









Image: Overwintering monarchs at Pismo Beach, CA. Ryan Hagerty, USFWS

Nationwide Monarch CCAA **Update: Enroll Now!**

An Update on How to Enroll in the Nationwide Monarch CCAA for Energy and Transportation Lands

February 2020

Presenting Today



Iris Caldwell

Program Manager Energy Resources Center University of Illinois at Chicago

312.355.1483 iriscald@uic.edu



Dan Salas

Senior Ecologist, ESA Certified Cardno

608.469.0885 dan.salas@cardno.com



Phil Delphey

Endangered Species Biologist U.S. Fish and Wildlife Service

612.713.5318 phil_delphey@fws.gov









Logistics

- All attendees will be muted and in listen only mode
- Use the chat option to enter questions or comments
- Q&A time reserved at the end of the webinar



Image: Milkweeds along roadside. Ryan Hagerty, USFWS





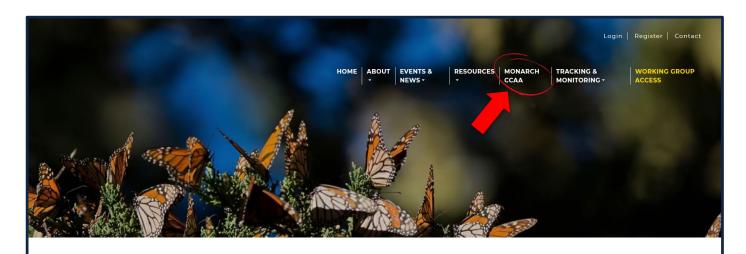


Logistics

Webinar recording will be available here:

http://rightofway.erc.uic.edu/ monarch-ccaa-webinars/

 Check out other CCAA webinars here too!





Monarch CCAA Webinars

Check out these recorded webinars and case studies about the Monarch CCAA







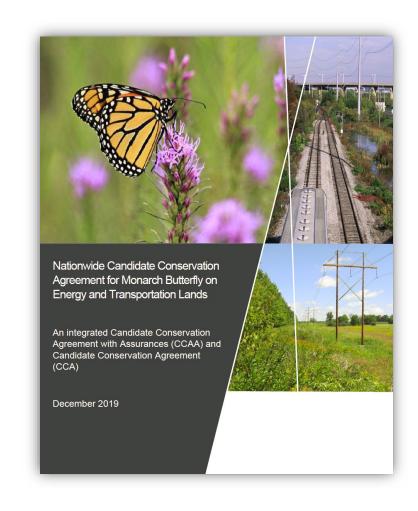
Today's Discussion

Why Now?

What's New?

How to Enroll?

What's Next?











The Nationwide Monarch CCAA for Energy and Transportation Lands

Why Now?

Your commitments are needed.



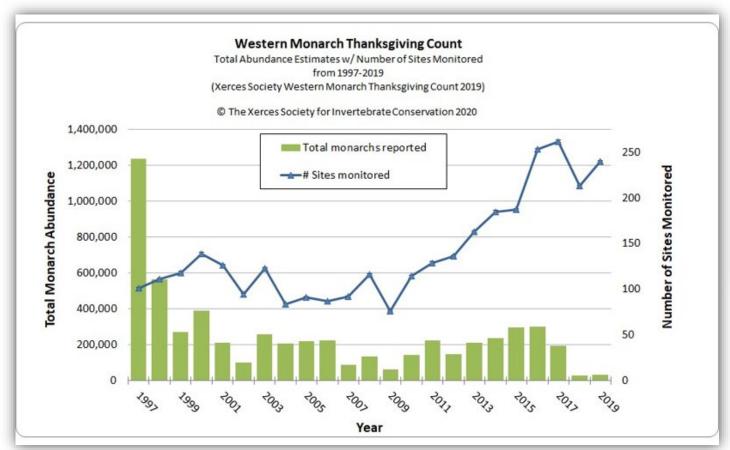
Image: Ryan Hagerty, USFWS

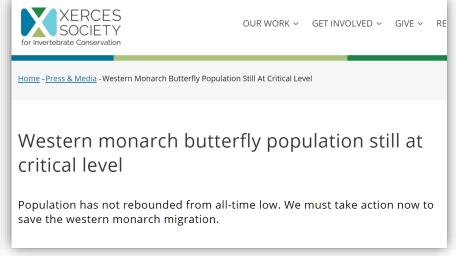






Monarchs Need Help: In the West





<u>Online at: https://xerces.org/press/western-monarch-butterfly-population-still-at-critical-level</u>

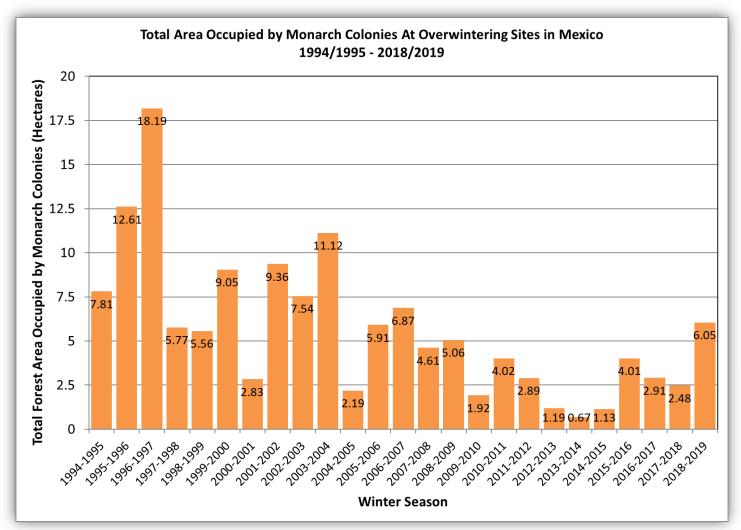








Monarchs Need Help: In the East





Monarch Population Status

Sunday, November 17th, 2019 at 6:53 pm by Chip Taylor Filed under Monarch Population Status I Comments Off

