

Bumble Bee CBA Frequently Asked Questions

October 2025

The Nationwide Conservation Benefit Agreement (CBA) for Bumble Bees on Energy and Transportation Lands is a voluntary conservation initiative. This FAQ is intended to help potential applicants understand common questions about the Agreement.

Overview

1. What is the Nationwide Conservation Benefit Agreement (CBA) for Bumble Bees?

The Nationwide Conservation Benefit Agreement (CBA) for Bumble Bees on Energy and Transportation Lands is a voluntary conservation agreement that promotes the conservation of federally listed, candidate, petitioned, or otherwise at-risk species of bumble bees native to the United States (referred to as "covered species"). The Agreement is supported by the issuance of an Enhancement of Survival (EOS) Permit under Section 10(a)(1)(A) of the federal Endangered Species Act (ESA).

The CBA was developed through a collaboration between the University of Illinois Chicago (UIC), the Wisconsin Department of Natural Resources (WDNR), the U.S. Fish and Wildlife Service (the "Service" or USFWS), and representatives from the energy and transportation sectors. It is modeled after the Nationwide Candidate Conservation Agreement with Assurances for Monarch Butterfly on Energy and Transportation Lands (i.e., the Monarch CCAA) and is designed to work in concert with it. The proposed duration for the permit is 35 years.

2. What bumble bee species are covered by the Agreement?

The Agreement covers eleven at-risk bumble bee species, defined as those experiencing severe population declines that may also be petitioned, proposed, or listed under the ESA.

Covered species include:

- Rusty patched bumble bee (*Bombus affinis*)
- Crotch's bumble bee (*Bombus crotchii*)
- Franklin's bumble bee (*Bombus franklini*)
- Southern plains bumble bee (*Bombus fraternus*)
- Morrison's bumble bee (*Bombus morrisoni*)
- Western bumble bee (*Bombus occidentalis*)
- American bumble bee (*Bombus pensylvanicus*)
- Yellow banded bumble bee (*Bombus terricola*)
- Ashton's cuckoo bumble bee (*Bombus bohemicus*)

- Variable cuckoo bumble bee (*Bombus variabilis*)
- Suckley's cuckoo bumble bee (*Bombus suckleyi*)

The list of covered species can be amended in the future to include other insect pollinators with similar threats and conservation needs.

3. What is the duration of the Bumble Bee CBA?

The proposed permit duration for the Bumble Bee CBA is 35 years.

4. How does the Bumble Bee CBA compare to the Monarch CCAA?

The Bumble Bee CBA is modeled after the Monarch CCAA. Both are programmatic agreements administered by UIC promoting voluntary conservation on energy and transportation lands.

Similarities:

- For those specified species:
 - Incidental take coverage for covered activities
 - Regulatory assurances of no additional conservation measures or restrictions
- Some overlapping conservation measures.
- Overlapping enrollment allowed across the Monarch CCAA and Bumble Bee CBA.
- Monitoring plots can apply to both agreements.
- Concurrent tracking and reporting requirements.
- Fee discounts for dual enrollment.

Key differences:

- The Monarch CCAA focuses on “adopted acres” with land operations specific minimum requirements, while the Bumble Bee CBA applies conservation measures across all enrolled lands, requiring at least 5% of enrolled lands to be maintained as suitable habitat set-asides and a minimum of 3% to include “active” conservation measures.
- Monarch CCAA conservation measures include beneficial vegetation management practices. In the Bumble Bee CBA, conservation measures are expanded to include options for vegetation management, as well as avoidance, research, and other actions.
- In the Monarch CCAA, neighboring landowner coverage extends 100 ft. from habitat on enrolled lands. By comparison, the Bumble Bee CBA neighboring landowner coverage extends 650 ft. from habitat on enrolled lands.

