

Oil industry, Texas, NM focus on lizard habitat  
RAMIT PLUSHNICK-MASTI, Associated Press  
Updated 04:54 p.m., Wednesday, May 9, 2012

HOUSTON (AP) — The energy industry has made enough progress toward conserving a rare lizard's habitat in Texas and New Mexico that its efforts may help prevent the reptile from being listed as an endangered species, a designation that could harm oil drilling and ranching operations, federal officials said Wednesday.

About 95 percent of the dunes sagebrush lizard's habitat in New Mexico and more than 70 percent of it in West Texas are now under voluntary "conservation" contracts. The agreements mean ranchers, the energy industry and the states agree to avoid the habitat or pay a fee if they can't, Secretary of the Interior Ken Salazar said.

If the lizard is added to the endangered species list, its habitat would be protected under federal law from being disturbed in any way. The Department of the Interior and other parties involved in the listing will make a final decision about the lizard's fate in June.

Salazar and Dan Ashe, director of the U.S. Fish and Wildlife Service, believe that if the voluntary agreements are successful at conserving habitat and preventing the listing, it could serve as a template in other situations.

"I believe we saw the future today," Ashe told reporters on a conference call after touring a Conoco Phillips facility near Midland, Texas. "We can have oil and gas and energy development, and we can have habitat conservation."

However, both proponents and critics of the proposed endangered species listing blasted the conservation contracts. An environmental group contends the voluntary nature of the deals makes them flimsy, while an oil and gas industry lobbying group said the contracts are unnecessary because the lizard is not threatened.

The dunes sagebrush lizard, sometimes called the sand dune lizard, is a small, striped reptile that lives in a defined habitat in the Mescalero Sands area of New Mexico and part of West Texas. The lizard is so specialized it lives only in sand dune complexes that have shinnery oak, a low shrub-like tree.

Federal biologists have said the lizard has been threatened because its habitat has decreased or been fragmented by oil and gas development.

Jay Lininger, an ecologist at the Tucson, Ariz.-based Center for Biological Diversity, slammed the conservation agreements, saying the oil and gas industry would use them as a "get out of jail free card."

"There is nothing in the Texas conservation plan that will benefit the dunes sagebrush lizard," said Lininger, who is based in Albuquerque, N.M. "All of its nonbinding and voluntary measures are subject to operator discretion, unlimited discretion with no accountability."

Under the conservation agreements, operators have agreed to avoid lizard habitat and buffer areas in the future, and ranchers pledged not to spray in the region, Ashe said. If those moves are unavoidable, the operators would pay a fee into a fund that would be used to restore habitat, including the removal of invasive mesquite brush and oil and gas development paths and roads that have fragmented the habitat.

Salazar and Ashe did not say how much money violators of the agreements would have to pay, or who would collect the funds.

In New Mexico, nearly 30 oil and gas companies and almost 40 ranchers are participating in the program. In Texas, several oil companies and 19 ranchers have signed on.

The Permian Basin Petroleum Association, a trade association that represents the industry in New Mexico and West Texas, said the federal government visited the region Wednesday to "dangle a carrot" and tempt ranchers with the idea that if they cede "lands to federal control," the lizard wouldn't be listed as endangered.

The association said it does not oppose conservation supported by science.

"In this case, reputable science clearly indicates a conservation plan is uncalled for. The research finds resoundingly that the dunes sagebrush lizard is not threatened or endangered," it said in a statement.