Why overwintering monarch numbers will be lower this year

I've had an answer in mind for weeks. It's been dogging me. The question that's the basis for this answer has many parts, and not all the parts have come together. It's as if the answer is disconnected from the question. Some of you will remember Johnny Carson's skits featuring "Carnac the Magnificent". In the skit, Ed McMahon hands Carnac a succession of envelopes. Upon receiving each, Carnac holds the envelope to his forehead and announces an answer to the question sealed in the envelope. Carnac then tears open the envelope and reads a silly question that fits an off the wall answer. The absurdity of having an answer before knowing the question was great fun because life seldom works that way. When it comes to monarchs, the questions usually come first. In this case, my answer came first, and the task at hand is to determine if the many part question fits the answer, or not. And so it is with my attempts to predict the size of the overwintering population. It's a process, part intuition and part data with an emphasis on the later. I'm sparing you the raw data in this account.

<u>Online at: https://monarchwatch.org/blog/2019/11/17/monarch-population-status-41/</u>









Conservation Goal and Potential Contribution

- > The goal of this CCAA is to encourage participation in voluntary conservation on energy and transportation lands that results in a net benefit to monarchs.
- > The conservation potential of the Agreement aspires to the enrollment of up to 26 million acres of energy and transportation lands contributing over 300 million stems of milkweed, and 2.3 million acres of monarch foraging habitat, over the coming decades.



Ryan Hagerty, USFWS







Approval of the CCAA

- After a year of review,
 CCAA approval is nearly complete!
- First nationwide CCAA
- Unprecedented collaboration among 45+ industry partners











Thank you to our partners who helped make this happen!











Association of Fish & Wildlife











DUKEENERGY



































NEBRASKA

DEPARTMENT OF TRANSPORTATION





































Listing Decision

- > Expected decision date: **December 15, 2020**
- > Evaluation of conservation efforts being completed this summer
- MCD and conservation contributions deadline: May 31, 2020
- > Your commitments are needed now!



Image: Monarch caterpillar. Ryan Hagerty, USFWS







Listing Decision and the CCAA: December 15, 2020

If decision is:

☐ To list as Threatened or Endangered

"Not Warranted, Precluded"

☐ To list as "Warranted, But Precluded"

CCAA brings value through:

✓ Regulatory assurance and incidental take coverage

✓ Certainty amidst potential challenges; possibility to contribute to (or preclude the need for) future listing decisions

✓ Certainty and consistency; likely considered in future listing decisions (to avoid listing as Threatened or Endangered)







The Nationwide Monarch CCAA for Energy and Transportation Lands

What's New?

Understanding requirements in the final Agreement.



Image: Ryan Hagerty, USFWS







Important Updates Since our Last Webinar

- > How to Enroll webinar presented in May 2019 based on expected listing decision and CCAA approval last summer.
- > USFWS review has taken longer than expected.
 - Addressing public comments
 - Finalizing supporting estimates and documentation of net benefit and potential take









Changes Since the Public Review

Unchanged

Program Administration

Conservation Measures

Adoption Rates

Implementation Tracking

Reporting

Regulatory Assurances

Updated

Covered Activities Checklist

Milkweed Targets

Monitoring Protocol Updates

Easements Clarification

Overwintering Measures

Federal Law Compliance Clarified









Enrollment Expectations







Initially

- Complete application
- Complete
 Implementation Plan within one year
- Pay initial Application and Administrative Fee

Annually

- Implement Conservation Measures
- Track Adopted Acres
- Monitor to Verify Habitat
- Report Results
- Pay Annual Administrative Fee

As Needed

- Review for Adaptive Management
- Apply Section 7 AMMs
- NHPA Section 106 Compliance
- Amend or Modify Enrollment Acres









CCAA Conservation Measures

Conservation Action	Benefits
Adjusting mowing timing	 Avoid loss of flowering plants during times used by pollinators. Maximize presence of flowering plants.
Targeted herbicide treatments	 Avoid loss of flowering plants during times used by pollinators. Maximize presence of flowering plants.
Install native seed or plants	 Maximize presence of flowering plants. Offset temporary losses from construction and land disturbance.
Brush removal / forestry mowing	Maintain open grassland habitat.Maximize presence of flowering plants.
Maintain suitable habitat set-asides	Avoid/Minimize disturbance to suitable habitat.Maximize presence of flowering plants.