Eligibility

5. Who can apply to be a Partner in the CBA?

Eligible Partners in this Agreement include non-federal and federal entities that manage lands associated with energy and transportation uses and choose to enroll lands. This includes any entity with a fee simple, leasehold, easement, or other land interest sufficient to carry out conservation measures on enrolled non-federal or federal lands.

6. What types of lands are eligible for enrollment?

Enrolled lands include energy and transportation lands across the contiguous U.S. that have existing, historical, or potential suitable habitat for covered species. This includes:

- Lands managed for electric power generation, transmission, and distribution
- Lands managed for oil and gas extraction, transmission, and distribution
- Transportation infrastructure (roads, highways, railroads, water, data, telecommunications)

Many of these lands, particularly those using Integrated Vegetation Management (IVM), can provide valuable grassland, meadow, prairie, or shrub-scrub habitats that support bumble bees.

Regulatory Coverage

7. What are "covered activities" under the CBA?

"Covered activities" refer to ongoing operations, maintenance (including vegetation management), and modernization of infrastructure on enrolled lands that are reasonably certain to result in incidental take of covered species. They also include conservation measures undertaken for the benefit of the covered species.

Examples of covered activities include:

- Routine operations and maintenance (e.g., mowing, herbicide applications)
- Modernization that removes or disturbs foraging, nesting, or overwintering habitat

This excludes activities such as:

- Permanent loss of suitable habitat on more than 1% of enrolled lands
- New infrastructure construction in previously undeveloped lands (except minor modernization with small-footprint expansions)
- Activities knowingly taking nests or overwintering sites of covered species
- Broadcast/aerial insecticide applications known to negatively affect bees

8. What does "take" mean in the context of the CBA?

Under the ESA, "take" is broadly defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct". In the CBA, authorization for take of covered species is granted for incidental take resulting from covered activities. This includes potential direct mortality (e.g., from mowing impacting nests) and harm through disturbance of essential behavioral patterns or habitat degradation. The Service authorizes the take, not the underlying activities themselves. Take is "expected to occur over the baseline condition and would still provide an overall net conservation benefit on each Partner's enrolled lands".

9. What if my enrolled land has other listed species or designated critical habitat?

The Agreement and its accompanying EOS Permit require Partners to develop and implement avoidance and minimization measures to ensure that covered activities do not jeopardize listed or proposed plants or destroy or adversely modify designated or proposed critical habitat on enrolled lands. The Service conducts an intra-Service Section 7 consultation to verify that the CBA's approval and accompanying CIs do not jeopardize other federally proposed or listed species or critical habitat.

19. What is the distinction between "Modernization" and "New Construction" in the CBA?

Modernization: Refers to activities carried out as part of routine operations, maintenance, and *ongoing modernization* of infrastructure on energy and transportation lands that are covered for incidental take. This typically involves upgrades, replacements, or minor expansions of existing infrastructure that do not result in a permanent loss of suitable bumble bee habitat beyond a small, defined threshold (i.e., less than 1% cumulatively for a Partner's enrolled lands). The intent is that the current ongoing land use will remain substantially unchanged in type and intensity.

New Construction: Refers to the construction of entirely new infrastructure or significant expansions that are not considered modernization. These activities are excluded from the CBA and may require separate consultation or permitting. Lands associated with new construction may be enrolled in the CBA before or after construction; however, incidental take coverage does not apply to the new construction activities themselves.

10. What are the assurances provided to Partners?

The CBA provides regulatory predictability and stability under the ESA by leveraging the U.S. Fish and Wildlife Service's "No Surprises Rule" described by 50 CFR 17.22(5) and 17.32(5).

For non-federal Partners on enrolled lands:

- Receive assurances that **no additional conservation measures** beyond those outlined in the Agreement will be required for any federally listed covered species.
- Are also assured that **no additional restrictions or limitations** on land, water, or resource use will be imposed on your enrolled non-federal lands, even if any currently unlisted covered species become listed under the federal ESA in the future.
- These assurances apply as long as the EOS Permit and Certificate of Inclusion (CI) are properly implemented and net conservation benefit is achieved.
- Partners who choose the "return to baseline" option when enrolling also receive lasting assurance that they may return to baseline conditions prior to the termination of their CI.

