, right. As I say… 10… say about 10 feet.

**MM –** Yeah.

**E”P”P --** Yeah. That’s why I interjected…

**MM --** So it’s a little stream?

**E”P”P --** Oh, yeah. And the first fish we got was a five pound brown trout, which is a big fish anywhere, let alone in a 10 foot wide stream.

[Laughter]

**MM --** So you knew that…

**E”P”P --** Yeah.

**MM --** … the California natives…

**E”P”P --** Well, was in big trouble. And so then, the more studying we did up there, with our fish shockers and nets and everything else, the more we found… in many areas the golden trout were outnumbered by the brown trout nearly 100 to one. And they were nearly gone. So this started it.

**MM --** Were they interbreeding at all?

**E”P”P –** No, they…

**MM --** Or were they in different areas?

**E”P”P --** … can’t interbreed. They’re different genera.

**MM –** Okay.

**E”P”P --** And the golden trout are spring spawners; the browns fall spawners. Simply a matter of predation…

**MM –** Yeah.

**E”P”P --** …predation and inter-specific competition, is what the big thing was. The golden trout will hybridize quite readily with rainbow trout, because they evolved… they are genetically very close to rainbow trout. And that’s been another problem too, ‘cause if the rainbows sneak into there, which is an even more insidious, because they can hybridize and you get an impure golden trout, you can’t tell by looking at it.

**MM --** Wow.

**E”P”P –** So, then we find too…

**MM --** It’s a tough field, Phil.

**E”P”P --** Well, it does. we found out too, mark, here’s an interesting thing, genetics has evolved so much in the last 10 - 20 years, particularly last 10, with the use of things like macro-satellite DNA technology, I’ve heard the other day, and this is kind of frightening in a way, but it makes sense, that the whole Linnaean system of nomenclature is probably on its way out…

**MM --** Yeah

**E”P”P --** … as we come up with these newer and more refined technologies.

**MM --** It’s true.

**E”P”P --** And probably, for guys like you and me, it’s a good time to go into the consulting business.

**MM –** Historians [indecipherable] a lack of that.

[Laughter]

**E”P”P --** That’s right!

**MM --** What’s on… I mean, it makes perfect… every time we do a DNA test on something, like a red wolf or a Florida panther…

**E”P”P --** Oh, yeah.

**MM --** … it’s a mess.

**E”P”P --** Yeah.

**MM --** Linnaeus doesn’t work very well. And even my old mentor, Ernst Meyers, you know, biological species…

**E”P”P --** Did you study with him there?

**MM –** Yeah. Yeah.

**E”P”P –** Okay.

**MM –** He’s… difficult.

**E”P”P --** Did he pass on lately?

**MM --** He passed on maybe a half ago.

**E”P”P --** I thought so, relatively recently. Yeah.

**MM --** But there’s a… at the Museum of Comparative Zoology, they’ve renamed the library there…

**E”P”P --** Oh, that’s good. They should. MCZ… yeah.

**MM --** Yeah. So,…

**E”P”P --** Did you ever run across a guy - Carson Hartel - while you were there?

**MM --** I don’t think so.

**E”P”P --** He’s the guy… he’s at the… yeah, he’s at the MCZ… he’s fish… an ichthyologist guy there. Well,….

**MM --** Well, I mean, I digress a little, and I should shut off the tape recorder, but this is interesting…

**E”P”P --** Yeah.

**MM --** … and it should be recorded. I mean the MCZ still has Louis Agassiz’s fish collection.

**E”P”P --** Oh really, way back there.

**MM –** Yeah. Which goes back to the 1840s, 1850s, and it was initially housed in the Boston Natural History Museum.

**E”P”P --** Okay.

**MM --** … which now is a clothing store, a Paris and Ann Newberry store. And part of… when agreed to teach at Harvard, he insisted that they build something like the MCZ to house his fish collection…

**E”P”P --** Oh, good golly.

**MM --** … and it actually was housed right above Steve Gould’s office.

**E”P”P --** Okay.

**MM --** And Gould was surrounded by Agassiz's specimens -- not necessarily fish ones -- but some invertebrate specimens, and that drove his interest. Not to mention the fact that he could read and write French.

