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January 31, 2025

The Honorable Doug Burgum  
Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Burgum,

On behalf of the nearly 900 not-for-profit electric cooperative members of the National Rural Electric Cooperative Association (NRECA), congratulations on your confirmation as Secretary of the Interior. NRECA shares President Trump's vision of a pro-energy future and looks forward to working with the Department of the Interior (DOI) under your leadership, and with you in your capacity as Chairman of the National Energy Council.

America's electric cooperatives comprise a unique sector of the electric industry. NRECA's member cooperatives include 64 generation and transmission (G&T) cooperatives and 832 distribution cooperatives. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line cooperative consumer-members.

These not-for-profit entities are independently owned and governed by the people they serve. From growing exurban regions to remote farming communities, electric cooperatives provide power to 42 million Americans across 48 states. They keep the lights on across 56% of the American landscape – areas that are primarily residential and sparsely populated. Those characteristics make it comparatively more expensive for electric cooperatives to operate than the rest of the electric sector, which tends to serve more compact, industrialized, and densely populated areas.

**I am writing today to request a meeting with you to discuss DOI and the National Energy Council's priorities and policy goals; and to share NRECA's perspective on critical issues affecting electric affordability and reliability.** Reliable electricity is essential to America's economic growth. And as our nation increasingly relies on electricity to power the economy, keeping the lights on has never been more important – or more challenging.

Because we serve 56% of our nation's landmass, cooperatives necessarily operate on more public lands and critical habitat than any other type of utility, increasing our risk exposure to events like wildfire and subjecting cooperatives to burdensome and costly government red tape for right-of-way operations and maintenance, and wildfire mitigation activities. Working through bureaucratic challenges within DOI's land and species management agencies is a key priority for our members and is critical to electric reliability.

Cost-effective and lawful federal regulations that minimize unnecessary burdens are critical to cooperatives' ability to provide affordable, reliable, and safe electricity to their consumer-members. I have attached a list that identifies several unlawful and harmful regulations that DOI promulgated during the previous administration. It includes our recommendations for how DOI should address those

regulations, unleash American Energy, and ensure reliability and affordability while promoting a healthy environment.

America's electric cooperatives are critical partners in the Trump Administration's commitment to jumpstart the American economy. Thank you for your consideration of this request to meet with you. Please do not hesitate to contact me or have your staff contact Ashley Slater, Vice President, Regulatory Affairs at (703) 907-5825 or [ashley.slater@nreca.coop](mailto:ashley.slater@nreca.coop) for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Matheson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jim Matheson  
CEO, NRECA

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## **NRECA's Priority DOI Actions**

### **Overview**

Electric cooperatives operate on more public lands and critical habitat than any other type of electric utility, and their ability to access, maintain, harden, and expand their infrastructure and rights-of-way is key to national security, economic prosperity, and countless rural communities. Navigating the BLM and U.S. Fish and Wildlife Services' webs of conflicting regulations, limitations on use, and arduous permitting and approval processes has directly impacted cooperative abilities to access and maintain their systems, resulting in jeopardized electric reliability and affordability and increased wildfire risk. Indeed, cooperatives must seek BLM approval, which can take months or even years, to gain routine access to a right-of-way, or to remove a hazardous tree.

We encourage the BLM to streamline and make more consistent and efficient its processes for governing utility operations on America's public lands. Applying categorical exclusions, expediting programmatic National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) analyses for utility operations, and consolidating right-of-way permits would grant us more certainty and timeliness as we work to harden and expand the electric grid.

Further, reducing barriers to wildfire mitigation and recovery, including expediting grid hardening and mitigation projects, limiting or eliminating strict liability, and making wildfire stipulations attached to right-of-way agreements more workable would help improve the resiliency of our electric grid, and lend further stability to the cooperatives who tirelessly work to serve and safeguard their communities in high-risk areas.

