

Questions and Answers

Devils River Minnow Proposed Critical Habitat

February 2008

Why is the Devils River minnow listed as a threatened species?

Devils River minnow (*Dionda diabolii*) was federally listed as a threatened species in 1999. The historic range of this small fish once included Rio Grande tributary streams in Val Verde and Kinney counties, Texas, (Devils River, San Felipe, Sycamore, Pinto, and Las Moras creeks) and several streams in northern Mexico. However, the fish has been eliminated or reduced throughout much of its range. The primary threats to the species include habitat loss and degradation (water quantity and quality) and impacts from non-native species.



Devils River minnow. Photo by Garold Sneegas.

For more background information on the Devils River minnow, including links to the Recovery Plan and Federal Register listing documents, visit the website:

<http://ecos.fws.gov/speciesProfile/SpeciesReport.do?spcode=E03V>

What does “critical habitat” mean?

Critical habitat is a specific, legal term defined and used in the Endangered Species Act (Act). It is a defined geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management or protection.

For more information on what critical habitat is, download the Critical Habitat Fact Sheet online at: <http://www.fws.gov/endangered/listing/Critical%20Habitat.12.05.pdf>

Why are we considering critical habitat now?

We did not initially designate critical habitat when the Devils River minnow was listed in 1999. On October 5, 2005, the Forest Guardians, Center for Biological Diversity, and Save Our Springs Alliance filed a lawsuit against the Service for not designating critical habitat at the time of listing. The Service entered into a settlement agreement with the plaintiffs to reevaluate that determination by July 31, 2007. The Service agreed to publish a proposed area for designation at that time and complete a final determination for critical habitat by July 31, 2008.

How did the Service determine where critical habitat could be designated?

We considered proposing critical habitat for Devils River minnow in areas that: 1) were known to be occupied by the fish at the time of listing in 1999; 2) contain sufficient essential habitat features (i.e., the primary constituent elements); and 3) that may require special management considerations or protections. Portions of the Devils River (including tributaries of Dolan Creek and Phillips Creek) and San Felipe Creek met these criteria.

We also proposed critical habitat for a portion of Pinto Creek. Devils River minnow was not known to occur in Pinto Creek at the time of listing but since then the fish has been discovered there. Pinto Creek is part of their natural range and this area is considered essential to the conservation of the species and was also included in the proposed area for critical habitat.

What economic considerations will be given before an area is designated as critical habitat?

We conducted an economic analysis to estimate the projected costs of the proposed critical habitat, as well as all of the costs related to conservation of the species. We can decide to exclude areas from the critical habitat designation based on the economic analysis of the impacts of including each area in the designation. A draft economic analysis has been prepared and is available for review at <http://www.fws.gov/southwest/es/AustinTexas/>.

What features make up Devils River minnow habitat?

The Devils River minnow is only found in spring-fed streams with shallow to moderate depths, slow to moderate water velocity over gravel substrates, and in or nearby emergent or submerged vegetation or similar structure from stream bank vegetation that extends into the water. Based on laboratory observations, the species reproduces by releasing eggs that adhere within gravel and hatch as early as 2 weeks after deposition during the spring and summer. Clean, flowing water over gravel substrates with nearby vegetation are generally habitat features for the Devils River minnow.



Example of Devils River minnow habitat in Dolan Creek on The Nature Conservancy's Dolan Falls Preserve. Photo by USFWS.

How does critical habitat designation affect my private land?

Critical habitat may be designated on public or private land, but it only affects activities where Federal agencies are involved. Critical habitat designation has no impact on private actions on private lands. It does not create a requirement for specific land protection by non-Federal parties. The Devils River minnow occurs in streams primarily on non-Federal lands with little to no Federal agency involvement. Therefore, potential critical habitat designation is not likely to change most ongoing or planned activities.

The legal protections of critical habitat only apply during interagency consultation by Federal agencies under section 7 of the Act. Activities on lands that are funded, permitted or carried out by a Federal agency (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act) that may affect a listed species or critical habitat undergo additional review. Through this consultation, the Service advises Federal agencies whether the proposed actions would likely jeopardize the continued existence of the species or adversely modify its critical habitat.

What kind of information are we looking for?

- Specific information on the distribution and abundance of Devils River minnow and its habitats, and what features should be considered in a critical habitat designation.
- The reasons any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefit of designation will outweigh any threats to the species caused by designation.
- Land use designations and current or planned activities in or adjacent to the subject areas and their possible impacts on proposed critical habitat.
- Any foreseeable economic, national security or other potential impacts resulting from a proposed designation and, in particular, any impacts on small businesses.
- How the Service can provide for greater public participation and understanding of this process.

How would critical habitat affect other ongoing conservation efforts?

The Service and the Texas Parks and Wildlife Department have ongoing partnerships for conservation of the Devils River minnow. We are committed to maintaining and enhancing these partnerships. The Service can consider existing conservation and management plans for potential exclusion of areas from critical habitat. We will weigh the benefits of inclusion vs. the benefits of exclusion potential critical habitat areas and we may recommend excluding areas where conservation actions are planned or ongoing.

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