**Northwest Public Power Association**

**Resolution 2016-11**

**Urging Agencies to Consider the Economic Impacts on Utilities**

**When Enforcing Wildlife Laws and Regulations**

**Background**

The Endangered Species Act (ESA) was enacted by Congress in 1973 as a law intended to protect species from extinction. The ESA is administered by the U.S. Fish and Wildlife Service within the Department of Interior and the National Marine Fisheries Service within the Department of Commerce. Plant and animal species under the ESA are categorized as either “endangered” or “threatened” based on risk of extinction with other species designated as “candidates” for listing.

The ESA expired in 1992, but Congress has continued implementation of its principles through annual legislative appropriations since its expiration in 1992. The total number of “listings” under the law has grown considerably since the ESA was first enacted.The ESA affects the way energy is extracted, transported, and produced. Species listed in the Act may impact energy production because these species may be affected by energy operations. The electric utility industry must obtain permits, licenses, easements and rights-of-ways in order to serve our customers. All these activities can be affected, and in some cases obstructed, by the presence of threatened or endangered species or their habitat.

**NWPPA’s Position**

* NWPPA supports the ESA’s goal of preserving species that are endangered or threatened.
* NWPPA supports federal cost sharing provisions for its members where certain compliance efforts with the ESA result in rate increases for members, and oppose the listing of plant and animal species in member service territories and transmission routes where the costs for compliance are not shared by all citizens.
* NWPPA supports the “No Surprises” policy to encourage long-term commitments regarding species conservation without fear of additional mitigation requirements for covered species beyond those agreed to at the time an “incidental take permit” is approved.
* NWPPA believes that the designation of critical habitat for endangered species protection and recovery should accommodate and distinguish specific environmental differences based on the best available science between essential electric transmission and distribution corridors and substation/plant sites.
* NWPPA opposes the proposed changes to the designation of critical habitat as those changes would increase the impact on utility activities and increase the cost of meeting ESA requirements.
* NWPPA members provide an essential service which must be granted access to closed or unidentified roads in an emergency situation, such as a transmission or distribution line failure, or rangeland wildfire threatening a power line. NWPPA believes that the implementation of the ESA should not result in a threat to public safety and electric reliability.
* NWPPA believes that habitat conservation plans (HCPs) that allow for reasonable economic activity, including energy production and delivery, and certainty for regulated entities, should be the preferred means used by the federal government to protect species. Properties included in HCPs should not be subject to additional requirements related to critical habitat designation. In addition, benefits to other, non-covered species under an existing HCP should be recognized and credited under any future ESA action.

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Rewritten for Active Status: 2014; Revised in 2015 and 2016.