



United States Department of the Interior

FISH AND WILDLIFE SERVICE
10711 Burnet Road, Suite 200
Austin, Texas 78758



Bernard Barcena, Jr.
Chairman
Lipan Apache Tribe of Texas
P.O. Box 5218
McAllen, TX 78502

Dear Honorable Chairman Barcena:

Based on your Tribe's status as a sovereign nation and in keeping with our trust responsibility, please accept this letter as our request for your input on species status assessments (SSAs) for the Plateau spot-tailed earless lizard (*Holbrookia lacerata*) and the Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*) under the Endangered Species Act of 1973 (Act). The purpose of the SSA is to provide information about these species' viability to inform our decision about listing it under the Act. Based on the SSA we will publish a "12-month finding" in 2022, which will state whether listing is warranted and, if so, followed by a proposed listing and critical habitat rule.

Based on cultural claims maps, the distribution of these species overlaps areas that may be of interest to your Tribe. The Plateau spot-tailed earless lizard has recently been found across the Edwards Plateau: northwest of the Balcones Escarpment, east of the Pecos River, and south of the Colorado River. The Tamaulipan spot-tailed earless lizard has recently been found in the area near Del Rio and Corpus Christi, Texas. Its historical distribution includes a large portion of central and southern Texas in the United States and parts of northern Coahuila, Nuevo León, and Tamaulipas in Mexico (Figure 1).

At your request, we are available to meet with you to learn how your Tribe may be affected by the status of this species under the Act; share information we have about this species and the SSA and listing processes; describe the information we are seeking; and discuss how Tribal information, comments, and expertise may be used in the SSA.

To ensure a comprehensive SSA, new information we seek about this species includes:

- (1) Historical and current status, range, distribution, and population size, including the locations of any additional populations;
- (2) Life history, ecology, and habitat use;
- (3) Conservation actions that may benefit this species and its habitats; and,
- (4) Stressors to this species and its habitat.

The Plateau spot-tailed earless lizard is a small, light-brown lizard with darker, serrated body blotches along its back and sides forming two rows of crosswise bands (Figures 2 and 4).

Blotches are also present on the legs and tail. The underside of the tail has an average of 4 (0-10) black spots. Breeding females become greenish-yellow; breeding females and some males develop a red-orange pattern on their throat and neck. The Tamaulipan spot-tailed earless lizard is similar in appearance to the Plateau spot-tailed earless lizard (Figure 3). It is slightly larger, has an average of 5 (1-10) black spots on the underside of the tail, and its blotches are more circular than those of the Plateau spot-tailed earless lizard. Breeding females become greenish-yellow but not orange.

Both species seem to prefer lands that were historically grassland and shrub habitats characterized by frequent disturbance. They are found today in open habitat, where patchy vegetation is interspersed with bare ground. It is often seen along roadsides and near agricultural fields, although these land cover types are not suspected to be ideal habitat for either species. Stressors impacting the viability of these lizards include the present or threatened destruction, modification or curtailment of its habitat or range; disease or predation; inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its existence.

To encourage meaningful participation in the SSA, please accept this letter as our request for information, including traditional ecological knowledge, and comments, and to work with your staff and other Tribal experts. In keeping with our trust responsibility, we shall protect to the maximum extent practicable, Tribal information that has been disclosed to or collected by us. However, please be aware that any information kept in our files is subject to public disclosure under specific circumstances (e.g., through a Freedom of Information Act request). Please let us know if there are any other considerations for safeguarding sensitive Tribal information. If the Tribe prefers to maintain certain information exclusively in your files, we would like to explore options for reviewing and referencing that information in our final SSA report.

If listing is warranted for the Plateau spot-tailed earless lizard or the Tamaulipan spot-tailed earless lizard, we will also consider whether to designate critical habitat. Critical habitat identifies the geographical areas containing features essential for the conservation of a threatened or endangered species, and that may require special management considerations or protection. A designation may also include other geographical areas determined to be essential for the conservation of the species. Tribal management is an important consideration in the critical habitat designation process. For example, if a Tribe has a management plan that provides special management consideration and protection for species and their habitats on Tribal lands, we may consider excluding those tribal lands from critical habitat designation.

In accordance with Secretarial Order 3206 (Order) and the Service's Native American Policy, we consult with Indian Tribes when actions taken under authority of the ESA may affect Indian lands, Tribal trust resources, or the exercise of American Indian Tribal rights, as defined in the Order. We recognize your inherent powers to make and enforce laws and to manage and control your natural resources. It is our goal to support this authority and maintain good working relationships with all Native American Tribes.

We will provide a public notification of our 12-month finding in the Federal Register. Any future proposed rulemakings will include an opportunity for public review and comment. At this time, we expect the 12-month finding notification will be delivered to the Federal Register in 2022. Please submit any relevant information to Maritza Mallek, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Rd, Suite 200, Austin, Texas 78758 or by email to maritza_mallek@fws.gov.

Thank you for your continued interest in the conservation of sensitive, threatened, and endangered species. We appreciate your participation in this listing determination process. If you have any additional questions, please contact Maritza Mallek at (512) 490-0057 ext. 266 or by email at the address listed above.

