

March 12, 2025

Mr. Stephen Guertin
Deputy Director for Program Management and Policy
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Re: Proposed Rule: Threatened Species Status with Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat (89 Fed. Reg. 100,662-100,716, December 12, 2024)

Dear Mr. Guertin,

The undersigned associations (“Associations”) appreciate the opportunity to comment on the U.S. Fish and Wildlife Service’s (the Service) proposed rule (FWS-R3-ES-2024-0137) titled, “Threatened Species Status with Section 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat.” Given the critical nature of this proposed listing and its potential to stifle much needed investment in vital industries throughout the supply chains that our organizations represent, we encourage the Service to focus on a community and science-based approach. This approach should encourage the expansion of existing voluntary conservation measures to provide targeted and meaningful benefits to the monarch population while supporting the business community’s ability to innovate and meet consumer demand for products and services.

The monarch butterfly inhabits all lower 48 states in both urban and rural environments. If finalized as proposed, this listing would stand as the largest listing decision in Endangered Species Act (ESA) history, affecting the entire lower 48 states. The unprecedented scope of this habitat means that any conservation decision made by the Service will pose unique challenges to land and business owners across the country who want to build the economy of the future.

Our organizations represent a broad range of business interests, across the monarch’s 48-state range of the species, who work to be good stewards of the environment and are concerned about the impact of various threats to its population. The Associations support the ESA’s goal of protecting species threatened with extinction and the habitats those species depend on. However, we share concerns that a decision to list the species as threatened and designate critical habitat would lead to federal micromanagement of private actions that will deter investments that support jobs and deliver important benefits.

Thus, we urge the Service to identify and support practical and flexible pathways that allow for conservation of the species in a manner that does not unduly affect the economy, energy and

infrastructure development, and minimize the compliance costs for landowners and businesses of implementing this expansive rule.

I. Existing Conservation Efforts Are Effective at Advancing Targeted Management Practices

While monarch populations have experienced fluctuations, the available scientific evidence does not indicate that the species is at imminent risk of extinction or likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. This is in part due in part to existing conservation efforts including the many voluntary, incentive-based programs that have already shown success in education, conservation, and habitat restoration.

Significant public and private efforts are already underway to protect the monarch butterfly and its habitat. The industries our associations represent- including agriculture, energy, and mining- have proactively engaged in public and private initiatives, including habitat restoration programs and pollinator-friendly agricultural practices that mirror the intended outcome of a successful ESA listing without adding to an already overburdened regulatory system. These initiatives are making measurable progress in supporting monarch populations and demonstrate that voluntary, cooperative approaches can achieve conservation goals. Numerous federal, state, and private initiatives are already in place to support monarch conservation, including:

- **U.S. Department of Agriculture’s Conservation Reserve Program (CRP)**– A voluntary initiative aimed at improving environmental health and sustainability. The program encourages farmers and landowners to convert highly erodible and environmentally sensitive land into vegetative cover, such as native grasses, trees, and riparian buffers.¹ The CRP plays a significant role in protecting monarch butterflies by creating and maintaining habitats that support their lifecycle. This includes planting milkweed, creating pollinator habitats and mitigating the loss of natural habitats due to agriculture and development activities. The CRP offers technical support to landowners to implement conservation practices that benefit monarchs, including guidance on planting and maintaining suitable habitats as well as financial incentives to encourage participation²
- **U.S. Fish and Wildlife Service Monarch Conservation Plan**—The Service manages a program that focuses on conserving monarch habitat on federal lands and supporting pollinator-friendly agricultural practices.³

¹ U.S. Department of Agriculture, Farm Service Agency, *Conservation Reserve Program (CRP)*, <https://www.fsa.usda.gov/resources/programs/conservation-reserve-program>.

² "Monarch Butterflies," Natural Resources Conservation Service, U.S. Department of Agriculture, <https://www.nrcs.usda.gov/programs-initiatives/monarch-butterflies>

³ U.S. Fish and Wildlife Service, *Help the Monarch Butterfly*, <https://www.fws.gov/initiative/pollinators/monarchs/help>.