Cooperatives also work hard to steward protected species in and around their rights-of-way, and collaborate closely with the U.S. Fish and Wildlife Service to comply with critical habitat, vegetation management, and other restrictions on operations. However, many troubling Endangered Species Act (ESA) revisions and species listing actions occurred over recent years which further complicate our ability to operate, while providing questionable value to the species itself. We encourage the U.S. Fish and Wildlife Service to revoke recent ESA revisions, and to reconsider broad reaching species designations, including the Tri-color and Northern Long Eared Bats, Sage Grouse and Lesser Prairie Chicken, and the Monarch Butterfly.

Reducing the regulatory burdens listed below is a key priority for electric cooperatives and for the Trump Administration. Indeed, these recommendations are consistent with President Trump's Executive Orders on "Declaring a National Energy Emergency" and "Unleashing American Energy" and "Prioritizing People Over Fish: Stopping Radical Environmentalism to Provide Water to Southern California." By reducing red tape and confusion in the permitting process, we can better meet the energy demands of the American public, and better safeguard our communities and nation.

## Bureau of Land Management

### Conservation and Landscape Health Rule, 89 Fed. Reg. 40308 (May 9, 2024)

#### Description

This Rule fundamentally alters the doctrine of multiple use and sustained yield of our nation's public lands to elevate conservation as a major and principal use of public lands; to require prioritization of conservation in all BLM decision making; and to prioritize management of lands for *nonuse*. It will severely curtail and even prohibit utility uses, including rights-of-way, across millions of acres of BLM-managed public lands by (1) increasing designation of Areas of Critical Environmental Concern, and implementing related restrictions and prohibitions on uses within such areas; and (2) creating conservation leases (called restoration or mitigation leases in the Final Rule) that allow ENGOs and other groups to indefinitely control large parcels of lands and potentially block linear projects; and (3) require all users of public lands to adhere to land health standards and compensatory mitigation requirements; and (4) place restrictions on utility rights-of-way, including right-of-way width and infrastructure height, color, and line undergrounding; and (5) create right-of-way exclusion zones and restrict access to existing rights-of-way.

#### NRECA Position

NRECA opposes this Rule and has filed litigation challenging it in the Federal District of Utah. It effectively withdraws millions of acres of public lands in the west from use. Fundamentally altering the doctrine of multiple use and sustained yield to favor *nonuse* of public lands, rather than *use* of lands creates regulatory uncertainty, increases compliance costs, and the severe restrictions and prohibitions on use across much of the western United States jeopardizes electric reliability and affordability.

#### Recommended Action

Revoke the Rule and associated administrative actions, instruction memoranda, and managerial directions arising from the Rule and its conservation initiatives. Such revocation is consistent with President Trump's Executive Order on "Unleashing American Energy" Indeed, this Rule is a prime example of a "burdensome and ideologically motivated regulation" which has "impeded the development of these resources, limited the generation of reliable and affordable electricity, reduced job creation, and inflicted high energy costs upon our citizens." "Unleashing American Energy Sec. 1. This Rule in effect withdraws millions of acres of public lands from use, thus it fits squarely within Section 9(b) of the EO, wherein "The Secretaries of the Interior and Agriculture shall reassess any public lands withdrawals for potential revision."

### Bureau of Land Management – Wildfire Mitigation Policies

#### Description

The Bureau of Land Management's arduous and time-consuming permitting and approval processes for wildfire mitigation and grid hardening activities increases wildfire risk and jeopardizes electric reliability across the nation. Cooperative ability to access their rights-of-way for tree trimming, grid hardening, and other wildfire mitigation work is stymied by an arduous BLM permitting and approval process. Even the removal of a single hazardous tree can take months, or even years.

#### NRECA Position

NRECA supports efforts to expedite vegetation management, grid hardening, and maintenance processes via the application of categorical exclusions, programmatic NEPA, and master use permits for those processes; the creation of a federal insurance solution; and the elimination or reasonable limitation of strict and other liabilities for electric utilities recovering from wildfire events.

Greater consistency in implementation of land management processes internally within both the Forest Service and the Bureau of Land Management, and externally between the two agencies would improve the resiliency of the electric grid and the ability of electric utilities and the rural communities they serve to timely recover from wildfire events. NRECA encourages the agencies to increase coordination and consistency of their management practices and procedures across regions; and supports the creation of a federal land management coordinator to ensure wildfire mitigation efforts across the Departments of the Interior and Agriculture are coordinated and consistent where practicable.

