

## Frequently Asked Questions

### FWS NOA Draft Environmental Assessment on an Application for an Enhancement of Survival Permit for the Dunes Sagebrush Lizard in Texas

**Q – What action is the Service taking?**

A – The Service is making available in the Federal register the draft Environmental Assessment (dEA) on an application for an enhancement of survival permit under Section 10(a)(1)(A) of the Endangered Species Act (Act) of 1973, as amended, for the dunes sagebrush lizard (*Sceloporus arenicolus*)(DSL).

**Q – What is a dunes sagebrush lizard and where is it found?**

A - The dunes sagebrush lizard (lizard) is a small, light brown lizard found in southeastern New Mexico and adjacent west Texas. 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, habitat is found in a narrow band of shinnery oak dunes in Gaines, Ward, Winkler, and Andrews Counties, with lizard occurrences in Andrews and Winkler Counties.

**Q – Who submitted the application?**

A - The application was submitted by The Texas Comptroller of Public Accounts (TX CPA).

**Q – If approved will this permit benefit the dunes sagebrush lizard?**

A - The permit application includes the draft Dunes Sagebrush Lizard Texas Conservation Plan (TX CP DSL) that will function as a Candidate Conservation Agreement with Assurances (CCAA) between the Service and TX CPA for the dunes sagebrush lizard (DSL) throughout its range in Texas. The proposed CCAA would be in effect for 30 years in west and northwest Texas. This area constitutes the CCAA's Planning Area, with Covered Areas being private lands and state trust lands that provide suitable habitat or are being improved or restored to provide suitable habitat for the DSL. The Applicant proposes to implement conservation measures for the DSL by removing threats to the survival of these species and protecting their habitat. If the DSL becomes listed in the future, the draft TX CP DSL may also act as a Habitat Conservation Plan (HCP) in support of future applications for incidental take permits under the ESA.

**Q - What are CCAs and CCAAs?**

A - 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, develop the measures needed to address the threats and conserve the species, identify willing landowners, develop agreements, and implements and monitors the effectiveness of the conservation actions.

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. This tool was developed to address landowner concerns about conserving a species that may become listed, such as the lizard, and then being faced with potential increased regulatory restrictions. This program provides assurances to private

landowners that if they implement the conservation measures outlined in the CCAA, they will not be subject to additional restrictions if the species becomes listed under the Act.

**Q. Why are the conservation efforts undertaken in the CCA/CCAA not enough to prevent the lizard from being listing?**

**A.** The Service determined that the lizard was warranted for listing in 2001 and reviewed and confirmed that finding annually, as published in our annual Candidate Notice of Reviews. The Act states that the determination to list a species must be made *solely* on the basis of the best scientific and commercial data available and an analysis of the factors outlined above. The Service is required by the Act to demonstrate that we are making expeditious progress to add candidate species to the list. The Service's intent to write a proposed rule to list the lizard when funding became available was communicated during stakeholder and public meetings held during the development of the CCA/CCAA. The Service cannot guarantee listing will never be necessary for a candidate species.

**Q – Will I be able to review the permit and submit comments?**

**A –** Yes. The draft TX CP DSL and the dEA are available for public review and comment on the potential issuance of the above permits. The comment period runs for 60 days and all comments must be received by **XXXX**. To review the application, the draft TX CP DSL, the draft EA, or other related documents, learn how to obtain copies or submit comments, visit the Service's web site at <http://www.fws.gov/southwest> and click on the lizard in the right column.