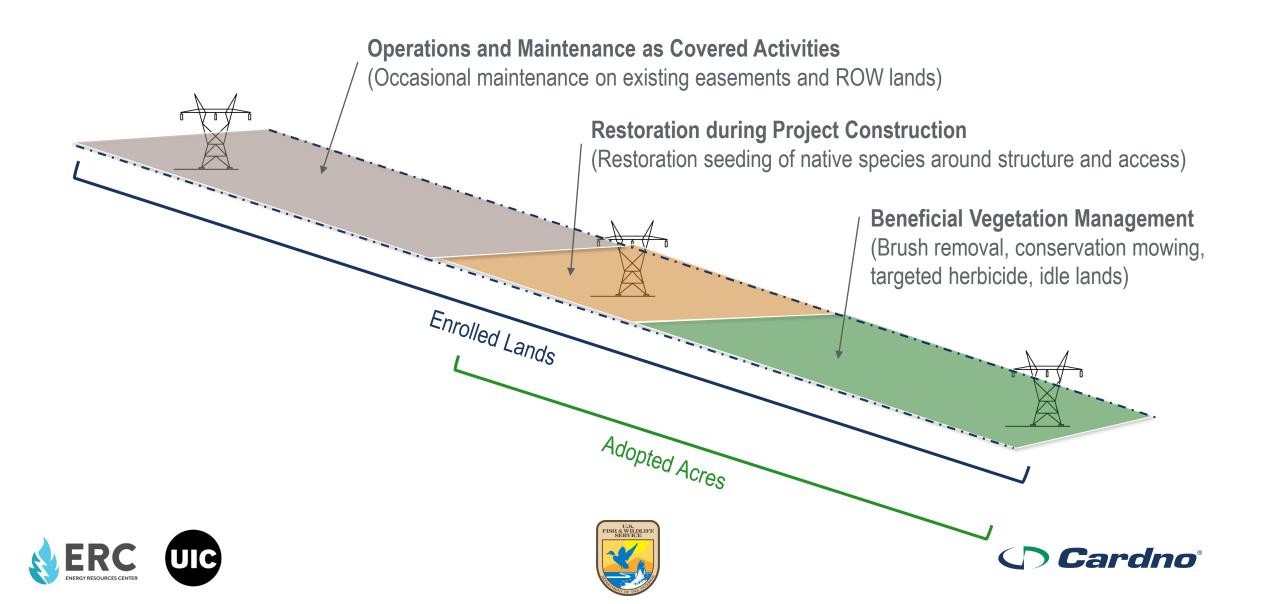








How a CCAA Works on the Ground



Assurances Provided By CCAA

- > USFWS provides regulatory assurances authorized by ESA:
 - Section 7 of the Act allows the Service to review/use programs to further the purposes of the Act.
 - Section 10(a)(1)(A) of the Act allows the Service to issue permits for acts that would otherwise be prohibited if such acts are expected to enhance the survival of the affected species.

Voluntary Conservation













U.S. FISH & WILDLIFE SERVICE



Want More on Implementation, Tracking, and Reporting?

> Check out UIC's Monarch CCAA Webinar page: http://rightofway.erc.uic.edu/ monarch-ccaa-webinars/

- Past webinars
- Partner case studies









Covered Activities Checklist

- New checklist format clarifies when and where CCAA coverage applies. All must apply:
 - ☐ Areas of monarch habitat (potential for take)
 - ☐ Compliance with Federal laws
 - ☐ Conducted on enrolled lands
 - ☐ Conducted on lands with energy or transportation uses
 - ☐ Take of other Federal-listed species avoided
 - ☐ Impacts to historic resources is avoided
 - ☐ Complying with CCAA tracking, monitoring, reporting











Monitored Areas – What's Required?

 Monitoring documents whether suitable habitat exists where conservation measures have been implemented on adopted acres.

Protocol

- Randomly distribute and select plot locations from the office
- Annually conduct field sampling of 1,500 ft² plots
- Report results

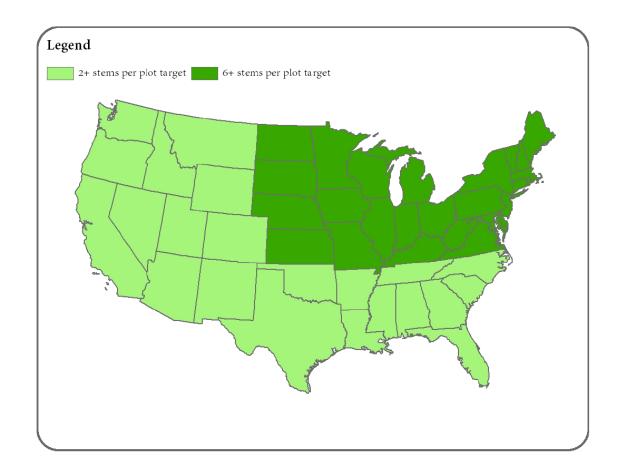
Estimated Adopted Acres	Anticipated No. of Samples		
Fewer than 1,000	10		
1,001 to 10,000	30		
10,001 to 30,000	50		
30,001 to 60,000	70		
60,001 or more	70, plus one additional point for each 1,000 acres exceeding 60,001 adopted acres.		







Monitored Areas – What's Required?



Milkweed Present	Required . Are numerous milkweed plants present within the sample plot? (Yes/No)
Nectar Resources Present	Required . Is greater than 10% cover of nectar plants present within the sample plot? (Yes/No)
Milkweed Count	Optional. Record the number of milkweed observed within the sample plot.
Nectar Resources Cover	Optional. Record the estimated percent cover of nectar plants present in the sample plot.
Monarchs Observed	Optional. Yes/No. Indicate whether monarchs (adult, larvae, or eggs) were observed within the sample plot at the time of survey.