For federal Partners on enrolled lands:

- Federal Partners **do not receive the same regulatory assurances** as non-federal Partners through the EOS Permit.

- However, your participation can **help streamline Section 7 consultations** related to covered species and provide regulatory predictability on enrolled federal lands through the Section 7 biological and conference opinion associated with the Agreement.

11. How does the CBA relate to Section 7 Consultation under the ESA?

For federal agencies, the CBA and its associated programmatic biological opinion help streamline their Section 7 consultations.

- **Streamlined Process:** The Service conducts an intra-Service consultation for the Agreement's authorization and issues its own biological opinion on the effects of actions under the Agreement.
- **Avoiding Duplication:** If an activity covered under the CBA triggers a separate Section 7 review due to another federal nexus (e.g., funding, permitting), field offices may evaluate the action considering the CBA's Section 7 documentation for those activities. Where aligned, this can streamline the process by reducing timeframes, paperwork, and duplicative effort.
- **Federal Partner Requirements:** Federal Partners may enroll in the integrated Candidate Conservation Agreement (CCA) component to support streamlined Section 7 consultation for covered species. This Biological Assessment identifies and analyzes activities that result in no effect, not likely to adversely affect (NLAA), and likely to adversely affect (LAA) determinations for the rusty patched bumble bee. For NLAA projects, consultation with USFWS occurs once, without additional tiered or site-specific consultation unless reinitiation triggers are met.
- **Habitat Definition:** The CBA aligns with USFWS guidance for Section 7, which defines suitable habitat for covered species to include foraging, nesting, and overwintering habitat.
- **No Effect/NLAA Determinations:** The USFWS has an "Assisted Determination Key" to help federal agencies determine if their actions will have "no effect" or "may affect, not likely to adversely affect" on the covered species, facilitating consultation.

Enrollment

12. What are the benefits of enrolling in the CBA?

Enrollment in the CBA offers several benefits:

- **Regulatory Assurance and Incidental Take Coverage:** Partners receive authorization for incidental take of covered species resulting from covered activities, providing certainty that compliance with the CBA satisfies ESA obligations.
- **Conservation Benefit:** It provides a net conservation benefit to bumble bees by addressing threats, sustaining or adding suitable habitat, and reducing impacts from ongoing activities. It aims to increase bumble bee populations across their geographic range.
- **Landscape Connection:** The Agreement has the potential to create a widespread network of lands managed for beneficial habitat across the nation's working lands.

Energy and transportation lands can link fragmented habitats and offer refugia from other threats.

- **Streamlined Processes:** It aims to minimize administrative requirements for Partners and the Service, promoting increased engagement in voluntary conservation. For federal agencies, it can also help streamline Section 7 consultations.
- **Flexibility and Adaptive Management:** The Agreement acknowledges that circumstances may change over its 35-year duration and incorporates adaptive management principles, allowing for adjustments to conservation measures based on new information or biological responses.
- **Sustainability Alignment:** Conservation efforts can align with broader sustainability initiatives and global biodiversity goals, such as the Kunming-Montreal Global Biodiversity Framework.¹
- **Research Contributions:** The Agreement encourages Partners to engage in and support research and surveys, helping to fill knowledge gaps about bumble bee biology, ecology, and conservation needs.

13. What is the enrollment process for the CBA?

The enrollment process involves several steps to ensure consistency with the Agreement and ESA requirements.

