



## **Questions and Answers: Nationwide Candidate Conservation Agreement for Monarch Butterfly on Energy and Transportation Lands: an Integrated Candidate Conservation Agreement with Assurances and Candidate Conservation Agreement**

### **1. What action is the Service taking?**

The U.S. Fish and Wildlife Service has approved a programmatic candidate conservation agreement with assurances (CCAA) with an integrated candidate conservation agreement (CCA) for the monarch butterfly. The agreement is specific to energy and transportation rights-of-way lands and includes the 48 contiguous United States. Along with approving the agreement, the Service is issuing an associated enhancement of survival permit.

Partners who enroll in the agreement through a certificate of inclusion will create, enhance and maintain habitat for monarch butterflies, as well as continue their general operations, vegetation management and maintenance and modernization activities within existing rights-of-way. An enhancement of survival permit authorizes incidental take of monarch butterflies that may result from those activities within rights-of-way on enrolled lands if the monarch butterfly becomes protected under the federal Endangered Species Act (ESA).

The Rights of Way as Habitat Working Group, led by the University of Illinois-Chicago developed the agreement in partnership with the U.S. Fish and Wildlife Service as part of their application for an enhancement of survival permit. Candidate conservation agreements with assurances are a required component of an application for a permit, and describe conservation actions and management activities that will occur throughout the life of the agreement and associated permit.

The monarch agreement is essentially a conservation program that now goes into effect and describes how enrollees will maintain, improve and create monarch habitat, as well as conduct general maintenance and modernization activities on enrolled lands.

The enhancement of survival permit will have a delayed effective date that will be modified to reflect the listing date IF there is a decision to list monarch in the future.

### **2. What is a CCAA and CCA?**

Both the CCAA and the CCA are formal agreements between the U.S. Fish and Wildlife Service and one or more parties to address the conservation needs of at-risk species before they become

listed as endangered or threatened. Federal and state agencies, tribes and landowners voluntarily commit to enhance, restore or maintain habitat to benefit the species with the goal that listing may become unnecessary.

A CCAA differs from a CCA in that the agreement can only be made with *non-federal* property owners. In return for conservation measures included in the CCAA, participating property owners receive assurances that no additional conservation measures will be imposed if the covered species is listed under the ESA. The Service provides these assurances through an “enhancement of survival” permit issued under section 10(a)(1)(A) of the ESA. Under the permit, participating landowners also receive authorization for take that is incidental to activities covered by the CCAA. [More information about candidate conservation agreements is on our website.](#)

### **3. How does the monarch agreement function?**

Participants who enroll in the monarch agreement via a certificate of inclusion voluntarily agree to provide habitat for the monarch butterfly on energy and transportation rights-of-way nationwide. This agreement integrates a CCAA and CCA to allow partners to seamlessly implement conservation measures for monarchs on non-federal and federal lands. The agreement also allows partners the most flexibility to strategically place habitat when considering both the conservation needs of the species and constraints that may limit their ability to apply conservation measures in a given area. This agreement is a collaborative effort between the Service and representatives of more than 45 companies and agencies in the energy and transportation sectors who collectively manage several millions of acres of rights-of-way and associated lands across the lower 48 states.

The agreement includes conservation measures that participants will use to reduce or remove threats to the monarch butterfly caused by ongoing operations, maintenance and modernization activities on rights-of-way. Conservation measures in the agreement are expected to create, maintain, and enhance monarch habitat. Partners to the agreement include non-federal companies and agencies that manage lands used for electric power generation, transmission and distribution (including solar); oil and gas transport; and transportation (including roads and railways).

#### *4. Why is the University of Illinois-Chicago the permit holder?*

The University of Illinois-Chicago holds the enhancement of survival permit in its role as the facilitator of the Rights-of-Way as Habitat Working Group. This group led development of the agreement. The working group formed in 2015 as a forum for industry to collaborate and share ideas on habitat conservation on working landscapes, particularly within transportation and utility rights-of-way. Today, more than 200 transportation, energy, government, and non-profit organizations across the U.S. and Canada are engaged in the working group. The university is a third-party that will administer the agreement and associated certificates of inclusion. Permit

coverage will extend to non-federal landowners who enroll in the agreement through a certificate of inclusion and who comply with the requirements stated in the agreement and their respective certificates.

### **5. How was the monarch agreement developed?**

The agreement was spearheaded by the Rights-of-Way as Habitat Working Group and facilitated by the University of Illinois-Chicago. The university established a joint fund in January 2018 to pool resources from partners across the energy and transportation sectors. These partners, along with the Service, industry experts and other collaborators, comprise the Task Force, which prepared the agreement.

### **6. What conservation measures are in the monarch agreement?**

Conservation measures address the key threat to monarchs, habitat loss, on energy and transportation lands. These measures create and maintain habitat that supports milkweed and a variety of blooming nectar plants while monarchs are present on the landscape. The menu of conservation measures in the agreements includes: adjusting the timing of mowing and other vegetation management practices to reduce impacts to monarchs, modifying and minimizing herbicide use to promote growth of milkweed and flowering plants, using local seed mixes that include a variety of flowering plants and milkweed, and monitoring the quantity and quality of monarch habitat to allow for adaptive management.

### **7. Will participants manage all of their rights-of-way for monarch butterflies?**

Not all right-of-way lands owned or leased by participants are included in the agreement. Instead, participants will identify the lands they plan to include. Additionally, landowners and enrollees do not have to conduct every conservation measure on all enrolled lands to have a net conservation benefit for the monarch butterfly. To maintain a net conservation benefit, each partner must use selected conservation measures to create and maintain a proportion of their enrolled lands as monarch habitat each year. The monarch habitat provided will be reported and monitored throughout the life of the agreement.

