A MEMORIAL


WHEREAS, the federal Endangered Species Act of 1973 and regulations promulgated to implement that act allow for the periodic review of species for inclusion under the act; and

WHEREAS, the United States fish and wildlife service claims that listing the dunes sagebrush lizard as endangered is warranted; and

WHEREAS, the United States fish and wildlife service is in the process of making a listing determination for the dunes sagebrush lizard by December 2011; and

WHEREAS, during the last decade, the state of New Mexico, in cooperation with the United States bureau of land...
management, the United States fish and wildlife service and the
private sector, has initiated numerous proactive measures to
preserve the dunes sagebrush lizard and its habitat in
southeastern New Mexico; and

WHEREAS, the bureau of land management has withdrawn the
habitat from future oil and gas production to supposedly
eliminate threats to the dunes sagebrush lizard on lands that
the bureau of land management controls through a resource
management plan; and

WHEREAS, there is incomplete, inaccurate and conflicting
data cited in support of the listing of the dunes sagebrush
lizard; and

WHEREAS, cooperators have entered into voluntary candidate
conservation agreements and candidate conservation agreements
with assurances that cover significant portions of the dunes
sagebrush lizard's range; and

WHEREAS, these candidate conservation agreements and
candidate conservation agreements with assurances include
mandatory conservation and mitigation measures to avoid and
mitigate the impacts on the dunes sagebrush lizard and its
habitat; and

WHEREAS, private industry within the dunes sagebrush
lizard habitat, including both oil and gas industries and
livestock operators, have contributed over one million dollars
($1,000,000) for the monitoring and study of the dunes
sagebrush lizard and for the study of and protection of the
habitat for this species; and

WHEREAS, a similar effort is underway in west Texas for
proactively protecting the dunes sagebrush lizard through
candidate conservation agreements with assurances; and

WHEREAS, the combination of these conservation efforts has
protected or will protect the majority of the dunes sagebrush
lizard habitats both in New Mexico and west Texas without an
endangered species listing; and

WHEREAS, the listing of the dunes sagebrush lizard as
threatened or endangered will, at a minimum, delay or even
curtail livestock grazing and oil and gas development in
southeastern New Mexico with a significant adverse impact to
the economy of southeastern New Mexico and to the income that
the state of New Mexico receives from taxes, rents and
royalties associated with these industries; and

WHEREAS, the United States fish and wildlife service has
adequate documentation showing that the threats to the dunes
sagebrush lizard have been adequately mitigated;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that, for a period
of at least one year, the United States fish and wildlife
service be requested to delay a listing decision to allow for
such additional reduction of threats as deemed necessary across
the dune sagebrush lizard's range so as to find a listing of
threatened or endangered unwarranted; and

BE IT FURTHER RESOLVED that the United States fish and
wildlife service be requested to consider the proactive work
within the state of New Mexico and make a listing decision for
the New Mexico portion of the dunes sagebrush lizard habitat,
independent of the factors threatening the species in Texas;
and

BE IT FURTHER RESOLVED that copies of this memorial be
transmitted to the director of the United States fish and
wildlife service, the secretary of the interior and the members
of the New Mexico congressional delegation.

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