



DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release: April 19, 1993

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BABBITT TELLS TEXAS TO MOVE ON EDWARDS AQUIFER MANAGEMENT; SAYS IT'S IN STATE'S INTEREST TO BEAT FEDS TO A SOLUTION

Interior Secretary Bruce Babbitt today provided a strong boost to Texas efforts to pass State legislation to manage the Edwards Aquifer. In addition to being the primary source of drinking water for San Antonio, the Edwards Aquifer provides critical habitat for several endangered species.

The boost came in a letter offering support for a proposal by the Texas Water Commission and warning of Federal actions, required under the Endangered Species Act, that would limit the State's options should the Texas legislature not pass the proposal. The letter was sent today to Governor Ann Richards, Lieutenant Governor Bob Bullock and Speaker Pete Laney.

"I'm thrilled that Secretary Babbitt has expressed his support on this," said Governor Richards. "And he has done it the right way. He is giving us room to manage for ourselves, but has underscored the possible Federal actions that may be taken if the legislature doesn't meet the challenge."

Legislation pending in the Texas legislature would create a new regional groundwater district to implement the management plan developed by the Texas Water Commission. The Commission, chaired by John Hall, has already proposed a management system for the Edwards Aquifer, but awaits authority to implement it. Secretary Babbitt's letter strongly implied that the proposal would help meet San Antonio's water needs while still protecting the endangered species that also thrive on the Edwards Aquifer.

"Based upon the hydrologic data available to us today, I support the Commission's plan, and believe it provides a fair and reasonable framework for managing the Edwards," Secretary Babbitt's letter said.

Secretary Babbitt said the plan "could provide a basis for the [U.S. Fish and Wildlife] Service's issuance of a permit pursuant to Section 10(a) of the Endangered Species Act." Such a permit provides approval for management of habitat to the extent that it allows incidental "take" of an endangered species without threat of prosecution or federal involvement.

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The Endangered Species Act prohibits "take" of endangered species, which includes killing, harming or harassing listed species and, in some cases, destroying their habitat. Incidental "take" is allowed with a permit under Section 10(a).

Such a permit "could give the State greater flexibility in the management of the Edwards Aquifer System," Secretary Babbitt's letter said. Without the permit, however, strong Federal intervention, in the form of civil and criminal enforcement actions, could come every time a single "take" occurs.

"When the water level of the Aquifer drops to the point where the species is harmed or habitat is modified," the Federal government may be required to step in and take actions, "which could include civil injunctions to stop pumping," Secretary Babbitt's letter said.

Last month, Secretary Babbitt toured the Edwards Aquifer region and met with Governor Richards, Senator Bob Krueger, Water Commissioner Hall, and San Antonio Mayor Nelson Wolf. At that time, Secretary Babbitt noted that the controversy in the region "is not really about the Endangered Species Act, it's about how a State manages one of its most precious resources."

Secretary Babbitt said today that the Act could be the ingredient required to forge local agreement on the management of the Aquifer.

"Without sound management, the Edwards Aquifer not only will fail to protect the endangered species, it will fail to meet the drinking water needs of San Antonio," Secretary Babbitt said today. "So decisions about its management will be made. They will be made sooner or later, and they will be made either by the people of this State or by the Federal government. My guess is that the people of Texas want this decision made now and they want it made by Texans."

The endangered species which rely on the Edwards Aquifer for critical habitat are the fountain darter, the San Marcos salamander, the Texas blind salamander, the San Marcos gambusia, and Texas wild rice.

The legislation referred to in Secretary Babbitt's letter is H.B. 1792 (Rep. Linebarger) and S.B. 1320 (Sen. Luna).

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Editors Note: letter attached