Sincerely,

Adam Zerrenner
Field Supervisor

cc: Robert Soto, Vice Chairman, Lipan Apache Tribe of Texas, McAllen, Texas (electronic)
Linda Walking Woman, General Council Advisor, Lipan Apache Tribe of Texas, McAllen, Texas (electronic)
Native American Liaison, Southwest Region, U.S. Fish and Wildlife Service, Albuquerque, New Mexico (electronic)

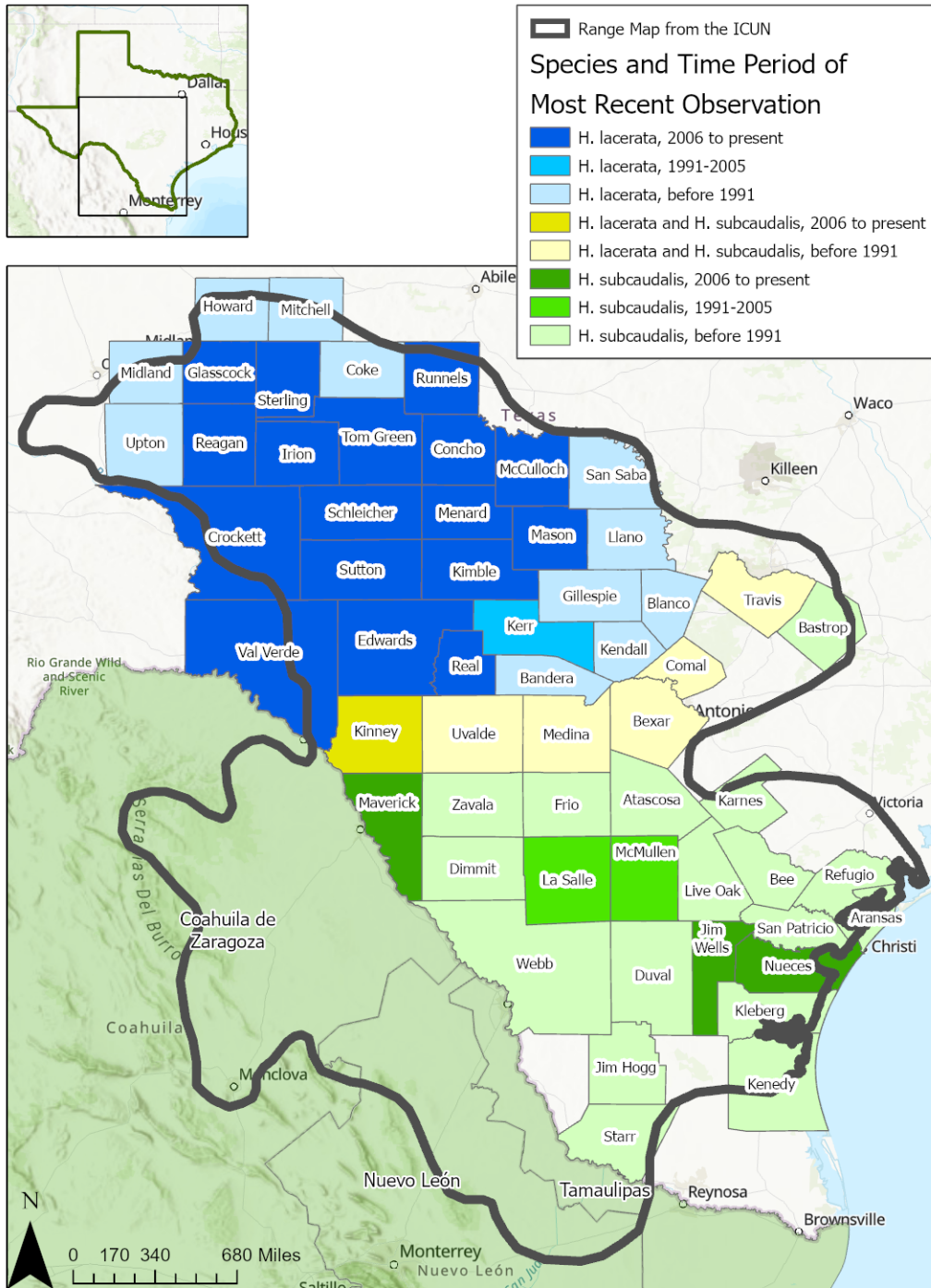


Figure 1. Potential historical and current distribution of Plateau spot-tailed earless lizard (*Holbrookia lacerata*) and Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*) in the United States and Mexico. Counties in Texas are shaded according to the species found there and time period of most recent observation.



Figure 2. Plateau spot-tailed earless lizard. Image from iNaturalist, by Jeff Adams (CC BY-NC).



Figure 3. Tamaulipan spot-tailed earless lizard, likely a pregnant female. Image from iNaturalist, by Dalton Neuharth (CC BY-NC).



Figure 4. Tail spots on the underside of the tail of a plateau spot-tailed earless lizard. Image from iNaturalist, by Joshua Lively (CC BY-NC).