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Rare Lizard Is Protected, but Fails Endangered Test



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HOUSTON — Depending on whom you ask, and their political affiliation, a little lizard’s long-fought battle for protection ended Wednesday either in victory or defeat, or something in between.

Federal wildlife officials declined to protect the dunes sagebrush lizard as an endangered species, a move hailed as a victory for Texas elected officials and oil and gas executives who fought the proposal and asserted that the protected status was unwarranted and threatened jobs and oil and gas production.

The lizard is a small, spiny reptile that lives in southeastern New Mexico and West Texas, and had been listed as endangered by state officials in New Mexico. In 2010, the United States Fish and Wildlife Service began the process of listing the lizard under the federal Endangered Species Act because of threats to the lizard and its habitat from oil and gas development and the removal of a low-growing shrub called shinnery oak where the reptile makes its home.

The proposed listing outraged numerous Republican politicians in Texas and New Mexico, including Senator John Cornyn of Texas. Environmentalists, however, said claims that the lizard’s listing would bring oil and gas development to a halt were exaggerations that were part of a “Republican-fueled misinformation campaign.”

After “exhaustive analysis” by federal officials, Interior Secretary Ken Salazar announced Wednesday that voluntary conservation agreements would ensure the long-term survival of the species and its habitat, rather than federal protected status.

The conservation agreements — developed by the federal wildlife agency and the two states, and involving landowners and oil and gas producers, who pay a fee to participate — will protect 650,000 acres of the lizard’s habitat in the two states, or about 88 percent of its total habitat. The agreements will be monitored for compliance by federal officials and will finance restoration of damaged habitats.

Mr. Salazar said he was “100 percent confident” the agreements would be effective. If not, federal officials said, they would re-evaluate placing the lizard on the endangered list. Asked if he was bowing to the interests of the oil and gas industry, as some environmental activists suggested after the announcement, Mr. Salazar said he was not.

“My goal as secretary of the interior is to implement a 21st-century conservation agenda,” Mr. Salazar said. “And when I see in southeastern New Mexico and in northern Texas 650,000 acres-plus being placed into conservation, that’s a huge conservation victory. And when I see most of the lizard habitat being protected, it’s a huge conservation victory.”

The American Petroleum Institute, America’s Natural Gas Alliance and the Independent Petroleum Association of America applauded the decision, describing it as an example of the industry, states and the federal government working together. But at least two conservation groups, the Center for Biological Diversity

and the Texas chapter of the Sierra Club, said placing the fate of one of the country's most imperiled lizard species in the hands of voluntary agreements put it at greater risk.

"Today's decision was based on politics, not science," said Taylor McKinnon, public lands campaigns director for the Center for Biological Diversity, which is considering challenging the decision in court. "By caving to the oil and gas industry, the Obama administration is doing wrong by this rare lizard, it's ignoring science and it's setting a dangerous precedent for other declining species."