

Drought in Southwest Fuels Dispute Over Protections for Silvery Minnow

Environmentalists Say Rio Grande Silvery Minnow Suffering as Colorado, New Mexico Siphon Off Too Much Water

By ANA CAMPOY
April 22, 2014



Conservationists look for eggs of the endangered Rio Grande silvery minnow in Albuquerque, N.M. The fish's numbers have declined sharply. *Rick Scibelli, Jr. for The Wall Street Journal*

As water managers in the Southwest parcel out the scarce commodity to cities and farmers in a prolonged drought, environmentalists are threatening to sue them for not leaving enough for a tiny fish called the Rio Grande silvery minnow.

WildEarth Guardians maintains that the minnow's numbers are dramatically shrinking because water users in Colorado and New Mexico are siphoning off too much water before it reaches the fish's main remaining habitat on the Rio Grande.

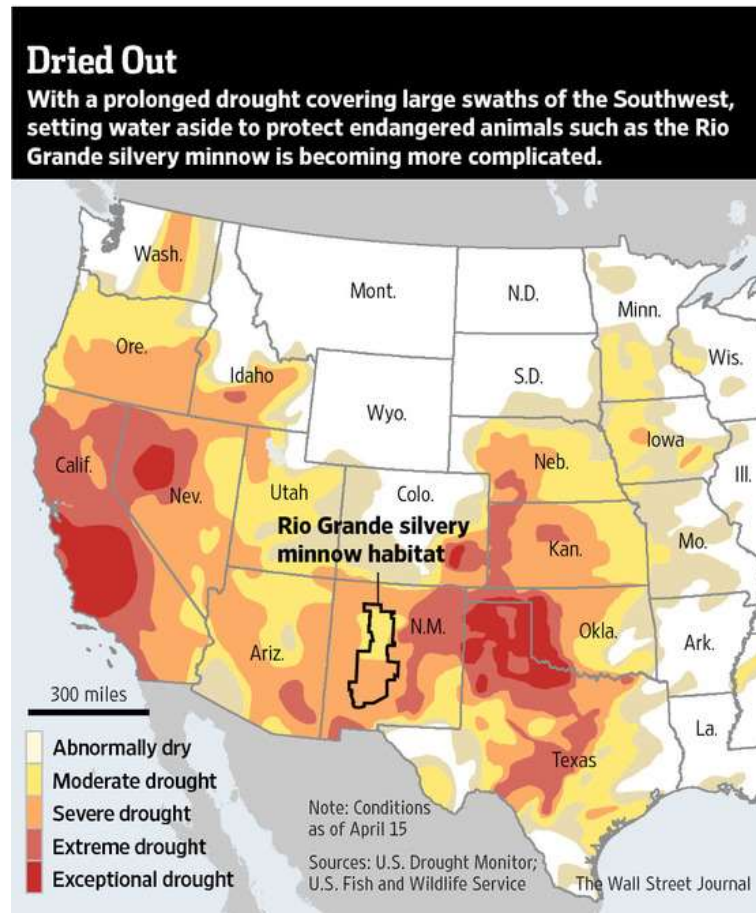
The Santa Fe, N.M., nonprofit group, which focuses on nature preservation in the West, notified federal and state agencies earlier this year that it intends to sue them to ensure better conditions for the minnow, which has been listed as an endangered species since 1994.

"Living in the Southwest, everyone knows that drought is imminent," said Jen Pelz, director of the group's wild rivers program. "There hasn't been any planning or foresight of how we make the system resilient for everyone, including the species."

Farmers upstream say they don't have a drop to spare, pointing to their idled fields. They fear their crops will suffer even more if water curbs are put in place to protect the fish.

The minnow dispute is one of many challenges federal and state officials face as they try to balance the legal rights of critters protected under the Endangered Species Act with the realities of the drought.

For decades, the legislation has generated fights about the preservation of animals. A dispute in the 1970s about another small fish, the snail darter, resulted in the delay in construction of a dam in Tennessee.



Last month, farmers in California protested a federal appeals court's decision upholding limits on water shipments to the drought-hit Central Valley to protect the delta smelt, a threatened fish under the Endangered Species Act. The limits were adopted after environmental groups sued federal authorities.

California farmers are expected to idle 800,000 acres due to the drought and environmental restrictions, according to the California Farm Water Coalition, a trade group in Sacramento.

The Texas Commission on Environmental Quality is fighting a federal-court ruling that ordered the agency to allocate water for endangered whooping cranes. A group of conservationists and coastal municipalities filed suit, saying state water managers contributed to several bird deaths by not sending enough fresh water downstream.

The Endangered Species Act, signed by President Richard Nixon in 1973, requires U.S. agencies to avoid spoiling ecosystems on which listed animals depend.

Amid the drought, endangered-species advocates are using the law to ensure overdrawn river systems contain sufficient water for wildlife. "It is nearly the only tool that works in many parts of the West," said Reed Benson, a University of New Mexico professor specializing in water law and the environment.

Such conflicts look certain to increase as the drought lingers. Many states don't require setting aside water for the environment, and in some places water rights exceed what rivers carry, meaning even human rights-holders aren't getting their share.

"People are loath to lose money to protect some animal or plant they don't care about," said David Cassuto, a law professor at Pace University in New York.

Some 70 miles from the Rio Grande's headwaters, upstream from the silvery minnow's habitat, Colorado farmers are feeling the drought. In the past few years, the river's flow has been about two thirds of its longtime average, according to the San Luis Valley Irrigation District.

"We've done what we can do to survive without the water we're used to," said Randall Palmgren, a barley and potato farmer and president of the district's board.

In February, WildEarth Guardians notified the U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation it planned to sue them for failing to prevent damage to the silvery minnow's habitat. The group also notified the Colorado Department of Natural Resources the previous month, saying its water distribution was harming the minnows.

The Colorado natural-resources department and the two federal agencies declined to comment. Mike Hamman, a Bureau of Reclamation manager in Albuquerque, said his office has taken steps to protect the fish, including leasing water to increase downstream flows, but can only do so much due to the dry conditions. "We did everything we possibly could for the benefit of the species under the resource constraints," he said.

Still, in the last three years there hasn't been sufficient water to trigger mass spawning. In October, service biologists found only three silvery minnows in a 120-mile stretch, down from thousands in previous years.