1. **Pre-application Review:** Interested applicants determine potential overlap with covered species ranges, select lands to enroll, estimate acreages, and review Agreement obligations.
2. **Application Preparation:** Applicants provide information including land use descriptions, maps of enrolled lands, targeted conservation objectives, and descriptions of how conservation measures will be implemented.
3. **Baseline Determination:** Applicants must assess the baseline condition of their enrolled property, particularly if they wish to have the option to return to baseline later. This typically involves using land cover data (like National Land Cover Dataset) within mapped bumble bee occurrence areas to calculate suitable habitat acres at the time of enrollment.
4. **Section 7 Analysis:** Information supporting the application's ESA Section 7 analysis is needed to ensure actions will not jeopardize listed species or adversely modify critical habitat.
5. **Application Submission:** The compiled application package is submitted to the Program Administrator (UIC).
6. **Application Review:** The Program Administrator reviews applications for completeness and adherence to the Agreement's terms, with support from the Service to confirm consistency with intra-Service ESA Section 7 consultation.

¹ Convention on Biological Diversity (CBD). (2022). *Kunming-Montreal Global Biodiversity Framework*. CBD/COP/15/L.25. <https://www.cbd.int/article/cop15-final-text-kunming-montreal-gbf-221222>

7. **Certificate of Inclusion (CI) Issuance:** Once approved, UIC issues a CI to the applicant, who then formally becomes a Partner. The CI extends coverage to the Partner under the Service-approved EOS Permit.

14. What is "Net Conservation Benefit"?

Net Conservation Benefit is a core requirement for CBAs. It means that the conservation measures implemented under the Agreement are reasonably expected to improve each covered species' existing baseline condition on the enrolled property. In other words, the condition of the species or the amount or quality of its habitat is greater with the implementation of the Agreement than without it.

This benefit is demonstrated when conservation outcomes move above the established baseline condition, for example by reducing or eliminating threats, restoring or enhancing habitat, or sustaining higher-quality habitat over time. These improvements ensure that the Agreement provides a measurable, long-term gain for the covered species.

Baseline

15. What are the "Baseline Acres"?

Baseline Acres refers to the acres of natural land cover that may support covered species foraging, nesting, or overwintering habitat within the mapped occurrence ranges of covered species at the time of an individual Partner's enrollment. It is informed by initial geospatial mapping of enrolled lands and their overlap with suitable land cover types present within known occurrence ranges of covered species.

The baseline acres calculation is completed once at the time of enrollment and represents the starting point for assessing future habitat changes. Increases or decreases in habitat area due to land-use changes (for example, restoration, development, or vegetation conversion) would represent a change from the baseline condition, but do not alter the original baseline acres total unless the enrolled area itself is remapped or re-enrolled under new conditions.

As new occurrences of covered species are identified on or adjacent to enrolled lands, the acres above baseline may increase. These acres over baseline resulting from new occurrences allow Partners the option to return to baseline acres in the future, if desired.

16. What is the "Baseline Condition"?

This is an assurance provided to non-federal Partners in the CBA. It allows a land manager to return their enrolled property to its baseline conditions (as determined at the time of enrollment) at the end of the agreement or upon withdrawal from the agreement. This option is designed to incentivize voluntary conservation by providing regulatory certainty and reducing concerns about irreversible land-use changes.

The Partner is responsible for defining the number of acres and timeline needed for this return and for maintaining a ledger of habitat impacts during the process. The return to

baseline would typically be demonstrated through monitoring and documentation of habitat condition relative to the original baseline condition and acres.

17. What is the "Return to Baseline" option?

This is an assurance provided to non-federal Partners in the CBA. It allows a land manager to return their enrolled property to its baseline conditions (as determined at the time of enrollment) at the end of the agreement or upon withdrawal from the agreement. This option is designed to incentivize voluntary conservation by providing regulatory certainty and reducing concern of irreversible land-use changes for land managers. The Partner is responsible for defining the number of acres and timeline needed for this return, and for maintaining a ledger of habitat impacts during this process.

Implementation

18. What are the monitoring and reporting requirements for Partners?

Partners enrolled in the Agreement are required to submit annual compliance reports. Partners enrolled in both the Monarch CCAA and the Bumble Bee CBA may combine their monitoring and reporting efforts, provided the data collected meets the requirements of both agreements.