- **North American Monarch Conservation Plan (NAMCP)** – NAMCP is a trilateral, collaborative effort between Canada, Mexico, and the United States to conserve the monarch butterfly and its unique migratory phenomenon. The NAMCP focuses on safeguarding habitats in overwintering sites in Mexico and along the monarch's breeding and migration corridors across North America. It also established a coordinated program to monitor monarch populations and habitats, providing data to assess the effectiveness of conservation measures.⁴
- **Monarch Joint Venture** – A national partnership of government agencies, conservationists, and academic institutions working to preserve monarchs through habitat restoration, research, and education.⁵
- **University of Illinois Chicago - Monarch Candidate Conservation Agreement with Assurances (CCAA)** – Developed through collaboration with energy companies and transportation agencies, this initiative aims to develop effective conservation measures, such as planting native plants and implementing Integrated Vegetation Management practices. The CCAA is a first-of-its-kind endeavor to ensure the survival of the monarch butterfly, covering up to approximately 26 million acres of land.⁶ As of February 2025, there were 61 enrollees in the CCAA with approximately 7,265,533 acres of land enrolled⁷ committed. Under the Monarch CCAA, enrollees are required to carry out conservation measures on their enrolled lands to reduce or remove threats to the Monarch and to create and maintain habitat annually.⁹ Based on these metrics, the CCAA has and provided substantial benefits to the species and regulatory certainty for enrollees.
- Additional corporate and nonprofit-led initiatives, including the **Pollinator Partnership** and **local programs in cities across the United States and Canada** work at the community level to provide resources and on a community level to protect the species.¹⁰ Tandem Global, formed by the joining of **Wildlife Habitat Council (WHC)** and **World Environment Center (WEC)**, works with companies to advance biodiversity, sustainability, employee engagement and community relations goals. A number of our members participate in voluntary habitat creation and management projects which are

⁴ U.S. Forest Service. "North American Monarch Conservation Plan." https://www.fs.usda.gov/wildflowers/pollinators/Monarch_Butterfly/news/documents/Monarch-Monarca-Monarque.pdf

⁵ Monarch Joint Venture, *Monarch Conservation Partnership*, <https://monarchjointventure.org>.

⁶ Proposed Rule at 100,675.

⁷ "Enrolled lands" are lands within the covered area that have been identified by a signed certificate of inclusion on which conservation measures or covered activities may occur, and on which assurances provided under the CCAA would apply. Monarch CCAA at xi.

⁸ "Adopted acres" are lands within the enrolled lands where conservation measures will be used to create, enhance, restore, sustain, or maintain habitat supporting the Monarch's breeding and/or foraging requirements. Monarch CCAA at ix.

⁹ Proposed Rule at 100,674.

¹⁰ Pollinator Partnership. "Monarch Resources.", <https://www.pollinator.org/monarch/monarch-resources>

then independently certified by the WHC. These projects include planting pollinator gardens across the country.¹¹

It is important that the Service gives full weight to the value of these conservation efforts when making its final listing decision and considers the potential negative impacts ESA restrictions could have on these existing, voluntary conservation programs – as well as future investments in proactive, voluntary conservation efforts. A listing that creates complex and costly compliance measures may work to discourage voluntary participation in these successful conservation programs by creating additional regulatory hurdles and land-use restrictions. The Service should seek to work with these programs to make sure the approach to long term conservation is holistic and targeted to protect the species without unduly burdening landowners.

II. The Proposed Rule May Have Unintended Consequences for Infrastructure Development and Essential Industries, Including Agriculture and Energy

The unprecedented scope of the monarch's habitat means that any regulations resulting from an ESA listing will add another layer of government restrictions on nearly every industry in the country, either directly or indirectly. Industries especially effected are those that are essential to the growth and security of the United States. ESA regulations disproportionately delay or block projects that require large amounts of land and energy, making the agriculture, construction, and energy industries especially vulnerable to the regulatory burden triggered by ESA listing decisions.

