

1 **Northwest Public Power Association**
2 **Resolution 2018-11**
3 **Urging Consideration of Economic Impacts of the**
4 **Endangered Species Act**
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6 **Background**
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8 The Endangered Species Act (ESA) was enacted by Congress in 1973 as a law intended to
9 protect species from extinction. The ESA is administered by the U.S. Fish and Wildlife Service
10 within the Department of Interior and the National Marine Fisheries Service within the
11 Department of Commerce. Plant and animal species under the ESA are categorized as either
12 “endangered” or “threatened” based on risk of extinction with other species designated as
13 “candidates” for listing.
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15 The ESA expired in 1992, but Congress has continued implementation of its principles through
16 annual legislative appropriations since its expiration in 1992. The total number of “listings”
17 under the law has grown considerably since the ESA was first enacted.
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19 The ESA affects the way energy is extracted, transported, and produced. Species listed in the
20 Act may impact energy production because these species may be affected by energy
21 operations. The electric utility industry must obtain permits, licenses, easements and rights-of-
22 ways in order to serve our customers. All these activities can be affected, and in some cases
23 obstructed, by the presence of threatened or endangered species or their habitat.
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25 **NWPPA’s Position**
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- 27 • NWPPA supports the ESA’s goal of preserving species that are endangered or
28 threatened.
- 29 • NWPPA believes voluntary conservation efforts should be the preferred means of
30 species protection, including safe harbor agreements and “no surprises” provisions
- 31 • NWPPA urges increased State and Local involvement, including voluntary cooperative
32 management agreements for listed species, and improve consultation procedures for
33 state and local efforts
- 34 • NWPPA urges clarification of the scope and application of Section 4(d) Rules, including
35 consideration of a species-specific approach
- 36 • NWPPA urges improvement of Recovery Planning, including setting a schedule for a
37 recovery plan
- 38 • NWPPA supports revising the listing, delisting, and petitions process, including
39 notification to the states to provide for greater state involvement in the process

- 40 • NWPPA supports an open and sound decision-making process, including requiring public
41 availability of information on the internet so it can be commented on as part of the
42 notice and comment process
- 43 • NWPPA supports litigation reforms, including limits on the award of attorneys' fees
- 44 • NWPPA members provide an essential service which must be granted access to closed
45 or unidentified roads in an emergency situation, such as a transmission or distribution
46 line failure, or rangeland wildfire threatening a power line. NWPPA believes that the
47 implementation of the ESA should not result in a threat to public safety and electric
48 reliability.
- 49 • NWPPA believes that habitat conservation plans (HCPs) that allow for reasonable
50 economic activity, including energy production and delivery, and certainty for regulated
51 entities, should be the preferred means used by the federal government to protect
52 species. Properties included in HCPs should not be subject to additional requirements
53 related to critical habitat designation. In addition, benefits to other, non-covered
54 species under an existing HCP should be recognized and credited under any future ESA
55 action.

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57 Origination Date: 1997. Revised: March 2005 – Proposed to Archive in 2008 (Res. 32-08)

58 Rewritten for Active Status: 2014; Revised in 2015, 2016, 2017 and 2018.

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