### Recommended Action

Expedite wildfire mitigation activity permitting and approval processes; increase consistency and efficiency across regional offices; collaborate with U.S. Forest Service to achieve consistency of wildfire mitigation processes across federal lands.

These actions are consistent with President Trump’s Executive Order on “Unleashing American Energy” which calls for expediting and simplifying the permitting process. Section 5 of the EO specifically calls for the Secretary of the Interior to “undertake all available efforts to eliminate all delays within their respective permitting processes, including through, but not limited to, the use of general permitting and permit by rule. For any project an agency head deems essential for the Nation’s economy or national security, agencies shall use all possible authorities, including emergency authorities, to expedite the adjudication of Federal permits. Agencies shall work closely with project sponsors to realize the ultimate construction or development of permitted projects” and to “facilitate the permitting and construction of interstate energy transportation and other critical energy infrastructure.”

Further, given the existential threat of wildfire to critical infrastructure and communities across the nation, these recommended actions also fit squarely into President Trump’s Executive Order on “Declaring a National Energy Emergency.” The ability to timely mitigate for wildfire is key to maintaining the integrity of our nation’s energy infrastructure. Sections 2 and 3 specifically require DOI to use emergency and expedited approvals related to energy infrastructure.

**Bureau of Land Management Strict Liability Increase, BLM IM 2022-005; 43 C.F.R. § 2804.14, 2805.16, 2885.24, 2807.12(b)(3), 2886.13(b)(3) and [70 Fed. Reg. 20970](#) (April 22, 2005)**

### Description

BLM increases strict liability caps each year according to a 2005 rulemaking that required an annual increase based on inflation. BLM accordingly increased its \$2.88 million cap to \$3.22 million for 2024 and will do so again for 2025.

### NRECA Position

NRECA opposes increases in strict liability caps. We encourage the Department of the Interior to either eliminate strict liability for utilities operating on public lands; or to reduce strict liability caps to a more reasonable level, for example \$1 million per incident or \$500k per incident. These amounts should not be increased and should be detached from inflation-based annual increase requirements. Strict liability holds utilities responsible for events including wildfires, even if there is no finding of fault. Existing caps of \$3 million already place an undue burden upon not-for-profit cooperatives who often operate on thin financial margins. Further increases could bankrupt some cooperatives; further complicate insurance challenges; and jeopardize electric reliability and affordability in our nation’s rural communities. NRECA supports the wholesale revocation of this Proposed Rule.

## Recommended Action

Eliminate strict liability for utility involved fires on public lands. If elimination is not possible, reduce strict liability caps to \$1 million per incident and eliminate annual increases. Cap strict liability at \$500,000 per incident with approved public land operating agreement.

Given the existential threat of wildfire to critical infrastructure and communities across the nation, this recommended action fits squarely into President Trump’s Executive Order on “Declaring a National Energy Emergency.” Liabilities of this magnitude risk cooperative ability to obtain insurance and to invest in the expansion of the electric grid. The ability to timely mitigate for and recover from wildfire, without the risk of severe financial distress from being held liable, even without fault, for a wildfire on public lands is critical to electric reliability and affordability in rural areas. Reducing or eliminating strict liability is key to maintaining the integrity of our nation’s energy infrastructure.

## **Instruction Memorandum on Utility Wildfire Mitigation, [PIM 2025-003](#) (Nov. 13, 2024)**

### Description

This IM requires new and renewed utility rights-of-way authorizations to include an approved wildfire mitigation plan, and attaches challenging stipulations that can impede wildfire recovery efforts.

### NRECA Position

NRECA appreciates efforts to streamline right-of-way approval processes, however, the fire stipulations and some of the requirements under this IM will hinder, rather than help, our efforts to mitigate for and recover from wildfire. NRECA encourages BLM to revisit this IM, with cooperatives and other utility stakeholders at the table, to make them more workable and effective for all parties.

### Recommended Action

Revise this IM to include stakeholder feedback and make more workable for users and manager of public lands.