Clarifying Work on Easements

- The CCAA must be applied consistently within existing easements, leases, or other authorized land uses:
 - Know your easement rights before implementing conservation measures
 - Where CCAA activities do not align with easement rights, obtain additional consent as necessary
 - Explicitly obtain consent prior to converting easements on active cropland to monarch habitat
- See Section 6.3 in the Final Agreement for details





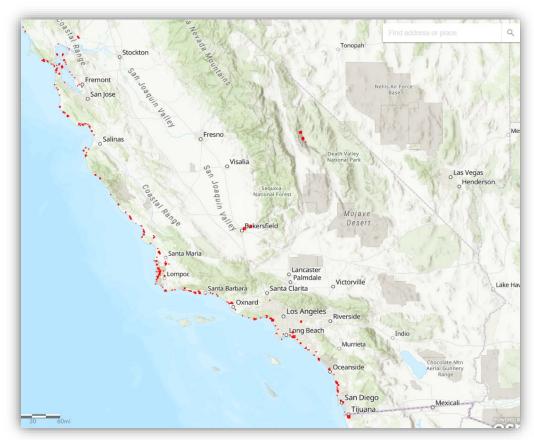






Overwintering Measures

- Overwintering measures are required if known overwintering locations occur within your enrolled lands.
- Avoid seasonal removal of flowering nectar plants within one mile of known aggregation sites:
 - November 15th March 15th along southern Atlantic Coast (Carolinas and Georgia)
 - October 1st March 1st along California Coast



Map of documented overwintering sites from Xerces: https://www.westernmonarchcount.org/)







Adaptive Management

- What if monitoring indicates that milkweed and nectar plants are not present on adopted acres?
 - If only conducting required monitoring:
 Failure to meet both habitat targets in
 more than 10% of plots triggers evaluation
 by Partner with Program Administrator
 - If collecting optional data:
 Cumulative confidence intervals may be used to determine compliance with habitat targets
- See Section 10 in the Final Agreement for details











Compliance with Other Federal Laws

 CCAA Policy requires adherence to other Federal laws, primarily:

Section 7 of the Endangered Species Act

- Avoid take to Federal-listed fish and wildlife, unless approved by prior consultations/permits.
- Adhere to self-proposed AMM's for listed plants and critical habitats.

Section 106 of the National Historic Preservation Act

- Only applies to activities reasonably likely to result in take of monarchs.
- Adhere to CCAA Section 106
 Protocol (Appendix C), or propose
 an alternative established protocol.









The Nationwide Monarch CCAA for Energy and Transportation Lands

How to Enroll?

Demonstrate industry's conservation commitments.



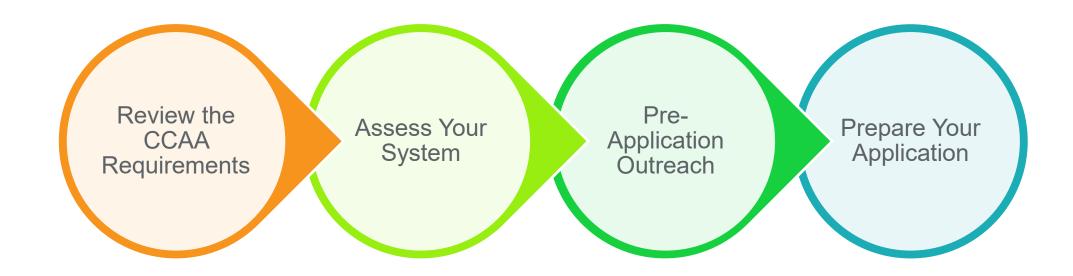
Image: Ryan Hagerty, USFWS







Application Needs





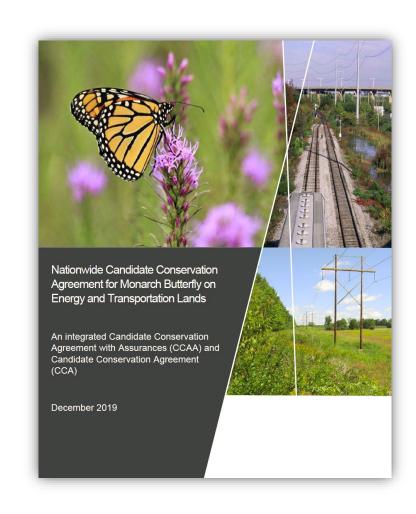






Review the Agreement

- Review the Agreement.
- Sections highlighting application and enrollment:
 - 4 (Enrolled Lands and Enrollment Process)
 - 5 (Covered Activities)
 - 6 (Conservation Measures and Adoption Rates)
 - 7 (Obligations of the Parties)
 - 14 (Tracking, Reporting, Monitoring)









Assess Your System – Estimate Enrolled Lands

- > Use geospatial mapping
 - or -
- > Estimate enrolled lands using other data
 - For most ROW = Centerline length x Typical easement width
 - Example:
 - 2,000 miles of distribution @ 25ft wide = 6,060 acres
 - 1,000 miles of transmission @ 100ft wide = 12,121 acres
 - 800 acres are generation (parcels) = 800 acres
 - TOTAL = 18,981 enrolled acres









Assess Your System – Calculate Adopted Acres

Adoption Rate Approach	Transmission	Distribution	Generation	Highways (Interstate, U.S., State)	Highways (County, Local)	Rail
CCAA/CCA Adoption Rates	18%	1%	9%	8%	5%	5%