Energy and infrastructure projects require extensive environmental reviews and permits. In the United States, it can take nearly 30 years to take a single mining project from conception to operating.¹² Like any ESA listing, the imposition of an additional layer of regulatory restrictions relating to the monarch butterfly could lengthen these processes even further, delaying projects meant to strengthen our infrastructure and provide affordable and reliable energy. The Service's failure to include explicit exemptions in its proposed 4(d) rule for energy infrastructure development and maintenance is particularly concerning.

Careful consideration should be made regarding the increased costs for compliance and permitting for agricultural and infrastructure projects and the potential for overreach in land-use restrictions. Without such consideration, a listing could end up negatively impacting important economic activities without providing clear benefits to the species.

III. Evidence of a Highly Fluctuating Population Size and Behavior Will Make It Difficult to Apply Appropriate Prescriptive Measures

¹¹ "Certification," Tandem Global, <https://tandemglobal.org/certification/>.

¹² S&P Global. "Development Times in the U.S.: A Perspective on Mining Projects." June 2024. https://cdn.ihsmarket.com/www/pdf/0724/SPGlobal_NMA_DevelopmentTimesUSinPerspective_June_2024.pdf.

The decision to list a species under the ESA should be based on rigorous, objective, and verifiable scientific evidence. Without a fuller picture of the species' status domestically and abroad, it will be difficult to develop and apply long term prescriptive measures that restore the population in any meaningful way.

Although native to North America, the monarch butterfly has a range that “has expanded west via human assistance to many islands in the Pacific Ocean and to the east to the Iberian Peninsula to now occupy 90 countries, islands, and island groups.”¹³ Given the monarch’s “presence over a large geographical range where the climatic conditions and habitat vary widely,” predicted “continued presence in an estimated 84 of the 90 countries, islands, and island groups where it occurred historically or to where it has dispersed,” and “low risk of becoming extirpated from multiple locations should a large-scale catastrophic event occur,” FWS herein proposes to determine that “the monarch butterfly is not currently in danger of extinction throughout all of its range” and “is not likely to become in danger of extinction within the foreseeable future throughout all of its range.”¹⁴ In other words, FWS concluded that the range-wide population of monarch butterflies do not meet the ESA’s definition of either endangered or threatened species.

Critically, however, when the Service “next considered whether the monarch butterfly is likely to become an endangered species within the foreseeable future in the North America portion (*i.e.*, if it meets the Act’s definition of a threatened species),” FWS assessed the status of only *migratory* monarch populations in North America.¹⁵ Non-migratory monarchs that “remain year-round at the southern end of their breeding range in North America”¹⁶ were not meaningfully assessed.

Even though the Service’s status assessment for North America was primarily limited to *migratory* monarch populations, FWS relied on the assessment to more broadly “conclude that the monarch butterfly is likely to become in danger of extinction within the foreseeable future throughout North America.”¹⁷ This conclusion is inconsistent with the Act and fundamentally misconstrues scientific evidence on the potential loss of the North American monarch migration as evidence of the potential loss of the North American monarchs themselves.

Existing data, including FWS’s population charts, show that monarch populations fluctuate up and down frequently.¹⁸ In the time since the proposed rule was published on December 12, 2024, a new study released by WWF-Mexico and Mexico's National Commission of Protected Natural Areas shows the observed population of eastern monarchs wintering in central

¹³ Proposed Rule at 100,666.

¹⁴ Proposed Rule at 100,679-100,680.

¹⁵ Proposed Rule at 100,681.

¹⁶ U.S. Fish and Wildlife Service. "Monarch Butterfly (*Danaus plexippus*) Species Status Assessment Report, Version 2.3." December 2024, p. 13

¹⁷ Proposed Rule at 100,681.