- **Documentation:** These reports document when, where, and how specific conservation measures were implemented on enrolled lands.
- **Habitat Conditions:** Partners are required to monitor habitat conditions where conservation measures are implemented.
- **Data Collection:** Monitoring aims to verify suitable habitat presence and is often done using tools like the Rights-of-Way as Habitat Working Group's Tier 3 Pollinator Habitat Scorecard.
- **Research and Data Sharing:** As an alternative to field habitat data collection, the Agreement encourages participation in existing bumble bee observation programs and supports research initiatives to increase knowledge on bumble bee populations and conservation effectiveness.
- **Program Administrator Role:** The Program Administrator (UIC) compiles and analyzes Partner data to ensure the Agreement is achieving a net conservation benefit.

19. Who are the key parties involved in the CBA?

The Bumble Bee CBA formalizes a partnership between the following parties:

- **U.S. Fish and Wildlife Service (USFWS)** is the permit issuer. The Service provides assurances, technical assistance, and conducts intra-Service Section 7 consultations. They also ensure compliance with the EOS permit.

- **University of Illinois Chicago (UIC)** acts as the Program Administrator and permit holder. UIC facilitates enrollment, maintains a conservation toolkit, acts as the fiscal agent, and fosters collaboration among Partners.
- **Partners** are non-federal and federal entities that manage energy and transportation lands and enroll in the Agreement. Partners implement conservation measures, conduct monitoring, and submit annual reports.
- **The Advisory Committee** is composed of Partners. The committee supports the Program Administrator in decision-making and advises on questions that arise during the Agreement's duration.

20. What are the conservation measures implemented by Partners?

Conservation measures are activities designed to achieve a net conservation benefit for bumble bees by reducing direct impacts; exposure to stressors; and by protecting, managing, creating, expanding, and enhancing foraging, nesting, and overwintering habitat. Partners are expected to select and implement at least one conservation measure for each of the five conservation objectives.

Conservation objectives include:

1. **Maintain, protect, and enhance nesting and overwintering habitat (mandatory):** Includes measures like keeping portions of enrolled lands undisturbed and avoiding known nest/overwintering sites.
2. **Manage, protect, and enhance foraging habitat:** Examples include targeted herbicide treatments, seeding and planting diverse native floral resources, conservation mowing, brush removal, and prescribed burning.
3. **Minimize exposures to stressors and direct impacts:** Focuses on reducing negative impacts from activities like pesticides and physical disturbances, often through adjusting timing or application methods.
4. **Increase knowledge of population trends, species distribution, stressors, and measures to effectively conserve the species:** Involves collecting and sharing data on bumble bee presence, conducting surveys, and funding/conducting research.
5. **Encourage advanced conservation commitments:** Includes measures such as implementing BMPs to limit invasive species, creating new habitat, enrolling in complementary certification programs, and maintaining a bumble bee conservation program for staff. This includes staff training on conservation, avoidance, and compliance practices, and installing signage to promote habitat protection and awareness.

21. Can neighboring landowners receive coverage through the CBA?

Yes, the CBA includes a framework for extending incidental take coverage to neighboring or underlying non-federal landowners under specific conditions.

- **Eligibility:** To be eligible, landowners must be non-federal, have a federally listed covered species mapped in their vicinity, and own lands on or adjacent to lands currently (or previously) enrolled in the Agreement.

- **Process:** Neighboring or underlying landowners seeking take coverage must:
 - Submit a neighboring landowner enrollment form to the Program Administrator.
 - Include a baseline condition assessment for the covered species on their property. On-site monitoring by the Partner to support this assessment is not required.
 - Grant permission with reasonable notice for the Service, the Program Administrator, or their representative(s) to enter the property to capture and relocate or salvage individuals of covered species or implement measures to reduce anticipated take of the covered species.

Additional Questions

For additional information, please contact Megan Petraitis at mpetrait@uic.edu.