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PBPA: Lizard lawsuit disappoints industry

Shepperd said common goals is to protect the environment

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The lawsuit, filed by the Center for Biological Diversity and Defenders of Wildlife, reaches back to 2002 when the center petitioned for the lizard's protection. In 2010, the U.S. Fish and Wildlife Service found the species warranted protection because of threats from oil and gas drilling and habitat destruction. The service denied the lizard's listing in 2012 after a conservation plan was established by then-Texas Comptroller Susan Combs.

The filing this week of a lawsuit compelling the Trump administration to list the dunes sagebrush lizard under the Endangered Species Act came as no surprise to officials in West Texas and New Mexico, home to the lizard.

"We're not surprised, but we're still disappointed," Ben Shepperd, president of the Permian Basin Petroleum Association, said in a phone interview. "The fact is, the industry has spent millions to protect the lizard."

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Both groups called that conservation plan inadequate, and the current comptroller, Glen Hegar, has rescinded it and is crafting a new plan.

"We are continuing to work with the U.S. Fish and Wildlife Service on how best to implement the Candidate Conservation Agreement with Assurances for the DSL," Kevin Lyons, spokesman for the Comptroller of Public Accounts, told the Reporter-Telegram by email. "The lawsuit filed by the conservation groups Tuesday does not affect our timetable and we hope to reach an agreement with the FWS on how to move forward soon."

The lizard's endangerment "is not entirely on the shoulders of the oil and gas industry," Michael Robinson, a senior conservation advocate at the center, said in a phone interview.

“Realistically, the creature has been in decline for a long time, before oil and gas drilling – due to herbicide use, for example. At some point there will be too few lizards to survive; there will be no habitat.”

He called the lizard “unique” and said its habitat – a combination of shinnery oak, dew grass and yucca found only in the sand dunes of West Texas and southeast New Mexico – is unique as well.

“It needs to get on the list, we need to get its habitat protected and then we can put together a long-term strategy,” Robinson said. “The most vulnerable creatures like this need protection now.”

Shepperd said the industry “will continue to do the right thing, which is to protect the environment and protect species. We’re not discouraged by these lawsuits. We hope our actions will lead to preventing the lizard’s listing again.”

Robinson stressed that the goal is not to put the industry out of business but instead work with the industry and regulators to protect the lizard.

“It’s important to have a floor for protection,” he said. “When the conservation plans were voluntary, some participated, some didn’t. Some did more than other participants. We need to make progress towards the lizard’s recovery. There’s a lot of room for cooperation with the industry.”

“We welcome the opportunity to work with the environmental community,” Shepperd said. “We share a common goal, which is to take care of the environment and species, including the human species.”

Like any successful plan, he said it should be revisited and revised from time to time, and industry representatives plan to help find ways to make the lizard conservation efforts more successful.

“We view the Permian Basin through a long-term lens, and we want to make sure we take care of the Permian Basin for a long time to come,” Shepperd said. “We’ve been given a gift and we want to take care of it.”