



## Protections for Permian Basin lizard get another look

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The Fish and Wildlife Service today said federal protections “may be warranted” for the dunes sagebrush lizard, a species already much debated in Texas energy and political circles.

An initial 90-day review prompted by litigation showed there was “substantial scientific or commercial information” concerning potential threats from oil and gas operations, sand mining, and climate change, the agency reported.

“The petition also presented substantial information that the existing regulatory mechanisms may be inadequate to address impacts of these threats,” FWS stated.

The decision kicks off a yearlong status review, during which FWS will determine whether listing the dunes sagebrush lizard under the Endangered Species Act is not warranted, warranted or warranted but precluded by pending proposals.



The dunes sagebrush lizard. Steve Harbula/  
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At the same time, the agency said it will be reviewing a proposed new Candidate Conservation Agreement With Assurances (CCAA) giving landowners and industry the opportunity to adopt proactive conservation practices that address specific threats.

“Through careful planning, proactive conservation and implementation of a CCAA, voluntary conservation could reduce the need to list the species,” FWS said.

Defenders of Wildlife and the Center for Biological Diversity petitioned FWS to list the species as threatened or endangered in May 2018. The agency never acted, and the environmental groups sued (Greenwire, May 1).

In addition to listing the species, the environmentalists want critical habitat designated for the 3-inch-long lizard that inhabits the resource-rich Permian Basin in West Texas and New Mexico.

“Ants and small beetles may tremble at the sight of this lizard, but it’s been in the fight of its life against the behemoth oil and gas industry,” said Michael Robinson at the Center for Biological Diversity. “Federal protection is all that stands between the dunes sagebrush lizard and extinction.”

The dunes sagebrush lizard was previously proposed by FWS as an endangered species in 2010.

The agency declined to list the species in 2012 after approving a conservation plan prepared by Texas officials including then-Comptroller Susan Combs, who later joined the Trump administration’s Interior Department until stepping down earlier this year.

At one point, Combs noted the Permian Basin accounts for more than half of Texas’ total crude oil production and supports 47,000 oil- and gas-related jobs.

CCAAs in both Texas and New Mexico, combined with Bureau of Land Management measures, are supposed to protect the lizard.

CCAAs enable private property owners and industry to voluntarily preserve a species’ habitat in exchange for regulatory leeway if the species is eventually listed.

“These voluntary agreements also provide the regulatory assurance for operations such as ranching and oil and gas development which are the economic mainstay of the Permian Basin,” the Texas Oil and Gas Association declared in 2012.

An earlier legal challenge failed.

“FWS reasonably concluded that because of the conservation agreements and the efforts to mitigate habitat loss and reclaim habitat,” the threat of habitat loss “no longer warranted listing the lizard,” Judge Rudolph Contreras of the U.S. District Court for the District of Columbia wrote in 2014.

The petition, however, said that although the New Mexico CCAA seems to have “slowed the loss of the lizard’s habitat,” the prior Texas plan did not before the state formally withdrew it in late 2018.

“In just one year, over 1,000 acres of core [lizard] habitat and buffer have been lost to new mines, and the rate of loss is expected to accelerate as the construction phase of sand processing facilities is completed,” the petition said.