> Example:

- Company enrolls 18,981 acres of ROW easements and owned parcels.
- Of this 18,981 acres,
 - 6,060 acres are distribution @ 1% = 61 adopted acres
 - 12,121 acres are transmission @ 18% = 2,182 adopted acres
 - 800 acres are generation @ 9% = 72 adopted acres
 - Total combined includes = **2,315 adopted acres**







Assess Your System – Estimate Enrolled Lands

- > How much (or where) should I enroll?
- > Estimate enrolled lands based on:
 - Lands under your management control
 - Extent of incidental take reasonably expected and coverage desired
 - Consider excluding lands that are not likely to contain habitat (e.g., pavement, office buildings)
 - Extent feasible for implementation











Mapping Your System

- > How detailed of mapping is required?
- > Mapping will be used to:
 - Confirm areas enrolled
 - Define the extent of incidental take coverage
 - Understand potential for Federal-listed plants and critical habitats
- > Mapping can be supplemented by narrative description within the application.









Pre-Application Outreach

- Reach out early to any teams that may be involved!
- Internal and external "talking points" are available

Internal (Your Organization)

- Discuss with management teams (Executive, Environmental, and VM)
 - Scope of Agreement and Certificate of Inclusion
 - Review implementation with relevant programs
 - Verify commitments, roles, and capabilities
- Coordinate with communications department (as desired)

External (Program Administrator and Potential Partners)

- Reach out to UIC with pre-application request
 - Share assessment of system to be enrolled and calculated adopted acres
 - Verify requirements, including administrative fee
 - Target application date
- Any partners who may support implementation, monitoring, training, etc.

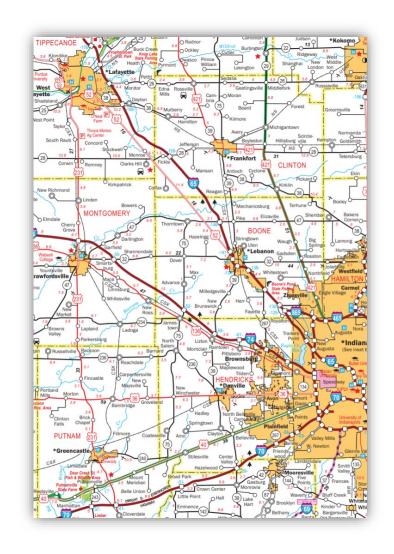






Enrollment Locations and Estimates:

- Description of enrolled lands and their use and operation and estimated acreages
- Map(s) or GIS shapefiles of the extent of lands proposed for enrollment that identifies areas by fee simple, easement, leasehold, or other property interest
- Calculated sum of adopted acres for which the Applicant will be responsible for using the expected adoption rates outlined for each sector (see Section 6)



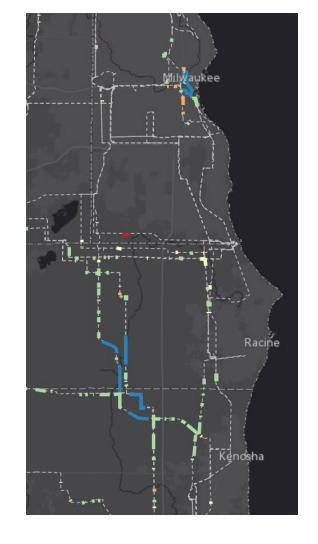






Implementation Overview:

- A description of current and planned conservation measures, and how they address key threats for the species
- Timeline for achieving the adopted acres target specified in the application
- Short description summarizing existing information on habitat within enrolled lands, and their current or potential suitability (1-2 paragraphs)
- A summary of any constraints that limit conservation measure implementation or ability to address key threats











- Conservation measures must address each applicable key threat that is within your management control
- Indicate change in practices (as applicable) undertaken as part of CCAA enrollment

Key Threat/ Limiting Factor	Conservation Measures	Pre- Agreement Practice	Post- Agreement Practice	Comments (note here if measure applies to only some ROW or parcels and if there are plans to increase the activity over time)
Lack of Habitat and Nectar Resources (General)	Seeding and planting to restore or create habitat	⊠ routine □ occasional □ none	⊠ routine □ occasional □ none	Seeding is common in construction and permit projects but not maintenance. Seed mixes will be reviewed for benefit to monarch and other pollinators.
	Controlled grazing to promote suitable habitat	☐ routine ☐ occasional ⊠ none	□ routine □ occasional ⊠ none	Click or tap here to enter text.
	Brush removal to promote suitable habitat	□ routine □ occasional ⊠ none	⊠ routine □ occasional □ none	Brush removal is routine but not for the purpose of suitable monarch habitat. We will increase knowledge of how to implement brush removal to enhance habitat
	Suitable habitat set- asides or idle lands for one or more growing seasons	□ routine □ occasional ⊠ none	□ routine ⊠ occasional □ none	Click or tap here to enter text.
Loss of Habitat and Nectar Resources (Mowing Practices)	Conservation mowing to enhance floral resources during migration and breeding	□ routine □ occasional ⊠ none	⊠ routine □ occasional □ none	Ramp up period needed to implement – will require training and equipment/staff scheduling changes









Application Acknowledgment

Acknowledge Enrollment Commitments:

