

Texas Oil Industry Trying to Save a Threatened Species

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The powerful Texas oil and gas industry is making new efforts to save the threatened dunes sagebrush lizard. The three-inch lizard makes its home in West Texas and southeastern New Mexico, where there is an unprecedented push to unlock crude oil from tight formations using hydraulic fracturing.

Last year, environmental groups petitioned the U.S. Fish and Wildlife Service (USFWS) to list the lizard as endangered and entitled to protection under the Endangered Species Act (ESA). Texas state officials and oil interests have been concerned that listing would put a major obstacle in their effort to use hydraulic fracturing to unlock more hydrocarbons from the Permian Basin, historically the nation's largest oil patch.

Opponents of an ESA listing are now out to prove that they can protect the lizard, through a unique arrangement with the USFWS, putting oil companies and state revenue collectors in the business of species conservation. Texas officials hope that this unique arrangement, credited to efforts by Texas A&M University and the state comptroller's office, could serve as a model of success. If it works for the lizard, that success could influence debate over another species living in oil country—the lesser prairie chicken that lives in the Texas Panhandle.

Last week was the deadline for public comments on a proposal to list that lesser prairie chicken species as threatened under the ESA. According to press reports, some lesser prairie chicken range states are hoping to prevent such a listing with their own conservation plans.

But some environmentalists claim to see serious conflict of interests in the dunes sagebrush lizard arrangement. Other groups are now suing USFWS to force it to list the dunes sagebrush lizard on the ESA protected list and thwart the voluntary conservation efforts. That litigation is in the discovery phase now. As a next step, the USFWS must turn over its records on the case to the plaintiffs this week by order of a federal district court in Washington, DC, so no immediate court action is expected.

In the meantime, some environmentalists are denouncing the voluntary conservation agreements because such measures “are not enough assurance that this lizard is going to be adequately protected.” Where the oil industry, Texas A&M, and the state controller see promise, some environmental advocates see corruption that is not going to save the species.

Meanwhile, backers of the Texas Conservation Plan are pleading for patience, urging critics to give them more time to prove that the plan can work. In less than two years, the organization formed to oversee the plan, the Texas Habitat Conservation Foundation (THCF), has enrolled 110,000 acres of potential habitat so far, and 250,000 acres when buffer zones are included. THCF is working to sign up as many companies and landowners as it can to further ensure the survival of both the species and the foundation's mission. So far, it has 10 participating companies.

But environmentalists believe in the ESA mission and continue to underscore the premise under which it was initially drafted. There are countless examples of biomedical discoveries and breakthroughs made possible by studying the genetic material of plant and animal species. Though extinction is a natural process, the ESA seeks to minimize human-caused extinctions on the principle of protecting possible genetic material for future generations. What seems to be only a lizard today might be the key to better medicines tomorrow.

Once again, the perfect is the enemy of the good. Stay tuned.