

1 **Northwest Public Power Association**  
2 **Resolution 2019-11**  
3 **Urging Consideration of Economic Impacts of the**  
4 **Endangered Species Act**  
5  
6

7 **Background**  
8

9 The Endangered Species Act (ESA) was enacted by Congress in 1973 as a law intended to  
10 protect species from extinction. The ESA is administered by the U.S. Fish and Wildlife Service  
11 within the Department of Interior and the National Marine Fisheries Service within the  
12 Department of Commerce. Plant and animal species under the ESA are categorized as either  
13 “endangered” or “threatened” based on risk of extinction with other species designated as  
14 “candidates” for listing.  
15

16 The ESA expired in 1992, but Congress has continued implementation of its principles through  
17 annual legislative appropriations since its expiration in 1992. The total number of “listings”  
18 under the law has grown considerably since the ESA was first enacted.  
19

20 Species listed in the Act may impact energy extraction, production and transportation because  
21 these species may be affected by energy operations. The electric utility industry must obtain  
22 permits, licenses, easements and rights-of-ways in order to serve customers. All these activities  
23 can be affected, and in some cases obstructed, by the presence of threatened or endangered  
24 species or their habitat.  
25

26 **NWPPA’s Position**  
27

- 28 • NWPPA supports the ESA’s goal of preserving species that are endangered or  
29 threatened.
- 30 • NWPPA believes voluntary conservation efforts should be the preferred means of  
31 species protection, including safe harbor agreements and “no surprises” provisions.
- 32 • NWPPA urges increased State and Local involvement, including voluntary cooperative  
33 management agreements for listed species, and improved consultation procedures for  
34 state and local efforts.
- 35 • NWPPA urges clarification of the scope and application of Section 4(d) Rules, including  
36 consideration of a species-specific approach and improvements in Recovery Planning  
37 that includes timelines for recovery.
- 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 members provide an essential service which must be granted access to closed  
41 or unidentified roads in emergency situations, such as a transmission or distribution line  
42 failure, or rangeland wildfire threatening a power line. NWPPA believes that the  
43 implementation of the ESA should not result in a threat to public safety and electric  
44 reliability.
- 45 • NWPPA supports an open and sound decision-making process, including requiring public  
46 availability of information on the internet so it can be commented on as part of the  
47 notice and comment process.
- 48 • NWPPA supports litigation reforms, including limits on the award of attorneys' fees.
- 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.

56

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.