



# DEPARTMENT of the INTERIOR

## news release

OFFICE OF THE SECRETARY

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STATEMENT OF SECRETARY OF THE INTERIOR ON KESTERSON NATIONAL WILDLIFE REFUGE

Secretary of the Interior Don Hodel issued the following statement which he also authorized Carol Hallett, his Western Regional Representative, to issue at today's field hearing in Los Banos, California before the Water and Power Resources Subcommittee of the House Interior and Insular Affairs Committee:

Few water-related issues facing California have generated as much public attention and concern as has the agricultural drainage problem in the San Joaquin Valley. It is now common knowledge that the west side of the San Joaquin Valley has serious drainage and salt management problems.

The Department believes strongly that protection of public health is of paramount importance and that any threats to health must be dealt with swiftly and surely. The record is clear that the Department has proceeded expeditiously not only to begin finding solutions, but more importantly, to move immediately to protect the public health.

Based on our extensive monitoring and what we believe to have been responsible corrective actions, there have been no findings of immediate danger to public health or safety. We are continuing these actions, and if we do find an immediate danger, we will move expeditiously to protect public health and safety.

The Department also believes strongly that in addressing the issue it must act in full compliance with applicable State and Federal law. Policy level officials in Washington have concluded that because the hazing program at Kesterson has not proven to be as effective as was hoped and because of the prohibitions of the Migratory Bird Treaty Act (MBTA), immediate action must be taken. That act appears to create the possibility of a violation of criminal law without regard to intent or knowledge.

Therefore, the Secretary has instructed the Bureau of Reclamation and the Fish and Wildlife Service to begin the process of shutting down the Kesterson Reservoir. This process will result in plugging the San Luis Drain and stopping the delivery of irrigation water to lands which drain into the Reservoir. Also, we will begin the process of cleaning up the water and soil in the Kesterson Reservoir. The hazing program will continue at Kesterson. The comprehensive study program already initiated will continue.

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The Secretary also has instructed the Fish and Wildlife Service, the Bureau of Reclamation and the Solicitor to identify any other situations in California and elsewhere where continued irrigation or other Departmental actions may violate the Department's responsibilities under the MBTA. It is important we recognize the potential scope of the action which may be required by the MBTA.

The situation in which the Secretary finds himself demonstrates the conflict between our requirements to provide irrigation water through the Central Valley Project (CVP) to the San Joaquin Valley and the strict prohibitions against the taking of migratory waterfowl under the provisions of the MBTA.

Congress has charged the Secretary with carrying out the provisions of both of these statutes. The Secretary has concluded that his oath of office requires him to take these actions to insure that the laws are faithfully implemented.

Ultimately, Congress itself, which has created the legal environment and the conflict in mandates which the Secretary now faces, must take affirmative steps to establish priorities that guide him in the discharge of his responsibilities.

The Department also recognizes it has responsibilities to those with whom it has contracted for the delivery of irrigation water. Irrigated agriculture clearly is important to the economy of California and the Nation. We have been and we will continue to diligently seek scientific solutions to this issue. Given the currently available technology, the time required to implement a solution, and this criminal statute, we have no choice but to take this action. The Secretary remains committed to seeking a permanent solution.

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