

## Fish and Wildlife Won't List Lizard

June 14, 2012  
Mella McEwen

Citing an unprecedented effort to conserve the habitat of the dunes sagebrush lizard, the U.S. Fish and Wildlife Service said Wednesday that it will not include the lizard under the Endangered Species Act.

Secretary of the Interior Ken Salazar said the decision was based largely on a conservation effort in New Mexico and West Texas that has seen 650,000 acres, or 88 percent of the lizard's habitat, enrolled in conservation agreements. It is an effort that was not only historic but should serve as a template for future efforts to conserve wildlife in other parts of the country, he said.

"Because of the unprecedented commitment to voluntary conservation that will ensure long-term conservation of the species and its habitat, we have determined the lizard is no longer in danger of extinction and not likely to become endangered in the near future," said Dan Ashe, director of the Fish and Wildlife Service.

Wednesday's announcement drew praise from area oil and gas operators.

"Today is a momentous day in the history of the U.S. and the Permian Basin," said Ben Shepperd, president of the Permian Basin Petroleum Association. "We applaud the actions of Secretary Salazar and Fish and Wildlife Director Ashe for their courageous and, we believe, correct decision not to list the dunes sagebrush lizard."

ConocoPhillips welcomed the decision.

"We are committed to protecting the environment that we share, which is why we participate in programs that encourage innovation and conservation like the voluntary conservation agreements now in place in New Mexico and Texas to protect the dunes sagebrush lizard," said spokeswoman Davy Kong. "Responsible

development of U.S. oil and gas resources creates jobs, promotes economic growth and improves U.S. energy security."

Shepperd said conservation initiatives and science played roles in the decision.

"As an industry comprised of scientists, we always look toward the best science and that includes conservation," he said. "We also continue to believe the best science showed the lizard does not warrant listing. The lizard is fine; its habitat is in good shape. Frankly, if the evidence had shown otherwise, it's likely the Fish and Wildlife Service would have listed the lizard."

The decision "is going to save jobs," said Doug Robinson, PBPA chair. "That was the primary focus of the PBPA -- to protect jobs, protect workers and yet do so in a manner that protects habitat."

The decision was criticized by some environmental groups, including the Center for Biological Diversity, which blasted what it called a Republican-fueled misinformation campaign exaggerating potential job losses and the reliance on voluntary conservation agreements.

"Today's decision was based on politics, not science," said Taylor McKinnon, with the center. "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."

"Biologically, there is no species more deserving of listing than the dunes sagebrush lizard," said Mark Salvo, wildlife program director for WildEarth Guardians. "We hope the species can persist without federal protection."

He said the lizard's habitat covers only a tiny patch of the Permian Basin, and if the reptile had been listed, oil and gas drilling would have been unaffected by conservation actions in more than 99 percent of the region.

Shepperd countered that criticism, saying, "We estimated the costs would be in the tens of billions in terms of lost energy recovery and economic impact."

If "we didn't see such a large potential impact, we wouldn't have fought the listing," Robison said. "The mere fact that a lot of money and a lot of time was spent on the issue is proof we saw a clear and present danger."

Sen. John Cornyn, who persuaded the Fish and Wildlife Service to delay a decision on the listing by six months, said that additional time gave Texans "who would be impacted the most the time they needed to gather compelling data that played a critical role in preventing the listing."

Last month's visit by Salazar and Ashe "no doubt" showed the real, dire consequences that listing the species would have had for Texans and the nation's energy production, he said.

The Environmental Defense Fund praised the decision as proof that working with landowners can pay big dividends for wildlife and keep species off the endangered list. "Over half of America's endangered wildlife depends on privately owned or managed land for their viability. That is why farmers, ranchers and landowners are essential allies in the effort to ensure that as our nation grows, we still have abundant wildlife populations to enjoy.

"Give them the tools and incentives -- like candidate conservation agreements -- and they will provide well-managed habitat at the scales needed today. The proactive approach embraced here by industry, landowners and the Fish and Wildlife Service is an important component in meeting the needs of our nation in a way that benefits wildlife, is cost effective and respects landowners," said David Festa, vice president of the organization's land, water and wildlife program.

Salazar called the choice between jobs and conservation "a false choice" and pointed to Wednesday's deci-

sion as an example of success achieved when people "set aside rhetoric and work together to accomplish a goal."

"I know oil and gas production is vital to that region's economy," said Salazar, who visited a well site in Andrews County located in the lizard's shinnery oak habitat last month. "This agreement will benefit the species but also makes economic sense to the energy industry and ranchers."

Texas Comptroller Susan Combs said she believes the lizard would have been listed if the conservation plan had not been so successful.

"Because of the unprecedented voluntary agreement -- the folks who signed up, their land covers 85 percent of the habitat in Texas and 70 percent of the finest quality habitat. A large amount was signed up after Salazar and Ashe visited the Permian Basin," she said. "The main point to take away is, before you regulate, analyze. A regulation without analysis is nonsense."

Texas Land Commissioner Jerry Patterson, while praising the decision not to list the lizard, sounded a note of caution. "Oil and gas production in the Permian Basin is safe from overreaching federal entanglements for now, but more work needs to be done to fix the Endangered Species Act. The lawsuit that prompted the proposed listing of the dunes sagebrush lizard also proposed listing more than 250 other species -- 21 of which live in Texas."

Robison noted that the lesser prairie chicken will be considered for listing beginning in September.

"Today, it's the dunes sagebrush lizard; tomorrow, it's another species to settle another lawsuit," Patterson said. "The real problem is how the Endangered Species Act is being abused."

Ashe expressed confidence the agreements in New Mexico and West Texas will be followed, saying there are mechanisms in place both for funding restoration and for monitoring conservation efforts. If those businesses that have signed the agreement "don't hold up their end and we continue to lose habitat, we can again propose listing the lizard under the Environmental Species Act," he said.

Said Salazar, "There is no doubt in my mind the agreement will be implemented. Operators know the Endangered Species Act still exists and moving forward with activity means protecting habitat."

What others said

Kirk Edwards, president of Las Colinas Energy Partners and former PBPA chairman, praised the efforts of operators, ranchers and officials from various county and government agencies. "It's great the government listened to everyone," he said.

State Sen. Kel Seliger said, "The decision was made by the service due to the sound science that proved a listing of the lizard was not imperative or prudent. I want to commend the oil and gas industry and West Texas landowners for taking this issue seriously and coming to the table with ideas and solutions."

Rep. Mike Conaway expressed hope that "in the future, Fish and Wildlife will look first to negotiate voluntary agreements with local communities rather than dictate blanket orders from Washington" and he vowed to continue pushing to improve the Endangered Species Act "so other communities across Texas and the country will not be forced to face the same uphill battle we did."