

Monarch Butterflies Benefit from Co-ops' Voluntary Actions

Key Points

- By December 2021, the monarch butterfly may be listed under the Endangered Species Act (ESA). This could significantly impact electric cooperatives' ability to manage transmission and distribution rights-of-way in a cost-effective manner.
- Participation in the Monarch Butterfly Candidate Conservation Agreement with Assurances (CCAA) may provide an opportunity for co-ops to improve monarch habitat, streamline conservation efforts, avoid project delays, and save money.
- Now is the time to get involved. Co-ops interested in signing on to the CCAA must do so before the monarch butterfly is listed under the ESA and early commitments may even help preclude the species from being listed as threatened or endangered.

Due to Drastic Population Declines, the Monarch Butterfly Listing May Increase Costs, Uncertainty for Co-ops

The U.S. Fish and Wildlife Service (FWS) could list the monarch butterfly under the Endangered Species Act (ESA) by December 2021. Given the wide range of the monarch butterfly, a listing could impact the ability of almost every electric cooperative to manage transmission and distribution rights-of-way in a cost-effective manner.

If the monarch is listed, FWS could restrict the ability of co-ops to manage vegetation – including how and when rights-of-way can be maintained. In addition, co-ops could face project delays as they consult with FWS on potential new and existing project impacts to the monarch. This translates into increased costs and uncertainty.

The CCAA Gives Cooperatives Regulatory Certainty and Flexibility

NRECA contributed to the development of the national Monarch Butterfly Candidate Conservation Agreement with Assurances (CCAA) for the energy and transportation sectors. The CCAA provides an option for cooperatives to promote monarch conservation and gain certainty for managing their rights-of-way. CCAAs are voluntary agreements focused on improvements to benefit an at-risk species that is not yet listed under the ESA.

The monarch CCAA outlines ways that participants can provide suitable habitat for the monarch. It also allows participating companies to perform certain activities like maintaining and modernizing existing electric infrastructure on lands they own or manage through easements and allowing critical electric and road infrastructure maintenance to continue. A suite of conservation measures are available in the CCAA to provide participating co-ops the flexibility to pursue a diverse path forward and allow for the consideration of unique circumstances, such as system size, management ability, easement requirements, and local

landscape features. In many cases, only small tweaks to routine vegetation management practices may be needed to benefit the monarch and meet the intent of the CCAA.

In return, FWS pledges not to impose additional regulatory requirements beyond the CCAA agreement if the monarch is listed in the future. In addition to improving monarch habitat, the CCAA helps participating companies avoid costly delays and last-minute disruptions to construction and maintenance activities caused by new species listing requirements.

Cooperatives Interested in the CCAA's Benefits Must Sign Up Before ESA Listing Takes Effect

The CCAA is only available for energy and transportation organizations to join. And timing is important: co-ops can only join as long as the monarch butterfly is not listed under the ESA. FWS must determine if listing the monarch butterfly is warranted by December 2020. If it is, there will be an additional year before the decision is finalized. Therefore, co-ops will likely have until December 2021 to sign up for the monarch CCAA's benefits. If the monarch is not listed, the decision is likely to be challenged in the courts – leading to increased regulatory uncertainty for co-ops that choose not to proactively enroll in the CCAA.

Early Participation in the CCAA Can Help Avoid an ESA Listing

Participation in the CCAA ahead of the FWS listing decision can help avoid an outcome in which the agency determines listing the monarch is warranted. Conservation commitments made early during their decisionmaking period will be factored into the agency's overall assessment of the monarch and whether ESA protections are warranted. Co-ops can demonstrate both that voluntary conservation works as well as their commitment to the monarch by signing on to the CCAA by early 2020. These early commitments could help make the difference in whether the monarch is listed.

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