

# Albuquerque Journal

## Groups sue to protect sand dune lizard

By Theresa Davis / Journal Staff Writer  
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Two environmental groups are suing the U.S. Fish and Wildlife Service in an effort to protect the dunes sagebrush lizard, also known as the sand dune lizard, under the Endangered Species Act.

The Center for Biological Diversity and the Defenders of Wildlife filed a lawsuit in federal district court on Tuesday.

The small lizard only lives in southeast New Mexico and west Texas. It thrives in sand dunes and shrubs called shinnery oaks.

In May 2018, the groups asked Fish and Wildlife to list the species as threatened or endangered. The lawsuit argues the agency should have responded within 90 days with a decision as to whether the lizard and its habitat warrants protection.

“This is an animal that has adapted to a unique habitat,” said Michael Robinson, an advocate with the Center for Biological Diversity. “There’s nowhere else like it in the Southwest. We’re seeing the oil and gas industry damage this irreplaceable habitat of shinnery oaks and sand dunes.”

A Defenders of Wildlife study shows more than 1,600 acres of the lizard’s habitat had been destroyed in the 18 months prior to the petition to list the lizard.



The dunes sagebrush lizard is a small, light brown reptile found only in southeast New Mexico and west Texas. ALBUQUERQUE, N.M. — Two environmental groups are suing the U.S. Fish and Wildlife Service to protect the lizard’s habitat from oil and gas activity. (COURTESY U.S. Fish and Wildlife)

“What habitat remains has many threats, including herbicides, oil and gas development on public and private lands, and increased frac-sand mining operations,” Tuesday’s lawsuit reads.

Hydraulic fracturing (fracking) extracts oil and gas by blasting sand, water and trace amounts of chemicals into the ground. Fracking companies in the booming Permian Basin often mine sand for their operations from surrounding sand dunes.

In 2010, Fish and Wildlife found the lizard needed federal protection because industry was threatening its habitat. But after then-Texas Comptroller Susan Combs worked with the oil and gas industry to create a conservation plan, the agency backed away from listing the species.

The Center for Biological Diversity called that plan “hastily drafted” and “insufficient.”

In Dec. 2018, current Texas Comptroller Glenn Hegar rescinded the plan and announced a new plan was in development. Robinson said he is unaware if the new plan addresses frac sand mining, a practice he labeled a “growing threat” to the lizard.

“When Fish and Wildlife is required to designate critical habitat, you get increased attention and scientific funding to ensure recovery of a species,” he said. “People start paying attention. When that habitat is designated, the federal government is not allowed to issue permits that would adversely affect habitat on public or private land.”

The New Mexico Department of Game and Fish considers the lizard endangered. Game and Fish estimates that the lizard’s current fragmented habitat in New Mexico is less than 700 square miles.