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Silvery minnow's future uncertain as dam talks collapse

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The Army Corps of Engineers has pulled out of talks with the U.S. Fish and Wildlife Service regarding the impact of Corps dams on the endangered Rio Grande silvery minnow.

The decision scrambles efforts to come up with a Rio Grande water operations plan for 2014 as local, state and federal water managers juggle the competing interests of water use for cities, farms and the environment.

In a Nov. 26 letter to the Fish and Wildlife Service, Corps Albuquerque District Commander Lt. Col. Antoinette Gant complained that the Corps was being lumped together with other water management agencies in efforts to solve the silvery minnow's problems, but "has largely been excluded from all discussions" related to upcoming policy decisions about water management and the fish. Because its flood control responsibilities are narrow, its obligations to help deal with the endangered minnow should similarly be constrained, Corps officials argue.

At issue is who among the river's water management agencies, especially the Corps, the U.S. Bureau of Reclamation and the Middle Rio Grande Conservancy District, bears what responsibility for the decline of the minnow and the habitat on which it depends.

The Corps and the Fish and Wildlife Service had been in formal consultation over an update to operating rules intended to protect the Corps from liability under the Endangered Species Act if Corps operations harmed any silvery minnows. The impact of the Corps' decision to abandon that consultation process leaves the question of future Corps liability for its impact on the minnow unclear.

"We've received the letter from the Corps very recently and we're reviewing it," said Fish and Wildlife Service spokeswoman Charna Lefton.

One key sticking point in talks among the water agencies is whether the Corps' Cochiti Dam can be used to store water to be released in a pulse that mimics spring flood flows in the bosque between the Rio Grande levees, something that environmental advocates say is critical and not only for the fish. "The cottonwoods are reliant on the floods just as much as the minnow is," said Jen Pelz, Wild Rivers Program director for the environmental group WildEarth Guardians.

Corps officials acknowledge the potential benefit of higher spring flows and the value of Cochiti Dam in making it happen but say the congressional authorization that allowed the dam to be built in the

first place allows it to be used only for flood control, not environmental purposes. “Cochiti’s a great place to do that,” said Kris Schafer, chief of planning for the Corps’ Albuquerque office, “but we don’t have the authority.”

At the heart of the argument is the question of Cochiti Dam’s impact on Rio Grande habitat for the silvery minnow. By altering the river’s flow beginning in the early 1970s, the dam has significantly reduced available habitat for the minnow. “We don’t question that,” Schafer said in an interview Monday. But the Corps’ legal position is that the dam’s existence is part of the “environmental baseline” in the valley and, as such, its impacts on the minnow are exempt from the Endangered Species Act.