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## Endangered minnow lawsuit settled after two years

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A U.S. Fish and Wildlife Service biologist holds a dead Rio Grande silvery minnow that was found in 2013 in the riverbed near Socorro.

Associated Press file photo

Thirty years after being declared endangered, the Rio Grande silvery minnow has reeled in an incremental victory.

Conservation group WildEarth Guardians, the U.S. Fish and Wildlife Service, the Bureau of Reclamation and the Middle Rio Grande Conservancy District reached a settlement Tuesday in a 2022 lawsuit that alleged violations of the Endangered Species Act.

A 2016 assessment, known as a biological opinion, on the impact of river management on threatened and endangered species was insufficient to ensure protection of the silvery minnow and other species that rely on the river, said Daniel Timmons, wild rivers program director for WildEarth Guardians.

Now, the groups will have to go back to the drawing board and come up with a new biological opinion by 2028, this time further taking into account climate change and the impact of a dry river on vulnerable species such as the silvery minnow and river-dwelling birds like the southwestern willow flycatcher and the yellow-billed cuckoo.

“We remain extremely concerned by the plight of the species,” Timmons said. “We’re encouraged by the conversations with the agencies and hope that there is a path forward to protect these species in a meaningful way and do it in a more collaborative way going forward ... finding a path to really restore a living Rio Grande.”

Requests for comment to the bureau, fish and wildlife service and the conservancy district about the impact of the settlement on their respective agencies were not immediately returned.

The silvery minnow was declared endangered in 1994. It's a boom-or-bust species, Timmons said, but while there have been a few good spawning years since 1994, there has been scant population growth.

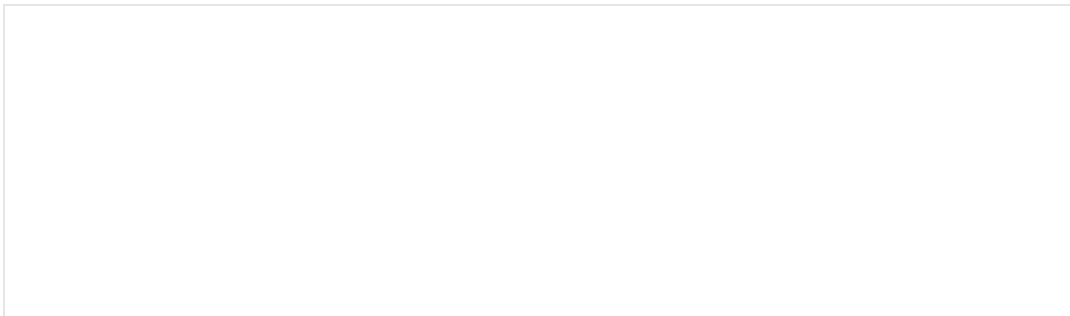
The 2016 biological opinion, which acknowledged proposed actions were likely to affect the silvery minnow and other species, mandated the density of the silvery minnow population not drop below 0.3 fish per 328-foot squared in two out of 15 years. The population is measured in October.

The population dropped below that threshold in 2018 and 2020, said Timmons, then again in 2021 and 2022, when historically low river flows caused the river to run dry in areas around Albuquerque. That should have automatically triggered a consultation process, Timmons said — but didn't.

The settlement agreement adds a public input process not typically seen for these type of assessments, Timmons said, which he hopes will help figure out “the path forward with the new knowledge we have from climate change and new opportunities to understand how to better balance human water uses and the needs of the Rio Grande ecosystem.”

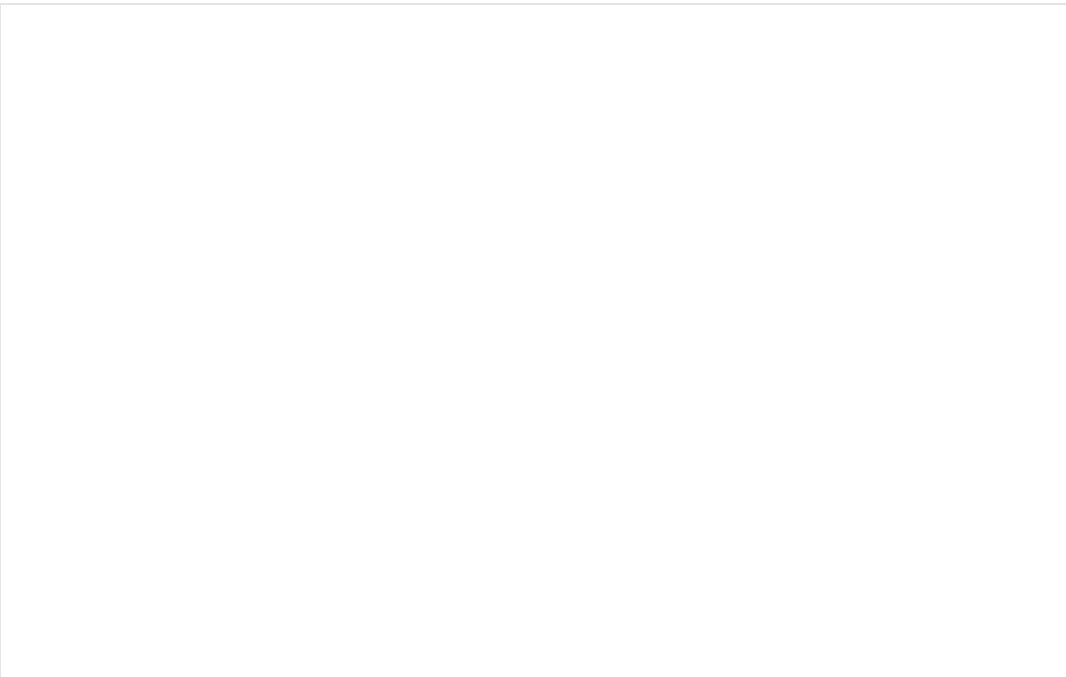
Going forward, Timmons said he would like to see the enforcement of flow requirements.

“There's got to be some point at which there isn't enough water in the river, and so collectively, we need to stop taking water out,” Timmons said.





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