## **Sage Grouse Resource Management Plan, Notice of Availability Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Greater-Sage Grouse Rangewide Planning, [89 Fed. Reg. 90311](#) (Nov. 15, 2024)**

### Description

This Sage Grouse Plan Amendment revokes the 2015 and 2019 Sage Grouse Resource Management Plans and places severe restrictions on uses across millions of acres in the western United States, including unworkable buffer zones, restrictions on linear projects, and restrictions on utility infrastructure height.

### NRECA Position

NRECA opposes this Resource Management Plan Amendment and supports its revocation in favor of either reinstatement of the 2019 Greater Sage Grouse RMP or a renewed collaborative effort between the states, utility and other stakeholders, and federal land and species management agencies to determine the best path forward for management of sage grouse.

### Recommended Action

NRECA encourages the revocation of this RMP. This revocation is consistent with President Trump’s Executive Order on “Unleashing American Energy” Indeed, this Rule is a prime example of a “burdensome and ideologically motivated regulation” which has “impeded the development of these resources, limited the generation of reliable and affordable electricity, reduced job creation, and inflicted high energy costs upon our citizens.” “Unleashing American Energy” Sec. 1. This Rule in effect withdraws millions of acres of public lands from use, thus it fits squarely within Section 9(b) of the EO,

wherein “The Secretaries of the Interior and Agriculture shall reassess any public lands withdrawals for potential revision.”

### **Gunnison Sage Grouse Resource Management Plan, Notice of Availability of the Record of Decision and Approved Resource Management Plan Amendment for the Gunnison Sage-Grouse, Colorado and Utah, [89 Fed. Reg. 84383](#) (Oct. 22, 2024)**

#### Description

This Resource Management Plan places severe restrictions on use of lands throughout Colorado and Utah upon which sage grouse allegedly live, including unworkable buffer zones, and restrictions on utility linear projects and infrastructure.

#### NRECA Position

NRECA opposes this RMP and supports its revocation.

#### Recommended Action

NRECA encourages revocation of this RMP. This revocation is consistent with President Trump’s Executive Order on “Unleashing American Energy” Indeed, this Rule is a prime example of a “burdensome and ideologically motivated regulation” which has “impeded the development of these resources, limited the generation of reliable and affordable electricity, reduced job creation, and inflicted high energy costs upon our citizens.” “Unleashing American Energy” Sec. 1. This Rule in effect withdraws millions of acres of public lands from use, thus it fits squarely within Section 9(b) of the EO, wherein “The Secretaries of the Interior and Agriculture shall reassess any public lands withdrawals for potential revision.”

### **Wilderness Study Area and Inventory Policy, [IB 2025-0008](#) – Designation of Lands Inventoried as Having Wilderness Characteristics as Wilderness Study Areas through the Land Use Planning Process Consistent with Section 202 of the Federal Land Policy and Management Act (Oct. 15, 2024) updating LM Manuals 6320 (rel. 6-139)**

#### Description

BLM has utilized a long-dormant authority under the Wilderness Act to inventory lands with “wilderness characteristics” and designating such lands as “wilderness study areas” under FLPMA. BLM recently, quietly altered its manual to direct state offices to increase their designation of wilderness study areas and thereby restrict use of thousands of acres across the western U.S. No public announcement or public comment process was undertaken, and none would be required to designate such areas.

In October 2024, BLM designated four new Wilderness Study Areas totaling approximately 13,000 acres in California and Colorado. It also is proposing to designate over 20 Wilderness Study Areas in Oregon, comprising 42,547 acres. This policy encourages unlimited designation of wilderness study areas, and their corresponding prohibitions on use.

#### NRECA Position

BLM is withdrawing thousands of acres from use across its jurisdiction without public comment or notice by creating wilderness study areas. Decreased access to lands that are designated, perhaps arbitrarily, as wilderness study areas creates uncertainty for project planning and jeopardizes affordability and reliability across the west. NRECA opposes this BLM directive and update to its manual.

