

An Endangered Species Act lawsuit filed by the WildEarth Guardians (WEG) against the U.S. Bureau of Reclamation (BOR) and the U.S. Army Corps of Engineers alleging that those agencies were not consulting with regard to actions needed to avoid jeopardy to the Rio Grande Silvery Minnow (RGSM). A motion to dismiss by the agencies has been ruled upon by United States District Judge, Robert Brack.

The Middle Rio Grande Conservancy District (MRGCD) joined the lawsuit as an intervenor when WEG claimed in its suit that the BOR should be regulating the MRGCD when it came to water delivery to farmers in the middle Rio Grande valley.

“The Federal Judge in this case recognized that the Conservancy District is doing its job in accordance with all laws and regulations.” says MRGCD CEO/Chief Engineer Mike Hamman. “The District will continue to work with all partner agencies in an attempt to secure the future of the Minnow while continuing our mission of supplying water to our irrigators.”

Judge Brack also ruled that how Federal agencies exercise their discretion in developing a biological assessment with regard to species management of the RGSM was not something over which the Federal Court has jurisdiction. The result was to dismiss those aspects of the case having to do with delivery of water by the MRGCD to irrigators.

The judge did, however, refuse to dismiss those aspects of the case relating to actions of the Federal agencies in implementing an existing biological opinion from 2003. Those issues will likely be moot because a new biological opinion will be issued in early 2016. The judge also refused to dismiss WEG’s claims that the Corps of Engineers is violating the ESA by not consulting on its own water operations.

Read the full versions of the court ruling below.

[WEG vs USBOR, USACE, MRGCD - Document 69](#)

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