

## Enrollment Timing for the Monarch CCAA

May 2024

### Purpose

The purpose of any voluntary conservation agreement (like a CCAA) is to encourage participants to take *voluntary* actions that create a net benefit to species that are candidates for listing, are proposed for listing, or may become candidates under the Endangered Species Act (ESA).<sup>1</sup>

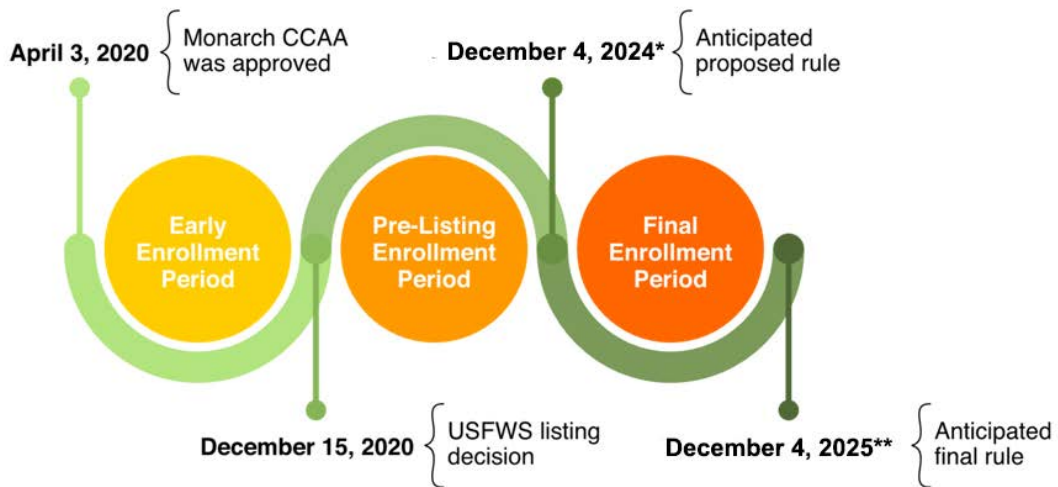
This guidance document helps potential CCAA applicants determine the best time to enroll for the monarch butterfly listing decision. The timing of enrollment is influenced by the potential benefits and risks associated with enrolling versus waiting.

### Key Takeaways

1. USFWS is required by a court settlement to publish a proposed listing decision by or before December 4, 2024.
2. Several benefit and risk factors may affect an Applicant's decision on whether to enroll in the Monarch CCAA prior to a formal announcement from USFWS.
3. Enrolling in the Monarch CCAA ahead of a listing decision offers a number of benefits. Waiting until a later date may pose higher risks.

### What are the important dates I need to know?

The figure below illustrates U.S. Fish and Wildlife Service (USFWS) decision making since the approval of the Monarch CCAA in April 2020 and the expected decision timeline. The key dates illustrated here are important to consider when enrolling in the Monarch CCAA.



\*The U.S. Fish & Wildlife Service will review the monarch's status each year as part of their annual Candidate Notice of Review, and if a change in status is warranted, they may take action sooner.

\*\*Within 12 months of proposed rule, followed by Effective Listing Date 30 days later.

<sup>1</sup> From the USFWS's and National Marine Fisheries Service's [Candidate Conservation Agreements With Assurances Policy](#), December 2016.

**What are the benefits and risks to consider when evaluating *when* to enroll into the Monarch CCAA?**

The following table provides a summary of the benefits, level of risk, and other considerations relative to enrollment timing.

Timing	Benefits	Risks	Considerations
<p><b>Pre-listing decision</b> (Before December 2024)</p>	<p><b>Very High</b></p> <ul style="list-style-type: none"> <li>• Certainty that operations have coverage, even if the listing timeline changes or if subsequent legal challenges add uncertainty.</li> <li>• Enrollment may help defer or delay listing by adding conservation.</li> <li>• Recognition and positive contributions can be shared via social media and benefit company sustainability reporting.</li> <li>• Streamlined Section 7 consultation, which may benefit both CCAA and non-CCAA work planning.</li> </ul>	<p><b>Low</b></p> <ul style="list-style-type: none"> <li>• Allows the greatest amount of time for enrollment and implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• The CCAA is voluntary. A Partner can un-enroll at any time.</li> <li>• The CCAA and level of enrollment were previously cited in the USFWS Species Assessment as primary reasons that an emergency listing was not required.</li> <li>• Many existing CCAA Partners have benefitted from social media postings and about the positive results and other NEPA reviews from their participation in the CCAA program.</li> <li>• Enrolling sooner than later reduces the organization's risk and potential costly delays</li> </ul>
<p><b>After a proposed listing decision ruling</b> (December 2024 – December 2025)</p>	<p><b>High</b></p> <ul style="list-style-type: none"> <li>• Certainty that operations have coverage, if enrolled before a final effective listing date (if proposed).</li> <li>• Although less impactful than prior to the proposed ruling, additional enrollment could help inform the final ruling decision.</li> </ul>	<p><b>Moderate to High</b></p> <ul style="list-style-type: none"> <li>• If there is a successful legal challenge or emergency listing, then potential applicants will likely have little or no time to prepare for, or enroll, in the CCAA.</li> <li>• If an application is still under review at the time of the effective listing date, the Applicant may experience gaps in coverage and need to identify avoidance measures or pursue other incidental take permitting.</li> <li>• A company or agency has increased risk exposure the longer they wait to enroll.</li> </ul>	<ul style="list-style-type: none"> <li>• Enrollment in the CCAA is only allowed up until the effective listing date (not after).</li> <li>• Increased enrollment is expected following a proposed listing decision. Waiting until a listing decision is expected to increase risks of more time consuming or delayed application reviews.</li> <li>• Potential review bottlenecks may pose a gap or delay in receiving incidental take coverage.</li> <li>• If the enrollment cap of 26 million acres is met, it may preclude additional enrollment.</li> </ul>
<p><b>After a final effective listing rule</b> (If proposed, expected around December 2025)</p>	<p><b>Low</b></p> <ul style="list-style-type: none"> <li>• Applicants may only enroll up to an effective listing date.</li> </ul>	<p><b>Very High</b></p> <ul style="list-style-type: none"> <li>• Enrollment after a final effective listing rule is not allowed unless the CCAA is modified to a Safe Harbor Agreement or similar agreement type.</li> </ul>	<ul style="list-style-type: none"> <li>• As a <i>candidate</i> conservation agreement with assurances, the Monarch CCAA is only open to enrollment while the monarch butterfly is a candidate for listing.</li> <li>• Partners enrolled <i>prior</i> to the final effective listing rule may continue to add or remove enrolled lands as needed.</li> </ul>

