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HOUSE MEMORIAL 2

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2011

INTRODUCED BY

Paul C. Bandy

A MEMORIAL

REQUESTING THE UNITED STATES FISH AND WILDLIFE SERVICE TO DELAY
A DECISION ON LISTING THE DUNES SAGEBRUSH LIZARD UNDER THE
FEDERAL ENDANGERED SPECIES ACT OF 1973.

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

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1 management, the United States fish and wildlife service and the
2 private sector, has initiated numerous proactive measures to
3 preserve the dunes sagebrush lizard and its habitat in
4 southeastern New Mexico; and

5 WHEREAS, the bureau of land management has withdrawn the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

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

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

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

22 WHEREAS, private industry within the dunes sagebrush
23 lizard habitat, including both oil and gas industries and
24 livestock operators, have contributed over one million dollars
25 (\$1,000,000) for the monitoring and study of the dunes

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1 sagebrush lizard and for the study of and protection of the
2 habitat for this species; and

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

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

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

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

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

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1 threatened or endangered unwarranted; and

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

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