#### Recommended Action

Rescind this directive. This action would be consistent with President Trump’s Executive Order on “Unleashing American Energy” Indeed, this Rule is a prime example of a “burdensome and ideologically

motivated regulation” which has “impeded the development of these resources, limited the generation of reliable and affordable electricity, reduced job creation, and inflicted high energy costs upon our citizens.” “Unleashing American Energy” Sec. 1. This Rule in effect withdraws millions of acres of public lands from use, thus it fits squarely within Section 9(b) of the EO, wherein “The Secretaries of the Interior and Agriculture shall reassess any public lands withdrawals for potential revision.”

### **Bureau of Land Management Rock Springs, Wyoming Resource Management Plan, Notice of Availability of the Record of Decision and Approved Resource Management Plan for the Rock Springs Field Office, Wyoming, [90 Fed. Reg. 1186](#) (Jan. 7, 2025)**

#### **Description**

This Resource Management Plan for the Rock Springs Wyoming implements provisions of the BLM Conservation Rule, including severe ACEC designations, right-of-way exclusion zones, and restrictions on utility projects and infrastructure. It effectively withdraws millions of acres from use, and sets unfavorable land management precedent by prioritizing *nonuse* over uses of millions of acres of public land in Wyoming.

#### **NRECA Position**

NRECA opposes this RMP and supports its revocation.

#### **Recommended Action**

Revoke this RMP. This revocation is consistent with President Trump’s Executive Order on “Unleashing American Energy” Indeed, this Rule is a prime example of a “burdensome and ideologically motivated regulation” which has “impeded the development of these resources, limited the generation of reliable and affordable electricity, reduced job creation, and inflicted high energy costs upon our citizens.” “Unleashing American Energy” Sec. 1. This Rule in effect withdraws millions of acres of public lands from use, thus it fits squarely within Section 9(b) of the EO, wherein “The Secretaries of the Interior and Agriculture shall reassess any public lands withdrawals for potential revision.”

### **Bureau of Reclamation**

### **Bureau of Reclamation and Army Corps of Engineers Notice of Intent to Prepare Supplemental EIS on Columbia River System, Notice of Intent to Prepare a Supplemental Environmental Impact Statement for the Columbia River System Operations, [89 Fed. Reg. 102869](#) (Dec. 18, 2024)**

#### **Description**

The Biden Administration irresponsibly prioritized the removal of the Lower Snake River Dams, which fuel the entire Pacific Northwest with carbon-free, reliable, affordable, and always readily available power. This NOI is another step in a multi-faceted attempt to build momentum for dam removal by progressively eroding the operational efficiency of the dams. The process described in this NOI is abbreviated, with little time for public involvement or feedback. It continues the established, biased process which cuts out regional stakeholders in favor of pro-breach interest groups.

#### **NRECA Position**

NRECA opposes the Biden NOI and encourages its revocation under the Trump Administration. If the 2020 EIS and biological opinion must be revisited, it should be under the full control of the Trump Administration, with critical energy stakeholders, including electric cooperatives from the region, at the table.



## Recommended Action

Revoke this Notice of Intent. Revocation of this NOI is consistent with President Trump’s Executive Order “Declaring a National Energy Emergency” as the Biden Administration’s effort to remove the Lower Snake River Dams, via a biased EIS process, is a prime example of “The policies of the previous administration” “driv[ing] our Nation into a national emergency, where a precariously inadequate and intermittent energy supply, and an increasingly unreliable grid, require swift and decisive action.”

Further, the operational constraints on this river system, rooted in the Endangered Species Act and constant environmental group litigation efforts, is another example of the federal government prioritizing fish over people. Ongoing efforts to remove and constrain the operation of the dams places the energy supply, affordability, and reliability of an entire region in jeopardy, with unproven benefits to protected fish species. While it addresses a different river system, President Trump’s Executive Order, “Putting People Over Fish: Stopping Radical Environmentalism to Provide Water to Southern California,” nevertheless is consistent with our recommended action.

