

New silvery minnow rules permit flexibility

By Olivier Uyttebrouck / Journal Staff Writer

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The endangered silvery minnow is the focus of a new management agreement. (Marla Brose/Journal) ALBUQUERQUE, N.M. — A new opinion issued by a federal agency in December gives Rio Grande water managers more flexibility about how to protect the endangered silvery minnow, removing some of the specific requirements contained in a 2003 plan it replaces.

The U.S. Fish and Wildlife Service issued the opinion after the agency and Rio Grande water managers agreed last year that the minnow is not in jeopardy of extinction.

The “no jeopardy” opinion acknowledges that some measures called for in the 2003 plan were not attained despite an expenditure of at least \$125 million for compliance measures.

David Gensler, water operations manager for the Middle Rio Grande Conservation District, calls the new opinion “a realistic biological approach” that sets population targets for the minnow and lets managers decide how to achieve them.

The Middle Rio Grande Conservancy District is the local agency in charge of the dams and irrigation canals that deliver river water to farmers.

The opinion “sets forth some biological conditions that they think are healthy for the species,” Gensler said Friday. U.S. Fish and Wildlife has “given us some leeway to create those conditions without too many constraints.”

Key among those conditions is a strong flow of water in the spring sufficient to overflow river banks, creating prime conditions for the 2-inch-long minnow to spawn in large numbers.

But the opinion doesn’t require water managers to achieve those optimal spawning conditions every year, Gensler said.

“The thing I think it does very well is it recognizes that natural conditions don’t always provide the spring pulses the fish has to have,” he said. “You don’t have to have a great spring runoff every year. It gives us some flexibility to manage flows.”

Water managers are still digesting the opinion to determine how best to fulfill the new requirements, Gensler said.

“It’s a substantial change from the kind of operating conditions we’ve been working under for the last 20 years,” he said.

The silvery minnow was listed as endangered in 1994.

In 1999, environmental groups filed a lawsuit that led to a series of agreements intended to put more water into the river for the fish beginning in 2003.

Drought conditions from 2011 to 2013 dried major portions of the Rio Grande, resulting in “extremely low silvery minnow numbers,” the opinion acknowledges. Gensler said minnow populations have rebounded to some extent since 2013.

A spokeswoman for WildEarth Guardians, a Santa Fe-based environmental group, called it premature to issue a no-jeopardy opinion for a species “at the brink of extinction.”

“They don’t manage for recovery,” said Jens Pelz, the group’s attorney. “They don’t even pretend to manage for recovery. They just manage to keep the species alive.”

WildEarth Guardians filed a 2014 lawsuit against two federal agencies, alleging they had failed “to secure dynamic and perennial flows for the Rio Grande” needed to protect the minnow.

The silvery minnow once was “one of the most abundant and widespread aquatic species in the entire Rio Grande,” thriving from Española to the Gulf of Mexico, according to the lawsuit, filed in U.S. District Court in Albuquerque.

The minnow has since been eradicated from 95 percent of its historical range and today occupies a 174-mile stretch of the river from Cochiti Dam to the headwaters of the Elephant Butte Reservoir.

The lawsuit remains in litigation. It names the U.S. Bureau of Reclamation and the U.S. Army Corps of Engineers.

The new opinion said water managers have learned since 2003 how to use water management techniques to benefit the silvery minnow and other species, as well as to protect their habitats.

The U.S. Bureau of Reclamation, working with pueblos and state and local agencies, has helped restore some 2,000 acres of riverside habitat to make it easier for the fish to spawn and survive in dry times.