

U.S. Fish and Wildlife Service Approves Historic Agreement for Protection of Monarch Butterflies

On April 8, 2020, the U.S. Fish and Wildlife Service announced the finalization of a Candidate Conservation Agreement with Assurances for the monarch butterfly. Authorized by the Endangered Species Act, a CCAA is a voluntary conservation agreement that addresses the conservation needs of at-risk species before they are listed as endangered or threatened. Under the agreement, more than 45 transportation and energy companies and numerous private landowners will participate in monarch butterfly conservation by providing habitat along energy and transportation rights-of-way corridors on public and private lands across the country. This will provide potentially millions of acres of overwintering habitat for the monarch butterfly with the goal that listing under the ESA will become unnecessary. A Perkins Coie team including [Don Baur](#), [Bill Malley](#), [Bob Maynard](#), [Anne Beaumont](#), [Cassie Roberts](#), [Christina Bonanni](#) and [Sheri Pais](#) represented the [Monarch Butterfly CCAA Task Force](#), which prepared the CCAA.



As reflected in our earlier report ([How Developers Can Help Save the Monarch Butterfly and Why They Should](#)), long-term declines in the population of monarch butterflies have significantly increased the probability that they may become extinct in the near future. A U.S. Geological Survey and Scripps Institution of Oceanography study found that the Eastern migratory monarch population declined by 84 percent between 1997 and 2015, indicating a substantial probability of "quasi-extinction" over the next two decades. A quasi-extinct population is one with so few remaining individuals that recovery is effectively impossible — while the remaining numbers may survive for a brief time, the population as a whole will inevitably become extinct. Research indicates that the most effective way to increase monarch butterfly numbers is to focus on restoration of their breeding habitat in the northern U.S. and southern Canada. Monarchs depend on several species of [milkweed](#) to provide food for developing larvae. Milkweed has declined precipitously as a result of a combination of herbicide use, climate change, insecticides (including neonicotinoids) and other factors. The monarch butterfly CCAA represents an unprecedented step toward the goal of providing the overwintering habitat necessary to save the species. It is not only the largest CCAA in history but was completed under one of the fastest timelines, representing an extraordinary collaboration between the Service, industry leaders, developers, farmers, ranchers and landowners. The CCAA provides participating property owners with an "enhancement-of-survival permit" that includes assurances that if they fulfill certain conservation measures, they will not be required to implement measures beyond those in the CCAA even if the species is ultimately listed under the ESA. Measures include conservation-timed mowing and brush removal, avoiding or modifying use of herbicides, revegetation with local seed mixes that include a variety of flowering plants and milkweed, and other pollinator-focused vegetation management. Although the agreement specifically focuses on monarch butterfly habitat, the conservation measures will also benefit several other species, particularly pollinating insects. As we previously reported ([Fish and Wildlife Service Agrees to Deadline for Monarch Butterfly Listing Decision](#)), the Service was petitioned to list the monarch butterfly under the Endangered Species Act in 2014 and is required to make a determination on whether a listing is warranted by the end of this year. More information regarding the CCAA and the Service's monarch butterfly conservation efforts, including what individuals can do to help, is available on the Service's [Save the Monarch](#) website.

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