**Why would we enroll in the Monarch CCAA now, since the USFWS will not be announcing a decision on monarch butterfly listing until December 2024?**

The Monarch CCAA is more important now than ever. In December 2020, USFWS determined that monarch butterflies “warrant listing”. That means, with no changes to reverse their decline, monarchs will be proposed for listing under the ESA.

- By enrolling now, CCAA Partners implement actions that can help save monarchs, potentially contribute to a future “not warranted” determination, and provide certainty to their business operations.
- By waiting, less conservation happens, which makes a monarch listing almost inevitable. Unless the species status improves considerably in the next few years, a future listing is nearly assured with the “warranted” finding.

There are both **risk-resilience** and **conservation** benefits to enrolling in the CCAA:

**Risk-resilience**



Enrolling in the Monarch CCAA when the monarch is not protected under the ESA provides certainty and assurances against an ever-changing regulatory landscape. In the event the USFWS’ decision is challenged and reversed, then a listing of the monarch may come swiftly, allowing minimal time for enrollment and preparation. Similarly, if there are additional population declines or unexpected catastrophic events that endanger monarch populations, an urgent or emergency listing may be more likely. In both scenarios, enrollment in the Monarch CCAA provides certainty and regulatory assurances that protect business operations.

**Conservation commitment**



The Monarch CCAA is the single largest conservation contribution to protect monarch butterflies. Since the “warranted but precluded” finding, the USFWS has conducted annual population assessments to determine if the species is recovering or the priority for listing needs to change. Thus, commitments made to the Monarch CCAA through enrollment may be considered as additional conservation during those assessments and may help keep the species from a continuing decline, thus keeping the species from requiring protection under the ESA.

**How much land should I enroll in the Monarch CCAA?**

When determining which lands and how much land to enroll, Applicants will want to evaluate how to best capitalize on the regulatory certainty and operational flexibility that the CCAA offers while providing the most benefits to monarchs through conservation. The following table provides a summary of the tradeoffs when considering how much land to enroll.

Question	Pros	Cons
<p>Do I enroll most or all lands managed in our system?</p>	<ul style="list-style-type: none"> <li>More enrolled lands, and a greater amount of adopted acres, may help defer or delay listing; <b>the more lands enrolled, the greater the potential benefit and greater consistency in how the CCAA is applied across your operations.</b></li> <li>Enrolled lands have the greatest regulatory certainty for covered activities; more enrolled lands, more certainty.</li> <li>Enrolling 'extra' land to account for temporary access or easements increases certainty of covered activities and increases conservation benefit.</li> <li>Once enrolled, fewer updates or changes are needed.</li> </ul>	<ul style="list-style-type: none"> <li>May require increased coordination among work teams to ensure individuals understand the CCAA, including its implementation, tracking, monitoring, and compliance requirements.</li> <li>Increased acreage may (or may not) result in a higher annual administrative fee depending on the amount of lands enrolled and the fee cost per acre.</li> </ul>
<p>Do I enroll a subset or small portion of lands managed in our system?</p>	<ul style="list-style-type: none"> <li>Allows an organization to “pilot test” enrollment in a smaller context, which can increase the understanding and comfort level of individuals implementing the CCAA.</li> <li>Allows an organization to have a “foot in the door” and increase their enrollment in the event of continued declines in the monarch population.</li> </ul>	<ul style="list-style-type: none"> <li>Lands not enrolled are subject to changes in regulations, including some restrictions that are likely following listing.</li> <li>Conservation benefits of low acreages of enrolled lands are less likely to contribute to a change in the listing decision.</li> <li>Modifications to a Partner enrollment that are greater than 5% of their existing enrolled lands may be subject to an additional \$1,500 modification fee.</li> </ul>

For more information on enrolling lands under the CCAA, please see [Guidance for Determining Enrolled Lands and Covered Activities](#).

**Still not sure?**

Your organization can be a valuable Partner to the Monarch CCAA in helping turn the tide for conservation of the monarch butterfly. If you remain uncertain about the best path forward from here, use this decision tree to help decide when the timing is best for your organization to enroll.

