

SPOTLIGHT on the Environment



Monarch Butterfly Candidate Conservation Agreement with Assurances (CCAA) for Transportation and Energy Lands

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Habitat loss, biodiversity collapse, and disappearing pollinators are not new headlines, sad as it may be. However, a new approach taken by industry organizations in the last year is attempting to address these concerns. A partnership between more than 30 utility companies and state departments of transportation has been working together to proactively address the conservation needs of one very special insect: the monarch butterfly.

Monarch butterfly populations have experienced drastic declines in the past 20 years. In August 2014, the

U.S. Fish & Wildlife Service (FWS) was petitioned to list the monarch butterfly as part of the Endangered Species Act. By June 2019, the FWS is expected to complete their determination as to whether to list the species for protection as part of the Endangered Species Act. If listed, required protections may present challenges and changes in how vegetation management (VM) is conducted in areas of suitable habitat across the country.

The University of Illinois Chicago's (UIC) Energy Resources Center and the Rights-of-Way (ROW) as Habitat Working Group is leading the partnership to create a voluntary conservation agreement for the monarch butterfly on energy and transportation lands. The agreement, known as a Candidate Conservation Agreement

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with Assurances (CCAA), is a regulatory mechanism that encourages non-federal landowners and managers to adopt measures that create net conservation benefits to the species prior to listing. In turn, landowners and managers are provided assurances (in the form of a permit) that no additional requirements beyond the activities identified in the CCAA will be mandated if the monarch butterfly is listed.

The partnership is an unprecedented effort involving close coordination among all of the parties, including the FWS. This agreement, once finalized, will be one of the largest candidate conservation agreements of its kind completed on one of the fastest timelines. Cardno, the partnership's technical consultant, has helped navigate a series of innovative technical and regulatory aspects of the agreement between the partnership and the FWS in the past year. The results of this coordination is an agreement that encourages the voluntary use of integrated vegetation management (IVM) to proactively create or sustain monarch habitat in ROWs and other associated lands. In exchange for this voluntary conservation, the FWS provides regulatory assurances that prevent any further restrictions on those partners in the event that the species is listed. In other words, partners that commit to voluntary conservation are benefited by regulatory certainty provided through this agreement.

The CCAA demonstrates the significant interest and investment in habitat conservation by the transportation

and energy sectors across the U.S. In doing so, the effort builds upon several existing initiatives, including the Mid-America Monarch Conservation Strategy developed as part of the leadership of the Midwest Association of Fish and Wildlife Agencies (MAFWA). MAFWA's strategy identifies monarch habitat conservation actions across core geographies and multiple landscape types, including ROWs.

The CCAA represents a unique opportunity in terms of scale and scope for collaborative conservation. The current partner organizations collectively manage millions of acres of ROW and other lands. This presents valuable opportunities to connect available habitats, provide more diverse breeding and feeding habitat for monarchs (especially compared to intensely managed or developed landscapes), and offers areas that are generally safe from major disturbances or future development. The agreement also provides a model for other at-risk species and multi-sector conservation agreements.

The draft version of the agreement is currently undergoing review by the FWS. As part of this review, the draft agreement will be made available for public comment in early 2019. The agreement is expected to be finalized ahead of the listing determination. If the FWS determines that the monarch butterfly listing is warranted, landowners and managers may apply for coverage until the effective listing date. If the decision is made not to list the monarch butterfly, the CCAA application period will remain open as long as the species is not listed.

There are plenty of opportunities to support the agreement in the meantime. During the public review period, individuals and organizations can pose questions and provide comments. UIC will also continue to gauge participation from potential industry participants. For more information, stay tuned to the Working Group's website: <http://rightofway.erc.uic.edu/>. You can also contact Iris Caldwell (UIC) at iriscaled@uic.edu, or Dan Salas (Cardno) at dan.salas@cardno.com.

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