

October 2, 2023

Submitted via Federal eRulemaking Portal: <http://www.regulations.gov>

Amy Lueders
Regional Director
U.S. Fish & Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103-1306

Shawn Sartorius
Field Supervisor
U.S. Fish & Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87113

Public Comments Processing
Attn: FWS-R2-ES-2022-0162
U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: U.S. Fish and Wildlife Service Dunes Sagebrush Lizard 12-Month Finding and Proposed Rule, 88 Fed. Reg. 42661 (July 3, 2023) Docket No. FWS-R2-ES-2022-0162

Dear Ms. Lueders and Mr. Sartorius,

The Energy Workforce & Technology Council appreciates the opportunity from the U.S. Fish and Wildlife Service (FWS) to comment on the Endangered Species Act status for the Dunes Sagebrush Lizard (DSL) 88 Fed. Reg. 42661, draft rule proposed on July 3, 2023.

The Energy Workforce & Technology Council is the national trade association for the energy services and technology sector representing over 370 member companies and 650,000 workers in the United States. Like the rest of the energy sector, the companies that comprise our membership are diverse in size, scope, and governance models. Our members represent the spectrum from private sole proprietorships to publicly held companies with thousands of employees.

A majority of Energy Workforce's member companies conduct operations on public and private lands within the regions of New Mexico and Texas that encompass the dunes sagebrush lizard and its habitat. Energy Workforce and its members possess a strong stake in the conservation of the DSL and the current proposal for its listing. This Proposed Rule has the potential to exert a substantial influence on the business planning and operations of Energy Workforce's members, potentially impacting operational expenses, project timelines, and areas of operation.

It is our opinion that FWS does not supply adequate data to support the listing of the DSL as an endangered species.

FWS cites frac sand mining as a major threat to the DSL habitat, when in fact, the footprint of frac sand mines in the Permian is extremely small compared to the entirety of the DSL habitat identified by FWS. In Texas, these mines collectively cover approximately 8.5 square miles of land, and FWS does not cite any specific data identifying direct impacts of these operations on the DSL habitat. Additionally, FWS does not cite any decline in population of the DSL that would support any new conclusion differing from FWS's 2012 decision not to list the DSL as an endangered species.

The lack of data alone is sufficient to warrant a withdraw of the proposal to list the DSL as an endangered species, but additionally, FWS ignores the current conservation agreements in place that have successfully ensured the conservation of the DSL habitat. Industry has worked with regulators through conservation agreements to ensure adequate conservation of the DSL habitat in relation to industry operations in the Permian.

The voluntary conservation agreements aimed at safeguarding the habitat of this species have proven highly effective. As of 2022, New Mexico alone has seen over 1.9 million acres of land enrolled in the Candidate Conservation Agreement. Additionally, within the oil and gas sector, another 2.23 million acres have been designated as a protected habitat for the DSL under the safe harbor framework. These agreements reflect the industry's voluntary commitment to implementing practices that mitigate or eliminate threats to the lizard.

Disregarding the current conservation efforts and lack of data to support a DSL endangered species designation would significantly impact oil and gas development in the region that would have a ripple effect across the world.

The Permian Basin produces more than 164.8 million barrels of oil and 651 billion cubic feet of natural gas each month. According to the Federal Reserve Bank of Dallas, this production contributes to almost 40 percent of the total oil production in the United States and nearly 15 percent of its natural gas production. Undoubtedly, it represents the world's largest and most dependable energy source.

The national security implications of maintaining this dependable energy supply cannot be emphasized enough, and its economic significance continues to be a substantial asset to both the Texas and overall U.S. economy. The Permian Basin directly employs more than 88,000 individuals within the oil and gas industry, representing an increase of over 43,000 since 2009. Indirect employment associated with the Permian Basin reaches nearly 500,000, and the economic impact of this region is on an upward trajectory. Projections indicate that by 2050, the Permian Basin is expected to generate approximately \$260 billion in gross product and support over 1,000,000 jobs.

The inclusion of the Dunes Sagebrush Lizard on the endangered species list will not only diminish production and development prospects within our thriving energy industry but also jeopardize jobs in the region and encroach upon private property rights, with no certain benefit to the conservation of the DSL and its habitat. We encourage FWS to continue to work with industry in the region on meaningful conservation efforts, and drop this unnecessary political maneuver clearly targeted at oil and gas production in the region.

Thank you for your consideration, and Energy Workforce looks forward to engaging with FWS as this proposed rule is reviewed.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Tarpley", with a stylized flourish at the end.

Tim Tarpley
President
Energy Workforce & Technology Council