**E"P"P --** I hope he tolerated Agassiz okay.

**MM --** He hated him initially, because he was such an anti-evolutionist.

**E"P"P --** Yeah.

**MM --** But over time, I think he… I think Agassiz help drive him even further into history because…

**E"P"P --** Could be.

**MM --** … he became very interested in how somebody so bright, such an institution builder, could have gotten it so wrong, and really started looking at…

**E"P"P --** Yeah.

**MM --** … what you've talked about…

**E"P"P –** Sure.

**MM --** [indecipherable] text.

**E"P"P --** Oh, yeah.

**MM –** Well, we digress. You were shocking big browns….

**E"P"P --** But getting back to Agassiz, before we finish up here, because over the museum building at the University of Michigan, at Ann Arbor, which is one of the real bastions of fish research in the United States, 'Go to nature, take the facts into your own hands, look as see for yourself' and that's by Louis Agassiz. A quote from him. So he was a darn good naturalist, no question about that. but these people… you know, Darwin didn't… he… took quite a revelation for him to change. did Agassiz ever change in his perspectives?

**MM --** No

**E"P"P --** He never did?

**MM --** That's what kind of did him in, you know.

**E"P"P --** Yeah.

**MM --** When people came around, Gray, and these guys, Agassiz's I think he lived until 1880s, but, it's also a useful reminder how important fisheries was, in the early development of…

**E"P"P --** Sure.

**MM --** …life sciences here. People sometimes forget it.

**E"P"P --** Yeah.

**MM --** You know, you mentioned something interesting, you'd studied in the wildlife department.

**E"P"P --** Yeah.

**MM --** And then moved into fisheries.

**E"P"P --** Uh hum.

**MM --** That bifurcation has never made sense to me, actually.

**E"P"P --** No. Yeah. Well, it shouldn't. It shouldn't.

[Laughter]

**MM --** Including our agency name.

It has to be a bureaucratic anomaly of some type, you know, is what it's got to be. Okay. We can't… it's too much for one guy to handle fish, so we have fish division of wildlife… fish and wildlife service. Fish and game.

**MM --** It's very bizarre.

[Laughter]

**E"P"P --** Yeah.

**MM --** We've got to get you back to your stream where your shocking trout….

**E"P"P --** Okay, we'll do that. I do want to… when you shut off the machine, there's something I do want to talk to you… mention….

Break in taping

**E"P"P --** I'd skipped over… we can come back to brown trout, but that was such an interesting thing, back in the early days…

**MM –** Yeah. We're in the right spot. Okay.

**E"P"P --** This is interesting. When we first got onto this problem there, a place called Devils Hole, that's what the Supreme Court case was…. What do you do? We didn't have the Endangered Species Act. That was 1969, into 70. We… that's what caused us to form this group. Well, before the group really got going, this is really worth part of an oral history here, because… we could see this habitat, literally, drying up before our very eyes. And you talk about serendipity, or somebody up there liking us, turns out that when… we had to get some help from Interior. Turns out that the Deputy Assistant Director for Fish and Wildlife, a guy named Chuck Meacham, this was during Walter Hickel's tenure as Secretary of Interior, during the Nixon Administration, turns out that this guy Meacham was born and raised in the same place where I've spent my whole life. He's worked for Cal. Fish and Game. So I knew him very well personally. So I phone him up. And… there in Interior… and I said, 'you know, Chuck, we got a real problem here.' Said, 'we've got fish dying out,' the Sierra Club is all set, they had a writ of mandamus, all prepared, to haul Interior into court on this, for not taking care of these. Course, that was way back. And he said 'what's the problem?' And I told him what the problem was basically, and I said 'furthermore, there's one right here in your backyard, little Owens pupfish.' The one that we'd found, you know.

