

March 12, 2020

The Honorable David Bernhardt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

RE: Support for Expedited Approval of the Nationwide Candidate Conservation Agreement for Monarch Butterfly on Energy and Transportation Lands (Docket No. FWS-R3-ES-2019-0007)

Dear Secretary Bernhardt:

The American Association of State Highway and Transportation Officials (AASHTO) supports expedited approval of the Nationwide Candidate Conservation Agreement with Assurances for Monarch Butterfly on Energy and Transportation Lands (CCAA) submitted to the U.S. Department of the Interior and posted for comment on April 15, 2019. AASHTO is a nonprofit, nonpartisan association representing the State transportation departments in the 50 states, the District of Columbia, and Puerto Rico. It represents all five transportation modes: air, highways, public transportation, rail, and water. Its primary goal is to foster the development, operation, and maintenance of an integrated national transportation system. Our members work closely with U.S. DOT agencies to operate, maintain, and improve the nation's transportation system.

The 2015 FAST Act directs that pollinator habitat be encouraged in highway rights of way. We see the CCAA as advancing this bipartisan legislation and encouraging adoption of the guidance developed by the Federal Highway Administration on practices to support pollinator habitat. The CCAA creates certainty for agencies managing linear rights-of-way that if they continue or adopt practices that benefit monarch butterflies, they will not need to take additional actions to comply with the Endangered Species Act if the monarch is listed.

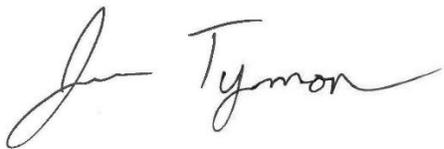
The implementation of the CCAA will benefit both transportation agencies and the monarch butterfly in several ways. This voluntary agreement provides an option to improve certainty for transportation agencies to implement vegetation management practices that will benefit habitat conservation for the monarch butterfly. Implementing the agreement sooner rather than later will allow the US Fish and Wildlife Service (USFWS) to consider the enrollments as part of the evaluation of conservation actions for monarchs while finalizing the determination of whether to list the species under the Endangered Species Act. USFWS has indicated that enrollments through May 2020 will be considered in that decision; it will take some months for applications to be prepared and accepted once the final CCAA is approved, so the sooner the agreement is approved, the better.

This agreement is important to transportation agencies because they generally maintain low vegetation in the operational rights-of-way as a cost-effective method of providing safe roads for the traveling public. A byproduct of that management is that low vegetation is often good or great pollinator habitat. The regulatory protections provided by this CCAA allow transportation agencies to continue these practices and enhance pollinator habitat with less concern that these actions will lead to an increase in the costs of regulatory compliance for building and maintaining transportation infrastructure if the monarch is listed under the Endangered Species Act. The CCAA application process allows transportation agencies to proactively develop compliance efforts within the framework of their existing vegetation management programs rather than having requirements defined externally. The CCAA also has flexibility that allows conservation actions to be directed to areas where there are not conflicts with adjacent landowners or underlying easement holders and continue typical practices in other areas. The assurances the CCAA will provide have immediate and enormous value, as demonstrated by the involvement of 18 state transportation agencies and 20 energy companies in the cooperative process to develop the agreement over a two-year period.

While achieving the timely completion of our sector's CCAA, we hope that you will also work with other industries and infrastructure sectors in ways that provide them with an incentive to conserve this butterfly and other pollinators and with similar regulatory assurances. Our agencies have invested significant time and resources into completing this agreement and funding its implementation and we expect that other industries will do the same if such plans or agreements are as important to them as this agreement is to us.

Thank you for consideration of AASHTO's position on the approval of the Nationwide CCAA for the Monarch Butterfly on Energy and Transportation Lands. If you have any questions or would like additional information, please contact Shannon Eggleston, Program Director for Environment, at (202) 624-3649.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Tymon". The signature is fluid and cursive, with the first name "Jim" written in a larger, more prominent script than the last name "Tymon".

Jim Tymon
Executive Director
American Association of State Highway and Transportation Officials