

BUREAU: U.S. Fish and Wildlife Service

ISSUE: Proposed Endangered Status for Dunes Sagebrush Lizard, New Mexico and Texas



Background:

The U.S. Fish and Wildlife Service (Service) has proposed to list the dunes sagebrush lizard as endangered under the Endangered Species Act (ESA). The Service found that the dunes sagebrush lizard is presently in danger of extinction throughout its entire range, based on the immediacy, severity, and scope of ongoing significant threats of habitat loss and fragmentation.

The dunes sagebrush lizard, found in southeastern New Mexico and in west Texas, is a small, light brown lizard with a snout-to-vent length of 2.6 to 2.8 inches. This lizard is a habitat specialist native to a small area of shinnery oak dunes extending from the San Juan Mesa in northeastern Chaves County, Roosevelt County, through eastern Eddy and southern Lea Counties in New Mexico. In Texas, the dunes sagebrush lizard is found in a narrow band of shinnery oak dunes in Gaines, Ward, Winkler, and Andrews counties.

Key Points:

In 2001 the Service determined that the dunes sagebrush lizard was warranted for listing but precluded by higher priorities. This finding was reviewed annually since 2001, as required by law, when the dunes sagebrush lizard was considered a candidate for listing.

The Service carefully assessed the best scientific information and other data available regarding threats to the species. Habitat loss and fragmentation due to oil and gas development is a factor discussed in the proposed rule. Cumulative threats are not being adequately addressed through existing regulatory mechanisms.

As a candidate species, the Service made it a priority to develop cooperative conservation agreements. In New Mexico, the Service and the Bureau of Land Management collaborated to develop a Candidate Conservation Agreement and Candidate Conservation Agreement with Assurances (CCA/CCAA) for the dunes sagebrush lizard. The CCA/CCAA includes the entire range of the dunes sagebrush lizard in New Mexico. These voluntary agreements have been in effect since December 2008; however, the Service is optimistic that with future enrollments these agreements can make a significant contribution to the dunes sagebrush lizard's conservation and provide assurances to landowners who have stepped up to assist in the conservation of the species. Although the dunes sagebrush lizard is proposed for listing, the Service encourages landowners, oil and gas operators, and ranching operators to participate in these conservation programs through September 2011. CCAAs have the benefit to landowners of providing certainty that, if a species is ultimately listed, the conservation commitments reflected in the CCAA will satisfy ESA compliance for the activities covered under the agreement, as long as the landowner continues to implement that actions they have voluntarily agreed to in the CCA/CCAA.

Current Status:

Due to high public and Congressional interest, the comment period will be re-opened and hearings will be held in both Roswell, New Mexico, and in Midland, Texas. Tentative dates for the public hearings are April 5, in New Mexico and April 6, in Texas. Depending on Federal Register publication, the dates for the public hearings may change.

A copy of the proposal and other information about the dunes sagebrush lizard is available online at <http://www.fws.gov/southwest/>.

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What are CCAs and CCAAs?

A: Candidate Conservation Agreements (CCAs) are voluntary conservation agreements between the Service and one or more public or private parties. The Service works with its partners to identify threats to candidate species, plan the measures needed to address the threats and conserve these species, identify willing landowners, develop agreements, and design and implement conservation measures and monitor their effectiveness.

Candidate Conservation Agreement with Assurances (CCAAs) expand on the success of traditional CCAs by providing non-Federal landowners with additional incentives for engaging in voluntary proactive conservation through assurances that limit future conservation obligations. The CCAA program was developed to address landowner concerns about conserving a species that may become listed and then being faced with potential increased regulatory implications of having a listed species on their land. The CCAA program specifically targets non-Federal landowners and provides them with the assurance that if they implement various conservation activities, they will not be subject to additional restrictions if the species becomes listed under the ESA. These assurances are only available to non-Federal entities for actions on non-Federal lands.

The Service commends the success of Candidate Conservation Agreements (CCA) and Candidate Conservation Agreements with Assurances (CCAAs) for the dunes sagebrush lizard (also known as the Sand Dune Lizard) and the lesser prairie-chicken. We believe these agreements are producing results and strongly encourage the continued voluntary participation in these agreements. The collaborative approach between the Service and Bureau of Land Management to develop these umbrella agreements (signed in 2008) allows both private land owners and operators, such as ranchers and oil and gas companies, to participate in the conservation of these two species on both Federal and non-Federal lands.

The Service will continue to fully support the use and application of CCAs and CCAAs. However, all decisions will be based on applicable statutory requirements. At times, statutory deadlines such as those under the Endangered Species Act will require the Service to take action on specific timelines.