**MM –** Right.

**E"P"P --** He said 'where's that?' I said 'place called Fish Slough, just north of town. 'Fish Slough, I'll be darned. I used to go out there and go duck hunting all the time.' Well, the old saying you know was 'who you know is a lot more important than what you know.' And I think this is really true. Literally, within the… before the day ended, he had set up what we call… ended up calling the Pupfish Task Force – let's save the desert pupfish. And he put over that a guy we called Iron-Ass McBroom.

**MM --** Iron-Ass McBroom

[Laughter]

**E"P"P --** Jim McBroom.

**MM --** People mention, I've got to add him next to Starker Leopold.

**E"P"P --** Yes. Well, Jim McBroom… Jim was a geologist, working somewhere in the Secretary's Office, mainly with Fish and Wildlife Service. And he was just great. You know, you hear of the bureaucracy dragging on and on, nothing ever gets done. Well, Jim sure put that idea to rest in a hurry. He set up this task force, with representatives of California and Nevada Fish and Game Departments, Park Service, Fish and Wildlife Service, of course, BLM, Bureau of Reclamation. And then, this key person, a guy from the Solicitors Office. And he was the one that we started working on, and can we get a lock suit on this? At least get a temporary injunction. About that time, came time for the

Western Division of American Fisheries Society to meet. They met up in Portland Oregon. I went up and I gave a paper on Conservation of Desert Fishes, 'cause we were just getting going then. Our Director saw me there. 'What the hell are you doing up here?' he said. 'Well, I'm up here giving a paper.' 'Hope it's not on those stupid damn pup fish you're working on.' He was serious. He ended up Director of Fish and Wildlife Service -- G. Ray Arnett.

**MM --** Oh, yeah.

**E"P"P --** Yeah. And so… see, yeah, that's what I'm here for. But I… he said 'well, okay. It's time for the plenary talk. Let's go in.' So, the guy that gave the plenary talk was Nat Reed.

**MM --** Oh, yeah.

**E"P"P --** Yeah.

**MM --** I know Nathan Reed.

**E"P"P --** Yeah, Nathanial P. Reed, from Coral Gables, Florida, somewhere down there, Hope Sound, Florida. And he gave what I thought was just an absolutely marvelous talk. He said this… and, back at this time, when things were really in a state of flux, in terms of western fish and wildlife, you know, all over the United States, he was just getting going on these non-game programs I was deep into already. Reed made this statement, he said, 'we…' of course, this was held in conjunction with the International Association of Fish and Wildlife Agencies. He said, 'we want you people to take care of all of your wildlife, all of your fishes, but if you don't do this, we will have no alternative but to do it for you.' Well, so… I got back home, I wrote him a letter. I said 'you know, that was just marvelous. I've worried about this.' I said 'my agency, they condemn me for doing what I've been doing. At least I know there's support from… through the Fish and Wildlife Service to maybe get these programs going.' Well, just… I sent him a copy, sent him the letter. Of course, I sent a copy of this to the guy who was chairman… I was Chairman of the Desert Fishes Council, but the Chairman-elect was with the Nevada Department of Wildlife, living in Las Vegas. So I sent him a copy of the letter. Well, he was on vacation. Apparently, they've got some policy there where, even the first class mail, the secretary opens it and spreads it around, you know. Well, they saw what, to them, was absolute heresy, me suggesting that it would be a good thing for the federal service to intervene in this… what they felt was the states obligations and prerogatives. So, next thing I know, my phone rings. And, it's the Director, in Sacramento. And he's… that's 300 miles from where I live… and it's the secretary, and says 'are you going to be around your office the next couple of days?' I say, 'yeah, I'll be here.' 'So, well, the Director has some things he wants to talk to you about.' I thought, Christ, first time it's ever happened to me! All I could think of is, he was concerned about how deeply I was involved in Devils Hole, even though I'd taken my own time, my own car, to testify in the early Supreme Court litigations. So, by the time comes, phones… 'Phil we're over here at the Vagabond Hotel, come over.' I go over there. So, I set down…