## U.S. Fish and Wildlife Service

### Endangered Species Act Revisions

1. **Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation, [89 Fed. Reg. 24268](#) (April 5, 2024)**
2. **Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants, [89 Fed. Reg. 23919](#) (April 5, 2024)**
3. **Endangered and Threatened Wildlife and Plants; Listing Endangered and Threatened Species and Designating Critical Habitat, [89 Fed. Reg. 24900](#) (April 5, 2024)**

## Description

Three recent Endangered Species Act rulemakings center climate change considerations in the listing of protected species and critical habitat. These changes enable expansion of critical habitat designations beyond areas necessary for the species survival, and include areas that do not have elements necessary to support species life. It also removes the “reasonably foreseeable” standard for species listings. The changes also remove the 4(d) rule for threatened species, and instead provide for a “blanket 4(d)” thereby elevating the treatment and protections of threatened species to those of endangered species. The changes also alter the definition of “environmental baseline.” They also increase mitigation and compensatory mitigation requirements.

## NRECA Position

Three Endangered Species Act regulatory updates transform the Endangered Species Act from a species-centered law, into yet another land management tool which limits use of public and private lands across the nation. They create additional layers of regulatory uncertainty, confusion, and red tape by implementing vague requirements not tied to the reality of species populations, habitats, or elements necessary to sustain species’ life. They also do not adequately address the need to tailor species listings and protections to species and the regions in which they live. For example, the blanket 4(d) Rule would do away with tailored protections for threatened species and instead provide them with all of the protections afforded to endangered species; and critical habitat designations no longer require an existential relationship between the habitat and the species. Further, the alteration of the definition of “environmental baseline” would jeopardize the federal hydropower system by removing the operation of federal hydropower dams from the environmental baseline calculation.

NRECA opposes the Endangered Species Act changes and supports the revocation of these three rules.

## Recommended Action

Revoke the three Endangered Species Act rules. This is consistent with President Trump's Executive Order on "Declaring an Energy Emergency" including Section 5(b), wherein "[a]gencies are directed to use, to the maximum extent permissible under applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation's energy supply."

### **TriColored Bat Listing and Guidance, Endangered and Threatened Wildlife and Plants; Endangered Species Status for Tricolored Bat, [87 Fed. Reg. 56381](#) (Sept. 14, 2022)**

#### Description

The U.S. Fish and Wildlife Service proposes to list the Tricolored Bat as endangered due to population declines attributable to White Nose Syndrome. It has issued combined guidance with the Northern Long-eared Bat which requires buffer zones, vegetation management and operations restrictions, and the like across much of the eastern half of the United States.

#### NRECA Position

Bat population declines are attributable to White Nose Syndrome rather than human impacts on habitat or species takes. Such severe restrictions on siting, operations, vegetation management, and maintenance of linear electricity transmission and distribution projects, with little thought to regional environmental differences throughout the bat range, jeopardizes reliability of the electric grid and will have little benefit to the species. NRECA opposes this listing and related guidance and supports its revocation.

#### Recommended Action

Revoke the Tricolored bat listing and related guidance. This is consistent with President Trump's Executive Order on "Declaring an Energy Emergency" including Section 5(b), wherein "[a]gencies are directed to use, to the maximum extent permissible under applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation's energy supply."

### **Northern Long Eared Bat Listing and Guidance, Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Northern Long Eared Bat, [87 Fed. Reg. 73488](#) (Nov. 30, 2022)**

#### Description

The U.S. Fish and Wildlife Service listed the Northern Long Eared Bat as endangered due to population declines attributable to White Nose Syndrome. It has issued combined guidance with the Tricolored Bat which requires buffer zones, vegetation management and operations restrictions, and the like across much of the eastern half of the United States.

#### NRECA Position

Bat population declines are attributable to White Nose Syndrome rather than human impacts on habitat or species takes. Such severe restrictions on siting, operations, vegetation management, and maintenance of linear electricity transmission and distribution projects, with little thought to climate differences throughout the bat range, jeopardizes reliability of the electric grid and will have little benefit to the species. NRECA opposes this listing and related guidance and supports its revocation.

#### Recommended Action

Revoke the Northern Long Eared Bat listing and related guidance. This is consistent with President Trump's Executive Order on "Declaring an Energy Emergency" including Section 5(b), wherein "[a]gencies are directed to use, to the maximum extent permissible under applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation's energy supply."

