



ENVIRONMENT & CLIMATE CHANGE

BRIEFS

Environmental group, feds and irrigation district reach settlement in silvery minnow suit

BY: DANIELLE PROKOP - NOVEMBER 21, 2024 5:01 AM





📷 Silvery minnows are placed in an oxygenated tank for transport upstream after being rescued in the San Acacia reach in June 2022. Fish who are rescued from pools have a much lower survival rate than fish pulled from running water. (Photo by Diana Cervantes for Source NM)

A big fight over a small, endangered fish that lives in the Rio Grande has come to a resolution, as a federal judge in New Mexico OK'd a settlement Tuesday proposed by the parties.

U.S. District of New Mexico Magistrate Judge Gregory Fouratt approved an agreement between WildEarth Guardians, an environmental and

conservation nonprofit based in Santa Fe, the U.S. Fish and Wildlife Service and a middle Rio Grande irrigation district.

The [deal](#) ends a [2022 lawsuit](#) brought by WildEarth Guardians alleging the federal government mismanaged the Rio Grande and promoted unsustainable water uses, which violated provisions of the Endangered Species Act to restore habitats for the silvery minnow and two other species.

The dual strains of climate change and human diversions for irrigation are contributing to the Rio Grande drying more frequently, especially the crucial stretch of river between Cochiti Dam and Elephant Butte, where silvery minnow live.

The 4-inch long minnow, is unlike most freshwater fish. Silvery minnow directly spawn into the water in the spring, and the fertilized eggs slip downstream, a method more common to marine fish. When the river was slower and shallower, the minnow was prolific along Rio Grande from Española to Gulf of Mexico. Federal and local irrigation projects straightened the river, making it deeper and faster, and built dams that prevented fish from moving freely in the river. Now, the short-lived fish is limited to one reach, which [dries almost completely each year](#). After years of population decline, the fish was named an endangered species in 1994.

Feds, irrigation district say keep your wheels off of the silvery minnow



A recent uptick in off-roading by trucks and other vehicles in the Rio Grande near

Belen has prompted the U.S. Fish and

The minnow holds an important role as an indicator of the Rio Grande's health, said Daniel Timmons, the wild rivers program director for Wild Earth Guardians.

“The Rio Grande through Albuquerque used to support sturgeon and catfish that were 200 pounds. And today, the river is barely able to support a 4-inch minnow,” he said. “If it's not able to support a minnow, it's not able to support the entire web of life.”

The settlement makes some immediate changes, such as outlining specific provisions of the the Middle Rio Grande Water Conservancy District to fallow 2,500-3,500 acres farmland for the next four years or offer imported Colorado River water to keep in the riverbed.

Other provisions, such as the agreement to start the process for new federal conservation measures – called a Biological Opinion – will take four years.

While the U.S. Fish and Wildlife Service will be “driving the bus” to produce a new Biological Opinion; there will be more opportunities for public comment as part of the agreement.

That's unusual, he said, adding that Biological Opinions are often made behind closed doors.

“I'm hopeful the agencies will be more transparent throughout the process and will be engaging the public to make sure it's more of a participatory process than it has been in the past,” Timmons said.

The federal government also agreed to pay \$41,000 for WildEarth Guardian's legal fees.

Currently, federal wildlife officials are going to continue using conservation measures from the 2016 Biological Opinion in the interim, said Debra Hill, a supervisory biologist for the U.S. Fish and Wildlife Service Rio Grande Basin.

One of the goals is to make the 87 conservation measures from the 2016 opinion less vague and more focused, she said.

The settlement shows that government agencies will have to work together to address creative solutions as the Rio Grande is expected to shrink further from climate change, she said.

“We are really going to have to figure out how to work with what is limited, and so it’s going to take working together as much as we can,” Hill said.

Hill called the minnow a “canary in a coal mine,” for life on the river.

“If we’re starting to see that a fish doesn’t have what it needs to survive in the Middle Rio Grande, we need to, as a society, realize that water is the same water that we rely on,” Hill said.



GET THE MORNING HEADLINES.

SUBSCRIBE



REPUBLISH

Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our website. AP and Getty images may not be republished. Please see our [republishing guidelines](#) for use of any other photos and graphics.



DANIELLE PROKOP

Danielle Prokop covers the environment and local government in Southern New Mexico for Source NM. Her coverage has delved into climate crisis on the Rio Grande, water litigation and health impacts from pollution. She is based in Las Cruces, New Mexico.

Source New Mexico is part of [States Newsroom](#), the nation's largest state-focused nonprofit news organization.

MORE FROM AUTHOR

RELATED NEWS



New Mexico agency seeks \$50M boost to insurance program as...

BY **PATRICK LOHMANN**
November 22, 2024



Members of U.S. Senate back disaster aid request amid...

BY **JENNIFER SHUTT**
November 21, 2024



Heinrich questions FEMA chief over delays for those who lost...

BY **PATRICK LOHMANN**
November 20, 2024

SCRAPPY INDEPENDENT JOURNALISM FOR YOU

[Democracy Toolkit](#) // [Register to vote online](#) | [Request an absentee ballot](#) | [Hit up your state legislator](#) | [Look up a bill](#)



© Source New Mexico, 2024
v1.62.2

ABOUT US

Come to Source NM for fresh reporting, insightful opinion and analysis from around the state. We're here to serve you. We're your resource.

We're part of [States Newsroom](#), the nation's largest state-focused nonprofit news organization.



Our stories may be republished online or in print under [Creative Commons license](#) CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our website. (See full [republishing guidelines](#).)

[DEIJ Policy](#) | [Ethics Policy](#) | [Privacy Policy](#)