



March 12, 2025

U.S. Fish and Wildlife Service
MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Docket No. FWS–R3–ES–2024–0137

To Whom It May Concern:

The Marcellus Shale Coalition (MSC), a regional trade association with a national membership, appreciates the opportunity to submit comments for consideration by the U.S. Fish and Wildlife Service (FWS) regarding the FWS’s proposed Threatened Species Status with Section 4(d) Rule for the Monarch Butterfly and Designation of Critical Habitat (The Proposal).

The MSC was formed in 2008 and is currently comprised of approximately 145 members who are fully committed to working with local, county, state, and federal government officials and regulators to facilitate the development of the natural gas resources in the Marcellus, Utica and related geological formations. Our members represent many of the largest and most active companies in natural gas production, gathering, processing, transmission, and utilization in the country, as well as the supply chain companies, contractors, professional service firms, and trade unions who work with the industry. Please find our comments below.

Generally, the MSC supports the FWS efforts to protect species that are declining, vulnerable and whose habitats need protection. MSC members have been engaged with efforts to promote conservation of threatened and endangered species, as well as critical habitats through the development of industry best practices during energy development in the Appalachian Basin.

The MSC questions the need for such an extensive listing given the Monarch Butterfly’s population fluctuations. For example, FWS’s proposed listing appears to show the Western Monarch Butterfly’s Population has increased by more than 200,000 individuals since winter 2020. The FWS admits in The Proposal that they *“are currently unable to determine whether the western migratory population’s status is improving or if these data support the continuation of its fluctuation and decline.”* Peer reviewers for The Proposal also noted *“decline of the eastern North American monarchs may have slowed or stabilized for the past decade or more, potentially due to an associated slowing or plateau of habitat loss.”*

With this large fluctuation in population and level of doubt, the MSC suggests that more studies should be completed to understand the true population status. The best available science is too speculative to support claiming a substantial decline warranting a nationwide listing of Threatened with a 4(d) rule. This listing would in many cases carry the weight of an Endangered listing, potentially requiring avoidance measures and limiting earth disturbance for natural gas projects addressing the nation’s energy needs. Unless specifically addressed with the local FWS

office, in states like Pennsylvania state permits will be more difficult and time-consuming to obtain for developments that require earth disturbance in potential habitats. Such a listing could also make maintaining rights-of-way for the safe and effective operation of energy infrastructure more difficult and costly.

The MSC recommends that the FWS encourage private partnerships to conserve habitat, including through the successful Monarch Butterfly Candidate Conservation Agreement with Assurances (CCAA). As FWS indicates, “[u]nder this agreement, energy and transportation entities are providing habitat for the species along energy and transportation rights-of-way corridors across the country. Participants carry out conservation measures to reduce or remove threats to the species and create and maintain habitat annually. In exchange for implementing voluntary conservation efforts and meeting specific requirements and criteria, those businesses and organizations enrolled in this CCAA/CCA receive assurance from the Service that they will not have to implement additional conservation measures should the species be listed.” Such partnerships are a model to conserve the Monarch Butterfly without bogging down the development of our nation’s energy resources.

Should the FWS determine that a listing is necessary, the MSC supports the use of a 4(d) rule. However, the 4(d) rule exemption should apply for all routine right-of-way maintenance and invasive species management, including pesticide use. Further, The MSC recommends that FWS develop a 4(d) rule exemption for direct impacts from energy infrastructure projects based on the best available science given the importance of the industry, including as recognized in President Trump’s January 20, 2025 Executive Order “Declaring a National Energy Emergency.” Within The Proposal the FWS specifically asks the question, “Whether we should include an exception for direct impacts from transportation and energy infrastructure, including mortality from collisions with wind turbines.” The MSC supports this development and urges that the exemption include natural gas projects and infrastructure.

Conclusion

The MSC appreciates this opportunity to submit comments regarding the FWS’s proposed Threatened Species Status with Section 4(d) Rule for the Monarch Butterfly and Designation of Critical Habitat. The MSC welcomes the opportunity to meet with FWS staff to explain further or illustrate and discuss any of these issues and to discuss these concerns with the incoming agency leadership. Thank you very much for your consideration of these comments.

Sincerely,



Patrick Henderson
Vice President
Government Affairs & Communications