- Abide by all terms of the Agreement, including implementation, monitoring, tracking, reporting, fee payment
- Complete a CCAA/CCA implementation plan within one year
- Allow the Program Administrator to share habitat and monitoring data, excluding any confidential information
- Organizations are responsible for their own compliance with applicable state and Federal laws related to listed species, historic and cultural resources, and other environmental resource protection

Application for Certificate of Inclusion in the	December 201	
In witness of, the participating ag	ate in the Monarch CCAA/CCA ency hereto has, as of the last signat eement with Assurances to be in effe	
	Click or tap here to enter text.	Date
Applicant(s) Signature	Printed Name, Title	Date
	Click or tap here to enter text.	Date
Program Administrator	Printed Name, Title	Date
	Click or tap here to enter text.	Date
U.S. Fish and Wildlife Service	Printed Name, Title	Date

The enrolled Partner must adhere to all terms and conditions of the Agreement. According to the pending listing finding, the primary threat to monarchs is habitat loss and degradation. Therefore, in order for this Agreement to address the conservation needs of the monarch, the conservation measures selected in the table below must be implemented by all representatives of the applying organization on the enrolled system of lands.

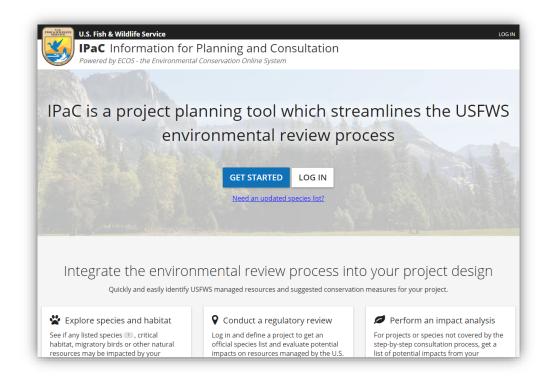






Partners demonstrate alignment with USFWS analysis of effects to other listed species by providing:

- CCAA covered activities to be included
- Geography where impacts may occur
- Which activities are not subject to S7 elsewhere
- What AMMs would be used by the Applicant to avoid jeopardy to listed plants and critical habitats (list or assign by applicable activity)