just like, Jeeze this is great. And these were… if there were a bulb hanging down from the ceiling, you know. It's a straight chair. It was out of a great Class B movie, you know. And so, I sit there… a little table… they throw out a copy of the letter that I'd written to Reed, and also to the guy in Las Vegas. I guess it had barely hit the Director's desk there in Reno, and he phoned up my Director and said 'what's this guy doing?' And that, then, was… it's bad enough now, but even back then, the states were just very jealous of federal intervention of doing anything. I went to a meeting one time… I was one the Endangered Species Committee the Western Fish… Western Division American Fisheries Society, and a guy from Montana stood up and he said 'I would rather that every species in the state of Montana went extinct, rather than let the feds come in and mess with our resource!' So, well, okay. So, the letters out there. [Sound 'thump thump'] 'Have you seen this letter?' I looked at it, I say 'yeah, I wrote it.' 'So, I want you to know that it's been very embarrassing to Mister Arnett, and to his colleagues…' which meant the other 11 western state directors. And, so, 'well, you know, I'm really sorry if it ended up that way. Certainly my intent was good.' But shows, that's just something we don't talk about, is involving the federal government in states activity, in fish and wildlife. Well, fortunately, I'd been in the army long enough to know that you don't get off of kp by fighting with the general, you know. So, I said, 'okay, I'm sorry. I'll be more careful in the future.' And, it kind of [indecipherable] what they did do, they kicked me… I'd been coming back here a lot too, to DC, to work on some of the early parts of the Endangered Species Act about then. And, well, I got… they pulled me off of that for at least one trip back, but I started coming back after that, kind of punishment, I guess. But, the… I'll have to hand it to Arnett. in 1978, at the… again, the Western Division of the American Fisheries Society, in San Diego, I received… which was back then the American Motors Conservation Award, it's now… I think Chevron-Texaco handles it. And, Arnett was a big guy, had an ego the size of this room, you know, and I…. But he came up afterwards, and he said… I really admired him, he came up and says, 'Phil, I think I'm finally beginning to see what you've been trying to tell me.' And I really admired that, you know. He didn't have to do that. Yeah. And so, ever since then, we've been… we correspond now and then. He lives over kind of where I grew up, over in Central Valley. And we correspond now and then. So, in Ray's words, he said, we landed on our feet okay, after that one, you know. But that showed… what that showed though, was this kind of a… might say, a microcosm of what was going on all over in… particularly the West, at that time. it was just almost….

**MM --** Have to get Ray's contact info from you. You know, we've never done an oral history with Ray Arnett.

**E"P"P --** He'd be a good one to get.

**MM --** Yeah. It's just…

**E"P"P --** He really…

**MM --** … it's fallen through the cracks and…

**E”P”P --** Yeah, you should do that…

**MM --** Yeah, I mean, we just…

**E”P”P --** … ‘cause he’d have some great stories.

**MM --** It’s a new program. I mean, that’s part of it. I’ve only been doing this for a couple of years.

**E”P”P --** He might even tell you about the time he came out in the San Francisco Chronicle, during the early days of the California Condor recovery. [He] said probably the best thing we could do would be to shoot all of them, stuff them, and put them on fence posts along major freeways, so people could see what they looked like. [Laughter] Arnett called it like he saw it. He was always wrong, but he… at least he did that.