## **Lesser Prairie Chicken Listing, Endangered and Threatened Wildlife and Plants; Lesser Prairie-Chicken Threatened Status With Section 4(d) Rule for the Northern District Population Segment and Endangered Status for the Southern District Population Segment, [87 Fed. Reg. 72674](#) (Nov. 25, 2022)**

### **Description**

The U.S. Fish and Wildlife Service listed the Lesser Prairie Chicken as endangered and as threatened in two different segments of its range. Compliance with the listing requires buffer zones, mitigation, and the like.

### **NRECA Position**

The Lesser Prairie Chicken buffer zones and restrictions on siting and operations can impact reliability and affordability of electricity in communities located throughout its range. NRECA supports revocation of the listing while involved states and stakeholders create a workable plan.

### **Recommended Action**

Revoke the Lesser Prairie Chicken listing and related guidance. This is consistent with President Trump’s Executive Order on “Declaring an Energy Emergency” including Section 5(b), wherein “[a]gencies are directed to use, to the maximum extent permissible under applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation’s energy supply.”

## **Monarch Butterfly Listing, Endangered and Threatened Wildlife and Plants, Threatened Species Status with 4(d) Rule for Monarch Butterfly and Designation of Critical Habitat, [89 Fed. Reg. 100662](#) (Dec. 12, 2024)**

### **Description**

The Monarch butterfly can be found across much of the continental United States and has suffered population declines from degradation and loss of habitat, insecticide use, and other factors. The Proposed 4(d) Rule would prohibit take of the monarch butterfly, with exceptions for incidental take associated with activities such as vehicle strikes, scientific research, activities conducted for the benefit of the species that establishes milkweed and nectar plants within their breeding and migratory range, and implementation of a conservation plan developed by or in coordination with a state or federal conservation program. To protect its migratory wintering habitat, the Service also has proposed to designate approximately 4,395 acres in Alameda, Marin, Monterey, San Luis Obispo, Santa Barbara, Santa Cruz and Ventura Counties, California, as critical habitat.

### **NRECA Position**

Listing of the Monarch Butterfly and related compliance requirements for operating within its critical habitat—much of the continental United States—may create operational uncertainty for vegetation management operations at cooperatives across the nation. It also may create uncertainty for project planning and siting purposes. NRECA supports further delaying the listing to enable cooperatives more time to plan, to join the CCAA program, and to prepare to operate within the eventual Monarch management paradigm.

### **Recommended Action**

Revoke the proposed listing or indefinitely delay the final listing of the Monarch Butterfly and support continued enrollment in the CCAA program. This is consistent with President Trump’s Executive Order on “Declaring an Energy Emergency” including Section 5(b), wherein “[a]gencies are directed to use, to the maximum extent permissible under applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation’s energy supply.”

## **Bald and Golden Eagle Permit Program, Permits for Incidental Take of Eagles and Eagle Nests, 89 Fed. Reg. 9920 (Feb. 12, 2024)**

### Description

The U.S. Fish and Wildlife Service created the Bald and Golden Eagle Protection Permit Program to streamline the issuance of incidental take permits for Bald and Golden Eagles. Utilities at high risk of eagle take can apply for the permit for more certainty regarding compliance requirements and liabilities for take.

### NRECA Position

This program, while helpful in theory, is not workable for most co-ops. It requires a costly and burdensome amount of mitigation, including pole replacements and monitoring. Cooperatives often operate on thin margins and many cannot afford the steep cost of participating in this program. Similarly, operations of renewable projects, including wind energy, face severe barriers to entry. U.S. Fish and Wildlife Service did not adequately listen to comments from utility stakeholders when creating the program. NRECA supports streamlining permit programs where possible, and would support revocation or modifications to this program that make it workable for a variety of stakeholders.

### Recommended Action

Revoke this program or modify it to make it more workable for a variety of energy stakeholders. This is consistent with President Trump's Executive Order on "Declaring an Energy Emergency" including Section 5(b), wherein "[a]gencies are directed to use, to the maximum extent permissible under applicable law, the ESA regulation on consultations in emergencies, to facilitate the Nation's energy supply."