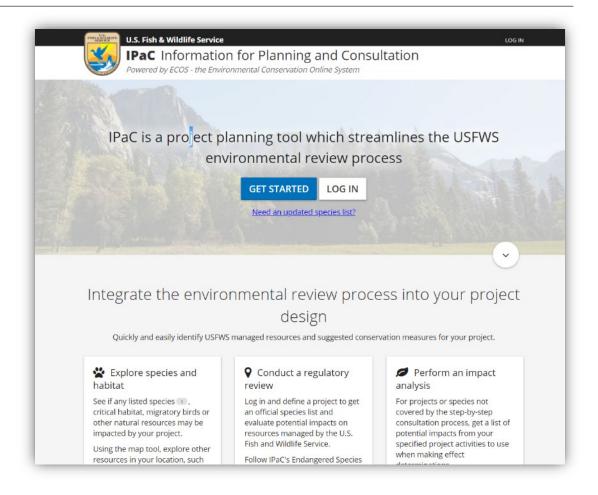








> Using IPaC



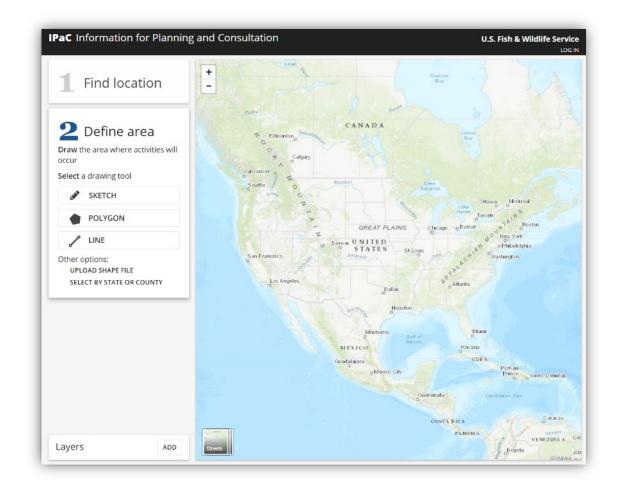








- > Using IPaC
- > Enter enrolled lands to get species list

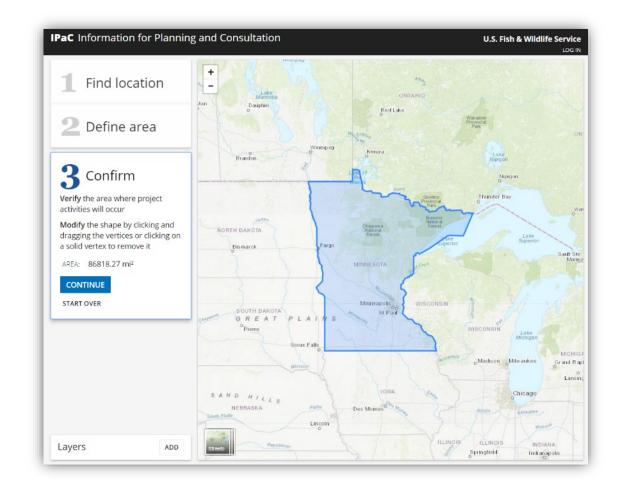








- > Using IPaC
- > Enter enrolled lands to get species list



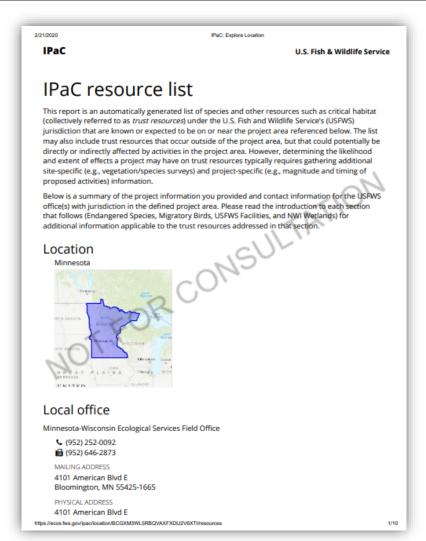








- > Using IPaC
- > Enter enrolled lands to get species list
- > Provide species list with application
- > Send the whole list including fish, wildlife, plants, and critical habitats











- > Using IPaC
- > Enter enrolled lands to get species list
- > Provide species list with application
- > Send the whole list including fish, wildlife, plants, and critical habitats
- > Provide AMMs <u>only</u> for plants and critical habitats that may potentially overlap areas of monarch habitat affected by conservation measures or covered activities.

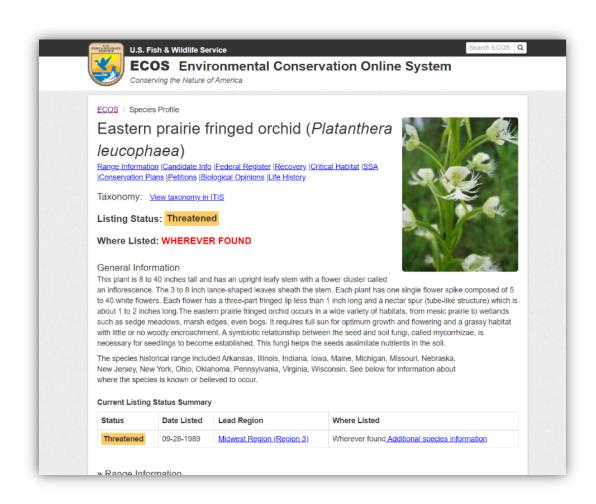
Species or Critical Habitat	Plant, Animal, or Critical Habitat?	May Overlap with Suitable Monarch Habitat on Enrolled Lands?	AMMs Provided with Application?
Species A	Animal	Yes	N/A
Species B	Plant	Yes	Yes
Species C	Plant	No	N/A
Species D	Critical Habitat	No	N/A
Species E	Critical Habitat	Yes	Yes







- > Provide AMMs that are specific to each plant and CH
- Including proposed plant species and proposed CH
- > Sources of AMMs
 - FWS field offices(https://www.fws.gov/offices/)
 - Species guidelines provided via IPaC
 - Five-year reviews









Guidance for completing
 Section 7 requirements are
 available in the CCAA
 Implementation Toolkit:



able 2. Species Specific MMA's For Federal-listed Plant and Critical Habitats within the Enrolled Lands				
Species	Federal Status	Habitat and Related Information (Optional)	Species-specific AMM	Source(s)
Plants				
Eastern prairie fringed orchid (Platanthera leucophaea)	THR	Grows in a wide variety of habitats, from mesic prairie to wetlands such as sedge meadows, marsh edges, and bogs. Some of the biggest threats to this species are encroachment of wood vegetation, changes in hydrology, and competition from invasive species. Prescribed burning increases population survival and does not affect the number of flowering plants or pods.	 Species specific AMM's to be implemented in addition to above measures listed for all plant species: When initiating construction activities near or within locations of known <i>P. leucophaea</i> populations, preconstruction hydrological conditions will be maintained throughout the duration of construction activities and in post construction. We will filter runoff and discharge to ensure removal of any substances introduced by project activities. Water discharged into habitat where <i>P. leucophaea</i> is known or assumed will be a similar temperature and stream flow rate to existing water bodies. If woody vegetation removal activities are implemented near known populations of <i>P. leucophaea</i>, we will maintain and restore open habitat through selective clearing and brushing and the remaining stumps will be treated with herbicide to prevent regrowth. When implementing activities near any area where <i>P. leucophaea</i> may be present, we will ensure that activities do not introduce or facilitate the expansion of aggressive competing plant species. When possible, invasive species will be targeted for herbicide spot treatment. Controlled burns or mowing will take place outside of the growing season (typically early to mid-April to mid to late November) for locations within known <i>P. leucophaea</i> populations. 	USFWS. 2016. Eastern Prairie Fringed Orchid (<i>Platanthera leucophaea</i>). 5-Year Review: Summary and Evaluation. USFWS Chicago Illinois Field Office, Barrington, IL. https://www.fws.gov/midwest/endangere d/recovery/pdf/EasternPrairireFringedOrchid081610.pdf Bowles, L. Marlin. 1999. Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> (Nuttall) Lindley. Recovery Plan. USFWS Region 3, Fort Snelling, MN. https://ecos.fws.gov/docs/recovery_plan/990929.pdf Wisconsin DNR - https://dnr.wi.gov/topic/EndangeredResources/Plants.asp?mode=detail&SpecCode=PMORC1Y0F0









How Will Applications Be Reviewed?