**MM --** Get his contact, if you could give that me, I’ll send a formal letter…

**E”P”P --** Yeah. Sure, I’ll do that. Yeah. I’ll find out

**MM --** I really think… you know, we’ve never done an oral history with him. it’d be a real shame if…

**E”P”P --** You got John Gottschalk -- guys like that?

**MM --** We got Gottschalk… we did an oral history with him, that we got finalized two days before he passed on.

**E”P”P --** Oh, wow!

**MM --** Just in time, I mean….

**E”P”P --** Jeeze, I’m glad of that.

**MM --** We had a rough draft, and wanted him to look through it…

**E”P”P --** Did he… was able to do that, you think?

**MM –** Yes, he was. he went to the hospital, his wife held it in front of him, and he marked out passages where…

**E”P”P --** Jeeze.

**MM --** … just a few things, spellings and that…

**E”P”P --** That’s great!

**MM --** He came back, and by the time we got it back in the mail, he'd passed on, by a day or two.

**E"P"P --** Oh, boy. Jeeze.

**MM --** So that's why I'm always keen to get people…

**E"P"P –** Yeah.

**MM --** … before they…

**E"P"P –** Well, these guys… no, Arnett's older than I am, and I'm 76.

**MM --** Yeah. Arnett's…

**E"P"P --** These guys aren't going to live forever.

**MM –** No. And, I just, actually, did not know where he was; didn't have any…

**E"P"P --** Yeah, well, the last I heard, last time I… last time we corresponded, he was in Stockton.

**MM –** 'Cause, I mean, I think he… most people are happy to do an oral history. They like to share their…

**E"P"P –** Oh, it's an ego thing, for one thing, you know. Hey, they're getting all this…. Yeah.

**MM --** They want people to remember…

**E"P"P --** Yeah.

**MM --** … their contributions.

**E"P"P --** Sure.

**MM –** And, if we don't get some type of recorded history, it fades.

**E"P"P –** sure. Well, so this… we got this support then, clear to the top, so it comes time then to… we went to… an early court decision in the Las Vegas District Court, the judge… little Judge Roger Foley, got to admire him for this. Because, it was not a popular thing in Nevada at that time to come up with this kind of a decision. The federal attorneys felt pretty secure in their case. They said 'there's one thing we don't want to do is loose, because that creates a bad precedent for this stuff.' So, it went to the lower court there… old Judge Foley, I was one of the first witnesses. And he asked me what… of course, you do a lot of research on these guys. Turns out that he was a very avid catholic

-- very devout catholic -- better term. And, he understood, say, the principles of scripture and whatever. So, our attorney asked me, by pre-design, what I felt was some of the big issues. And I said, 'well, as a guy who deals with environmental ethics, and things of that nature, and philosophy, I think that this is largely a matter of the manifestation of the book of Genesis -- mans dominion over the earth.' And I said, 'this, to me, is not good dominion over the earth, when you would knowingly, and can stop the destruction of a species…'

**MM --** Right

**E"P"P –** First, I'm… remember now its 35 years ago. So, right away, the defense attorney… we were up against the biggest law firm in Nevada, hired by the state of Nevada and a huge developer, this guy jumps out of his chair 'your honor, I object! That has nothing to do with these proceedings.' The old judge turned around, with his half-glasses on like this, and he says 'Mister Lionel, objection overruled! That's probably the most significant thing we're going to hear in these proceedings.' And, hey, good, [laughter] you know, the referee's got the right rule book. [indecipherable – voices overlapping] So then, it was appealed then to the Ninth Circuit, in San Francisco. And they upheld the lower court decision. Then, because of the ramifications, of water in the West, which is a huge thing, of course, it then, I think it was petitioned by… the senators of, I think, all 11 western states, went to the Supreme Court. And they heard this in January of 1976. And their usual timing, six month later, in early June, they ruled in favor of the fish and the integrity of the habitat. But it wasn't argued so much on the fish, as it was on who owns water under federal land. It's the Winters Doctrine of Reserve Water Rights, was the legal thing there. And it says, okay, this is federal land. The federal government owns the water under the land, and you're not going to take it out of there until there is direction of the resource, without federal approval. And you're not going to get it in this case. So, that was probably, among several other things, one of the most significant things to happen in my career. Because of the ramifications of the whole thing, and being an integral part of it all.

**MM --** That's a great story.

**E"P"P --** It is. it's a great story.

**MM --** Well, we've got to stop there because I've only got two minutes left of tape.

**E"P"P --** Well, it's 'bout time you've got to take to see Rick anyways.