Each partner will need to follow their individual certificates of inclusion and the conservation measures included within those certificates. Some examples of conservation actions are: establishing and using local seed mixes containing a diversity of native wildflowers, including milkweed; minimizing grazing in monarch habitat during peak breeding and migration periods to promote fall nectar plants; removing woody plants in densely covered shrub areas and invasive plant species to promote grassland habitats; sustaining idle lands with suitable habitat for monarch butterflies; and using conservation mowing to enhance floral resources and habitat.

### **8. How long would the agreement and permit be in place?**

The agreement would be in effect for 25 years following its approval and signing by the Service and the programmatic administrator, unless terminated or revoked before that time.

The “enhancement of survival” permit that authorizes take would become effective on the date of a final rule listing the monarch (if the monarch is listed) and would expire when the agreement expires or is otherwise suspended or terminated. The permit and agreement may be extended beyond the specified terms prior to permit expiration through the permit renewal process and with agreement of the parties.

### **9. When can partners enroll in the agreement?**

The enrollment period would begin after the agreement has been approved and would extend until the effective date of any final rule listing the monarch under the ESA. During this time, the University of Illinois-Chicago may enroll eligible applicants into the agreement by issuing certificates of inclusion. If a completed application for a certificate of inclusion is received during the enrollment period, the applicant may still be enrolled (and a certificate of inclusion issued) after the effective date of a listing decision. Applications will not be accepted after the enrollment period. Partners participating in the agreement at the time of listing are allowed to amend certificates of inclusion to add, remove or modify lands included in their enrolled lands commitments during and after any listing decision.

### **10. What is the duration of the certificates of inclusion?**

Partners enrolling in this agreement under a certificate of inclusion will be asked to commit to an initial implementation period for a minimum of five years. Participation in the agreement is ultimately voluntary, and partners can terminate their participation at any time. Of course, termination means the partner would no longer have authorization to take monarch butterflies, if the monarch is listed.

### **11. How does the agreement help monarchs?**

Participants must maintain, improve and create monarch habitat on their enrolled lands. Based on the current interest, we anticipate that up to 2.3 million acres may be enrolled in the agreement and managed for monarch butterflies and other pollinators.

Each participant provides a net conservation benefit for monarch butterflies and their habitat. With each partner that joins in the agreements, we add habitat for monarchs to the network of energy and transportation rights-of-way that crisscross the United States.

### **12. What benefit does the agreement provide to utility and energy companies?**

The “enhancement of survival” permit issued along with the agreement allows incidental take to occur as a result of general operations, right-of-way maintenance and facility modernization activities on enrolled lands, if the monarch is listed under the ESA. In return, participants manage a subset of their rights-of-way to provide habitat for monarchs. The habitat that they would provide more than offsets the take that may occur from their activities so the result is a net gain for monarch butterflies.

### **13. What types of activities that occur in rights-of-way are included in the agreement?**

The agreement addresses general operations and management, vegetation management, maintenance, and modernization construction activities within energy and transportation lands and the potential effects those activities have on monarch butterflies. These activities include things like periodic grading and vegetation clearing, structural maintenance and repairs, as well as the repair, replacement and modification of above- and below-ground infrastructure. Insecticides are not used in rights of way; use of insecticides is not considered a covered activity under the agreement.

The agreement does not include construction and land-disturbing activities that occur in undeveloped areas or pose significant environmental, socioeconomic, historical or cultural impacts (for example, interstate highways, pipelines, transmission lines, new rail routes, or similar).

### **14. What provisions have been made for owners of land adjacent to rights of way enrolled in the program?**

If the monarch butterfly is listed under the ESA, incidental take of monarchs by landowners (or their designees) on lands within 100-feet of each edge of covered right-of-way lands immediately adjacent to adopted acres, where Certificate of Inclusion holders are applying conservation measures, is authorized. Take on certain adjacent lands as described above is authorized provided that: owners of such adjacent lands are carrying out measures identified in the CCAA; their incidental take results from these conservation measures or other activities, including general operations; and the activity does not result in take of other listed species, destroy or adversely modify critical habitat nor affect historic properties.

### **15. Where do I find more information about the monarch and the agreement?**

Information about the monarch butterfly conservation can be found online on the Service's [website](#). The [Rights-of-Way as Habitat Work Group](#) has more information about the monarch butterfly and their conservation efforts.

### **Literature Cited**

Midwest Association of Fish and Wildlife Agencies (MAFWA). 2018a. Mid-America Monarch Conservation Strategy (Final), 2018-2038, Version 1.0. Online at: [Mid-America Monarch Conservation Strategy \(Final\)](#).

Thogmartin, WE, L López-Hoffman, J Rohweder, J Diffendorfer, R Drum, D Semmens, Black, Caldwell, D Cotter, P Drobney, LL Jackson, M Gale, D Helmers, S Hilburger, E Howard, K Oberhauser, J Pleasants, B Semmens, O Taylor, P Ward, JF Weltzin and R Wiederholt. 2017. Restoring monarch butterfly habitat in the Midwestern U.S.: 'All Hands on Deck'. Environmental Research Letters, 12: 074005 Online at: [All Hands on Deck Letter](#).

Western Association of Fish and Wildlife Agencies (WAFWA). 2018. Western monarch butterfly conservation plan, 2018–2068. Version 1.0. Online at: [Western Association of Fish and Wildlife Agencies](#).