

Midland Reporter-Telegram

Conservation agreement for dunes sagebrush lizard up for public comment

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Permian Basin oil and gas producers and other interested parties are being urged to provide comments on a Candidate Conservation Agreement with Assurances to preserve the dunes sagebrush lizard by the U.S. Fish and Wildlife Service.

Comments are being received through Aug. 17. The document is available online at <https://www.fws.gov/southwest/es/AustinTexas/>. If ratified, Canyon Environmental LLC would serve as administrator.

The request for comments comes after the FWS completed a 90-day finding following a petition to list the lizard under the Endangered Species Act that finds the lizard may warrant listing. It also kicks off a year-long status review to determine the status of the animal.

“The Permian Basin Petroleum Association has been leading the fight against the environmentalists who continue to use every tool at their disposal to halt the development of America’s Oilfield, the



Photo: Courtesy Fish And Wildlife Service

Permian Basin,” Ben Shepperd, president of the PBPA, told the Reporter-Telegram by email. “One of their favorite tools is the Endangered Species Act. Since the U.S. Fish and Wildlife (USFW) decision last week that a dunes sagebrush lizard listing is warranted, we have been reviewing the draft Candidate Conservation Agreement with Assurances (CCAA) they released in their notice. There is a 30-day scoping period after which, the USFW will review the CCAA and then release another draft for public comment.

The latest version includes language designed to allow members of the sand mining industry to operate while undertaking conservation and mitigation efforts. It is our hope that these changes will help the USFW to determine that a final DSL listing is not warranted.

“Meanwhile, the PBPA continues our work to update the Range-Wide Plan for the Lesser Prairie Chicken,” Shepperd said. “Along with the USFW, we are working diligently with the Western Association of Fish and Wildlife Agencies (WAFWA) in a realignment effort designed to ensure that the LPC conservation efforts are durable and defensible. The environmentalists will continue their attacks on the Permian Basin oil and gas industry and the PBPA will continue to fight to protect our industry.”

Michael Robinson, senior conservation advocate with the Centers for Biological Diversity, which filed the petition with the FWS along with Defenders of Wildlife, told the Reporter-Telegram by email that federal protection is all that stands between the lizard, which he called unique, and extinction.

Found only in the Permian Basin of West Texas and New Mexico, the 3-inch lizard has historically possessed the second-smallest range of any

North American lizard and was identified as needing protection in 1982.

Robinson said the proposed CCAA “is not acceptable as a substitute for an endangered species listing. While the CCAA includes measures that would, if diligently implemented, slow the lizard’s trajectory toward extinction, it would allow significant habitat degradation to continue. Moreover, the objectives in the CCAA are aspirational and adherence to them would again be shielded from disclosure, meaning that what happens on the ground where the lizards live could end up being very different from what gets put in writing.

“The dunes sagebrush lizard has a narrow distribution in shinnery oak dunes that have been thoughtlessly degraded over the course of decades, leading to the lizard’s perilous plight today,” he said. “Because of its science-based requirements, the Endangered Species Act has been tremendously successful in preventing extinctions and in ensuring conservation of the ecosystems on which endangered species depend. The dunes sagebrush lizard now needs Endangered Species Act protection. Federal courts in the past have overturned decisions not to list species as Threatened or Endangered when solid science shows that they require such protection, and the Center for Biological Diversity will not stand by passively to enable any future politically-driven decision to obliterate this unique lizard.”

Following the scoping period, the Fish and Wildlife Agency’s draft Environmental Assessment will be developed, and once completed, will be made available to the public along with the CCAA and permit application for public comment.