



Industry, conservationists square off over West Texas lizard

Mike Lee, E&E News reporter

Published: Wednesday, July 24, 2019

State and federal officials, environmentalists, and the oil industry are gearing up for a second round in the fight over protections for a threatened lizard whose habitat lies square in the Permian Basin oil fields.

The dunes sagebrush lizard lives in sand dunes covered in scrubby oak trees known as shinnery in eastern New Mexico and West Texas.

The Fish and Wildlife Service says 40% of the lizard's habitat was lost between 1980 and 2010, and the agency has considered listing it as an endangered species, which would have limited development in the area.

The Texas comptroller's office, acting to protect the state's oil producers, worked out an agreement with the service to adopt a voluntary management plan in 2012 to protect the lizard's territory (E&E News PM, Aug. 19, 2013).

But in the intervening years, oil activity has skyrocketed, and the dunes have become the center of the oil field's sand-mining industry. The comptroller's office withdrew the plan last year and is working on a replacement.



Dunes sagebrush lizard.
Fish and Wildlife Service.

Conservation groups, including Defenders of Wildlife and the Center for Biological Diversity, say unique factors in Texas make it unlikely that any new state plan will fully protect the lizard.

Early versions of the state's replacement plan "still fell short in many ways," Jacob Malcolm, director of the Center for Conservation Innovation, said in a statement. "It seems very unlikely to be sufficient to conserve the species and to preclude listing."

The groups petitioned FWS last year to list the lizard as an endangered species and have given notice that they'll sue the agency within the next two months to force a decision.

That could set up a showdown with Texas' powerful oil industry, which relies heavily on sand to produce oil from the deep layers of shale in the Permian Basin.

In Texas, the lizards are found in the Monahans Sandhills, which encompass 287,000 acres in six counties near the New Mexico border. That area is adjacent to some of the most productive parts of the Permian Basin. Except for a 3,800-acre state park, the hills are on private land.

"Listing the species remains unwarranted and would shut down significant oil and natural gas production and activity, which is the intent of the groups filing this latest petition," the Texas Oil and Gas Association said in a statement last year. The association didn't respond to a request for comment yesterday.

Sand is a key ingredient in hydraulic fracturing, also known as fracking, the technique used to blast open oil-bearing formations. The sand is used to prop open the underground cracks; some producers use more than a ton of sand per lateral foot in their horizontal wells, which can run for 2 miles.

Historically, the sand has come from mines in Wisconsin and other Midwestern states, but many companies have switched to sand from the dunes in Texas because it's cheaper.

Since 2017, 16 sand mines have opened in the 20-by-40-mile area around the dunes, providing about 40% of the industry's frac sand, according to a report by the Meadows Center for Water and the Environment at Texas State University.

The conservation groups say in their petition that the state failed to account for sand mining in its original conservation plan. They also say the state used confidentiality laws to shield information about the program's participants from the public, making it hard to evaluate the effort's effectiveness.

And, the groups said, the split-estate land ownership that's common in oil-producing regions made it difficult to fully protect the area. Even if a surface owner agreed to the conservation plan, state law still gives the owners of underground minerals the right to build roads and drilling pads.

Those factors haven't changed, a spokesman for the state comptroller's office said.

Twitter: @mikeleefw Email: mlee@eenews.net