



**STEARNS COUNTY**  
**BOARD OF COMMISSIONERS**  
Stearns County Administration Center  
St. Cloud, MN 56303

October 20, 2020 Meeting

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**REQUEST FOR BOARD ACTION**

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**DEPARTMENT:** Public Works

**SUBMITTED BY:** Jodi Teich

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**AGENDA ITEM:**

Authorize the Highway Department to Begin a Public Input Process While Initiating an Application to Enter the Monarch Candidate Conservation Agreement with Assurances for Stearns County Road Rights of Way.

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**PREVIOUS ACTION:**

None.

**RECOMMENDED BOARD ACTION:**

Authorize the Highway Department to begin the public input process and initiate the application process.

**MANDATED PROGRAM:** Non-Mandated

**COMMENTS:**

Monarch butterflies face a variety of risks that have led to declining populations. As a result, the US Fish and Wildlife Service (USFWS) is in the process of determining whether to list the monarch under the Endangered Species Act. If the monarch is listed under the ESA there is significant potential to cause interruption of construction projects as well as road ROW maintenance activities. The USFWS considers many roadside areas as having potential for monarchs to be present most of the year excluding winter. Roadsides are one of many land-types that have been identified as having significant potential to provide monarch habitat.

A document called the Nationwide Monarch Candidate Conservation Agreement with Assurances (CCAA) for the Monarch Butterfly on Energy and Transportation Lands was finalized April 2020. The CCAA was developed through a collaborative effort between the USFWS, a partnership of entities from the energy and transportation sectors (including MnDOT), and the University of Illinois at Chicago (UIC). The monarch CCAA establishes a voluntary program that energy and transportation organizations (including counties) can use to help reduce disruptions in the delivery of services if the monarch is listed as a threatened or endangered species. The Endangered Species Act allows the USFWS to authorize "take" of a listed species for activities like mowing and certain types of construction via the CCAA and its associated takings permit. It is also possible that the development of the CCAA and conservation activities implemented on the subsequent enrolled acres will factor into the species listing decision.

Participating in the CCAA means a road authority is agreeing to choose and implement actions that will benefit monarchs, such as changing mowing timing and seeding milkweed, in exchange for assurances

from USFWS that no additional regulatory requirements will be imposed that impact road construction or maintenance if the monarch is listed under the ESA.

In order for a county to have its roads and activities covered under the CCAA the county must enroll in the CCAA before the monarch is listed. Unfortunately it is not possible to give an exact deadline. Regardless of what decision USFWS makes (expected December 2020), lawsuits will likely follow. In our opinion it would be prudent for the county to enroll in the CCAA and make the associated decisions such as which lands we will enroll (i.e., all right-of-way or only non-paved areas), covered activities, and conservation measures we will choose. MnDOT has already applied to participate in the CCAA and has gained valuable experience about the process that they have shared with counties.

Highway Department staff has identified areas within its rights of way that could work as enrolled acres within the CCAA program, but would like to solicit public input on the program and the areas. We propose to do this through direct mailings to residents along the proposed road rights of way and news releases to newspapers and radio stations throughout Stearns County. After public input is gathered a summary of that input will be distributed to the board, and the final application would be presented to the county board for final approval.

**REQUIRED EQUIPMENT:**

No equipment required.

**LENGTH OF PRESENTATION:**