¹⁸ U.S. Fish and Wildlife Service. "Monarch Butterfly (*Danaus plexippus*) Species Status Assessment Report, Version 2.3." December 2024, p. 26-27.

Mexico's forests nearly doubled in 2025 and grew the occupied habitat to 4.42 acres, up from 2.22 acres during the previous winter.^{19 20}

While long term 20-year population averages do demonstrate a decline, they also show a highly fluctuating population year over year, indicating that population levels are likely impacted by a multitude of factors that may change by the year or region. Such a diversity of threats would be nearly impossible to address with blanket regulations. The Service should consider that targeted, community-based programs are more appropriate to address the various threats to the species, rather than a federally imposed blanket plan that could be limited in its effectiveness due to its inflexibility.

Accurate data on population size, distribution, and trends are essential to understanding the extent of the decline and identifying the primary contributing factors. This information helps in assessing the urgency and scale of conservation efforts needed. Additionally, understanding the butterfly's habitat requirements and migration patterns can inform effective management strategies that balance conservation with economic activities. Without this detailed knowledge, any protective measures might be either insufficient or overly restrictive, potentially leading to unintended consequences for both the species and human stakeholders. Therefore, thorough research and monitoring are necessary to make informed and balanced decisions.

IV. The Proposed Critical Habitat Designations Have the Potential to Damage Economies Already Suffering from the Impacts of Wildfires

While critical habitat designations are an important part of species conservation, they can also work to restrict land use and development, potentially leading to increased costs for businesses and landowners. This can affect industries including agriculture, tourism, and real estate, which are vital to the economies and communities of the coastal California areas proposed by the Service as critical habitat for the monarch butterfly.

As coastal California begins to recover from the January 2025 wildfires, landowners and developers face numerous regulatory hurdles, including the need for permits and consultations with federal, state and local agencies, which could delay rebuilding efforts by years and increase compliance costs beyond what homeowners can afford. Imposing further restrictions on land use and compliance in a region where the permitting system is already overextended on local, state, and federal levels. Any additional red tape could have devastating and permanent effects on the communities and businesses in wildfire areas.

Restrictions on land use can have a profound impact on local economies, particularly those that rely on coastal resources for their livelihoods. Additionally, the dynamic nature of coastal ecosystems means that habitat requirements can change over time. If the critical habitat

¹⁹ World Wildlife Fund. "Eastern Monarch Butterfly Population Nearly Doubles in 2025."

<https://www.worldwildlife.org/stories/eastern-monarch-butterfly-population-nearly-doubles-in-2025>

²⁰ The survey, *Forest Area Occupied by Monarch Butterflies Colonies in Mexico During the 2024-2025 Hibernation Season* is conducted annually during the last 2 weeks of December by WWF-Mexico and Mexico's National Commission of Protected Natural Areas in collaboration with local communities.

designation proposed by the Service is finalized, impacted communities may lack the flexibility needed to address these changing needs effectively.

V. Conclusion

The protection of the monarch butterfly is undeniably important. However, when considering the potential of a species listing, it is crucial to also consider the broader implications of an ESA listing on businesses, landowners, and critical infrastructure projects and whether such action is necessary considering the significant investments already being made in monarch conservation. The Service must carefully evaluate the potential consequences of a listing determination to ensure that conservation efforts do not inadvertently cause significant economic damage and operational disruptions. By thoroughly assessing the monarch butterfly's population data and engaging with all stakeholders, the Fish and Wildlife Service can develop a balanced approach that safeguards both the species and the interests of those affected. This collaborative and informed strategy will help achieve sustainable conservation outcomes while minimizing unintended consequences.

We appreciate the opportunity to comment on this proposed rule.

Sincerely,

U.S. Chamber of Commerce
American Gas Association
Associated General Contractors of America
Interstate Natural Gas Association of America
National Rural Electric Cooperative Association
National Stone, Sand & Gravel Association