

Area lawmakers and oil, gas industry pleased lizard not on endangered list

June 13, 2012

By Trish Choate

WASHINGTON — The federal government decided not to list the dunes sagebrush lizard as an endangered species, much to the delight of the oil and gas industry, landowners and the Big Country congressional delegation.

Some environmental groups, however, were far from pleased by the decision announced Wednesday. The lizard lives in the Permian Basin, an area active with energy development in West Texas and southeastern New Mexico.

Environmentalists object to the same thing federal and Texas state officials and energy groups are rejoicing over: an unprecedented voluntary conservation plan with no means of enforcement.

Federal officials said they expect state governments in Texas and New Mexico, landowners and energy producers to carry through on their states' respective plans to conserve and restore the lizard's habitat. If not, the U.S. Fish & Wildlife Service can always move to list the lizard as an endangered species again.

Big Country Congressman Mike Conaway was among those leading



Associated Press file photo This undated file photo provided by the U.S. Fish and Wildlife Service shows a sand dune lizard in Chaves County, N.M. A contentious battle over the rare lizard found only in New Mexico and West Texas' oil and gas country has taken a surprising turn with federal officials deciding not to bestow endangered species protections on the small reptile. The decision was announced Wednesday.

the charge against the proposal to give the lizard protections extended under the Endangered Species Act.

"I am hopeful that in the future, Fish and Wildlife will look first to negotiate voluntary agreements with local communities rather than dictate blanket orders from Washington," Conaway, a Republican from Midland, said in a statement.

U.S. Sen. John Cornyn, a Texas Republican, also was opposed to the listing, but he was in the unusual position of praising a decision from President Barack Obama's administration.

"Today's decision shows the value for local input and due diligence when it comes to federal regulation," Cornyn said in a conference call.

Big Country Congressman Mac Thornberry, a Republican from Clarendon, also hailed the decision.

"It's one step toward common sense," Thornberry said. "In a lot of ways, even considering listing this lizard didn't even pass the laugh test."

The Texas Association of Business, Conaway, Cornyn and Congressman Randy Neugebauer, who represents Abilene, believed listing the tiny lizard as endangered would stand in the way of jobs in a down economy.

It would have negatively affected energy producers, farmers and ranchers, Neugebauer said in a statement.

"It could have devastated our local economy by severely limiting energy production and agricultural activities," Neugebauer said.

The Independent Petroleum Association of American commended oil and gas producers "for making the case to the administration that economic development and wildlife conservation can go hand in hand," a media release said.

The IPAA went on to tout environmental stewardship as a "fundamental pillar" for independent producers.

The Center for Biological Diversity disagreed with the Republican lawmakers and the IPAA while also rejecting the idea that protecting the lizard would affect jobs.

The environmental organization, which petitioned for the lizard's addition to the endangered species list, said the administration caved to pressure from the oil and gas industry.

"This decision by the Obama administration to toss aside the Endangered Species Act and bow to the wishes of the oil and gas industry is not only bad news for this rare lizard but sets a dangerous precedent for other declining species," Taylor McKinnon of the center said in a press release.

The lizards live in sand dunes, benefitting from shin-nery oak trees providing food, shade and a breeding ground, according to the center. The lizard buries itself in the cool sand to avoid predators and regulate its body temperature.

But oil and gas drilling, as well as ranchers using herbicide to get rid of shin-nery oak because it's toxic to cattle, have eaten into the lizard's habitat.

Conservation group WildEarth Guardians said the proposal to list the lizard has been the subject of manufactured controversy over jobs and the oil and gas industry.

"The lizard occupies a tiny patch of habitat in the basin," a WildEarth Guardians' statement said. "Oil and gas drilling would have been unaffected by conservation actions in more than 99 percent of the region if the lizard was listed."

Salazar said some environmental groups "may just want to keep the conflict going for conflict's sake."

On Wednesday, the theme was cooperation among business interests and state and federal governments.

Salazar said more than 650,000 acres – 88 percent – of the lizard's habitat will be protected under voluntary conservation plans drawn up with stakeholders in Texas and New Mexico.

"The choice between jobs and conservation is in fact a false choice," he said.

U.S. Fish & Wildlife Director Dan Ashe said federal officials determined the lizard is no longer in danger of extinction and unlikely to become endangered, based on an analysis of the conservation plans.

"There's clear evidence and compelling evidence that these cooperative conservation agreements are going to be effective," Ashe said in the conference call with Salazar.

The agreements aren't legally enforceable because the lizard isn't listed under the Endangered Species Act, he said. But there are written, contractual agreements federal officials will monitor.

"If they don't live up to the agreements, and we continue to lose the habitat for the dunes sagebrush lizard, then we can propose to list it under the Endangered Species Act," Ashe said.

In addition, more than \$800,000 for the Texas plan has been set aside for habitat restoration, Ashe said. The money comes from fees per acre paid by companies.

Some Texas Republicans are worried about the next battle over species that might be endangered.

"There's still other creatures that they are looking at that could affect our area," Thornberry said. "I think the Endangered Species Act either needs to be rewritten or repealed."