- 1) Partner will submit the application to UIC.
- 2) UIC will review for completeness, then forward application information to the Service's CCAA Coordinator, Phil Delphey (USFWS).
- 3) Initially, Phil will review applications to ensure compliance with Section 7 of the ESA.
- 4) Phil will reach out to other USFWS regions, as needed, to confirm sufficiency of AMMs.
- USFWS will coordinate with CI applicants, as needed, on AMMs.
- 6) Once ready, USFWS will confirm approval with UIC.











The Nationwide Monarch CCAA for Energy and Transportation Lands

What's Next?

Conservation when and where it matters.



Image: Ryan Hagerty, USFWS







Be a Conservation Leader



9 Energy companies committed to enrolling



11 Highway agencies committed to enrolling



More than 50 others considering enrollment









Enroll Early

- > Early enrollment discounts on annual administrative fees:
 - 20% discount if completed application received by March 31, 2020
 - 10% discount if completed application received by April 30, 2019
 - 5% discount if completed application received by May 31, 2020
- > Discount applies to first 3 years!











Additional Supporter Benefits

> Support UIC during Phase 3 outreach and implementation of the CCAA

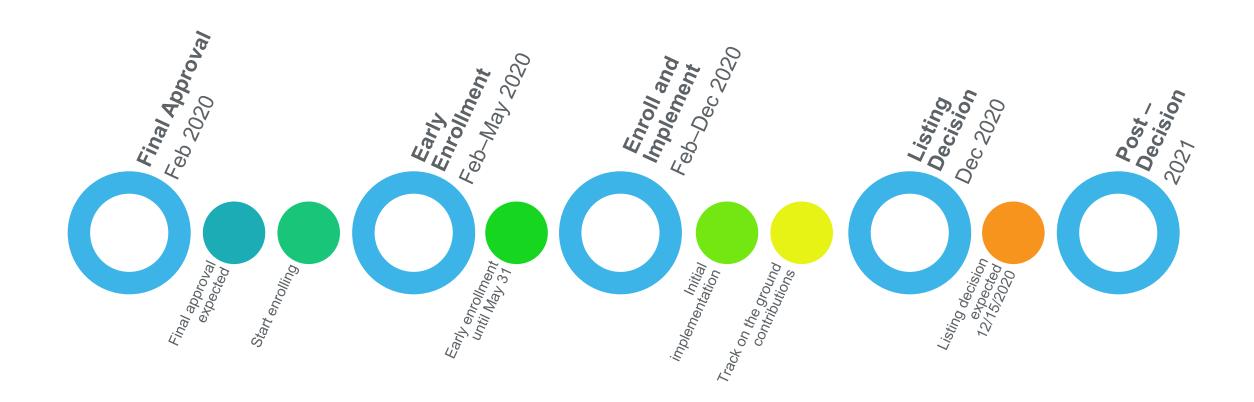
Level of Support	Benefits Received
At \$5,000+	One-on-one application support Waived application fee (\$3,000)
At \$10,000+	Application preparation (up to 15 hours) Waived application fee (\$3,000) Scaled discount on first year administrative fee







Timeline and Next Steps





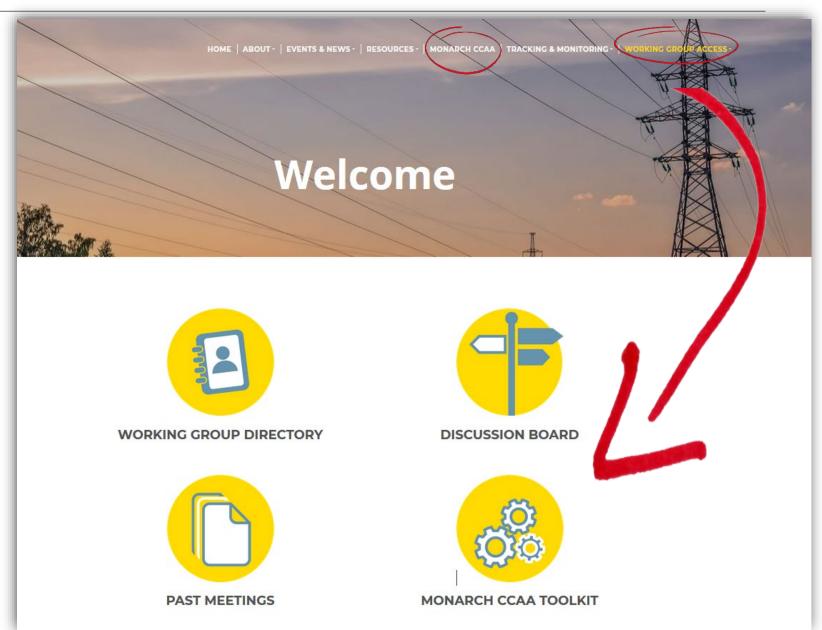






Where do I go from here?

- Find more information here: <u>http://rightofway.erc.uic.edu/</u>
 - CCAA Toolkit
 - Webinar Recordings
 - FAQs
 - Talking Points
 - Cost-Benefit Analysis
- Contact UIC to schedule your pre-application meeting







Questions?

Iris Caldwell

Energy Resources Center
The University of Illinois at Chicago
<u>iriscald@uic.edu</u>

Dan Salas

Cardno

dan.salas@cardno.com

Phil Delphey

U.S. Fish and Wildlife Service phil_delphey@fws.gov







