EWAC®
Energy and Wildlife Action Coalition

February 23, 2026

Comments regarding:

January 23, 2026 Application for Enhancement of Survival Permit, University of Illinois at Chicago; Draft Conservation Benefit Agreement for Eleven Bumble Bee Species

Submitted by:

Energy and Wildlife Action Coalition

Filed electronically to the attention of:

Public Comments Processing
Attn: Docket No. Docket No. FWS-R3-ES-2025-0245
U.S. Fish and Wildlife Service
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Docket No. FWS-R3-ES-2025-0245

The Energy and Wildlife Action Coalition ("EWAC")[1] submits these comments in connection with the U.S. Fish and Wildlife Service's ("Service") January 23, 2026, notice of availability and request for comments ("Notice") concerning an application ("Application") for an enhancement of survival permit ("EOS Permit") under section 10(a)(1)(A) of the Endangered Species Act ("ESA") submitted by the University of Illinois at Chicago ("UIC"). If issued, the EOS Permit would authorize incidental take of two ESA-listed and nine at-risk bumble bee species ("Covered Species") that may occur in connection with operations, maintenance, and certain modernization activities associated with energy and transportation projects. The EOS Permit application is supported by the Draft Conservation Benefit Agreement ("CBA"),[2] which describes measures that would be taken to provide a net conservation benefit to the Covered Species.

EWAC supported the development of the CBA and applauds the tremendous effort undertaken by UIC, the Service, the Wisconsin Department of Natural Resources, and various other entities to provide a landscape-scale approach to conserving the Covered Species and a framework for efficient and predictable ESA compliance for electricity generation, transmission, and distribution infrastructure (collectively, "Electric Infrastructure") and transportation lands. For the reasons set forth in greater detail below, EWAC encourages the Service to approve the CBA expeditiously and issue the EOS Permit.

I. Programmatic ESA Compliance Mechanisms Benefit the Regulated Community and the Service

The Trump Administration has prioritized the need for streamlined permitting processes and efficient government.[3] ESA compliance continues to be time consuming and costly, and complicates long-term planning for existing and planned Electric Infrastructure. Since its inception, EWAC has consistently supported the Service's efforts to streamline ESA compliance mechanisms for Electric Infrastructure, including specifically the development and approval of programmatic conservation plans under both ESA section 10(a)(1)(A) and 10(a)(1)(B) (collectively, "Section 10"). Collaborative development of these plans by industry and other stakeholders, including federal and state wildlife agencies, frequently results in programs that better balance economic and logistical feasibility for project proponents with strategic, landscape-scale conservation for listed and at-risk species. Project-specific approaches to ESA compliance tend to be costly and time consuming for project proponents and administratively burdensome for the Service. By contrast, programmatic approaches to Section 10 ease administrative demands on the agency and reduce the timeline and costs associated with ESA

[1] EWAC is a national 501(c)(6) trade association formed in 2014 whose members consist of electric utilities, electric transmission providers, and independent power producers, operating throughout the United States, and related trade associations. The fundamental goals of EWAC are to evaluate, develop, and promote sound environmental policies for federally protected wildlife and closely related natural resources while ensuring the continued generation and transmission of reliable and affordable electricity. EWAC supports public policies, based on sound science, that protect wildlife and natural resources in a reasonable, consistent, and cost-effective manner. EWAC is a majority-rules organization and therefore specific decisions made by the EWAC Policy Committee may not always reflect the positions of every member.

[2] 91 Fed. Reg. 2,952 (January 23, 2026).

[3] See., e.g., Exec. Order No. 14156, "Declaring a National Energy Emergency," 90 Fed. Reg. 8,433 (Jan. 29, 2025); Exec. Order No. 14154, "Unleashing American Energy," 90 Fed. Reg. 8,353 (Jan. 29, 2025).

compliance for projects proponents. The Service itself encourages development of programmatic, landscape-scale plans, noting that programmatic plans lessen the Service's workload by reducing the number of project-specific permits necessitating review.[4] EWAC specifically notes the benefit of including non-listed species in these programmatic plans, which is consistent with Service policies encouraging the regulated community to engage in meaningful conservation of at-risk species to prevent the future need to list,[5] and ensures long-term predictability for critical Electric Infrastructure.

EWAC strongly urges the Service to continue collaborating with the regulated community to advance programmatic, landscape-scale solutions for ESA compliance under Section 10 and to reduce the need to list species in the future under ESA section 4. Such approaches will reduce unnecessary regulatory burdens on Electric Infrastructure and other essential projects, streamline the Service's workload, and enable the implementation of robust, strategic conservation measures that are far more effective at recovering ESA-listed species and preventing future listings than fragmented, project-by-project actions.

II. The CBA Provides Important Assurances for Electric Infrastructure

Executive Orders issued by President Trump and Secretarial Orders issued by Secretary Burgum have prioritized the need for affordable domestic power generation, grid stability and reliability. Electric Infrastructure is ubiquitous across the United States, with hundreds of thousands of miles of existing electric transmission and distribution lines and approximately 1.3 terawatts of utility-scale generation capacity.[6] To ensure the stability, safety, and affordability of the nation's electric grid, it is critical that operations, maintenance, and modernization of this infrastructure may continue without significant disruption. While most owners and operators of Electric Infrastructure incorporate integrated vegetation management practices that benefit pollinator species (including bumble bees), there are circumstances where operating and maintaining these structures could result in some degree of ESA liability. In these circumstances, obtaining project-by-project or company-by-company ESA authorizations is costly and time-consuming, and could delay necessary maintenance or emergency management activities, thereby putting public safety and grid reliability at risk.

The CBA would provide a streamlined, cost-effective, and voluntary mechanism for the operation, maintenance, and modernization of Electric Infrastructure to comply with the ESA, while requiring minimal drain on agency resources. As noted in the Executive Summary to the CBA, the CBA is based on and intended to serve as a companion to the highly successful Nationwide Candidate Conservation Agreement with Assurances for the Monarch Butterfly on Energy and Transportation Lands ("Monarch CCAA"), which was approved by the Service in

[4] U.S. Fish and Wildlife Service and National Marine Fisheries Service, *Habitat Conservation Planning and Incidental Take Permitting Handbook* (2016) at 6-2, available at https://www.fws.gov/media/habitat-conservation-planning-and-incidental-take-permit-processing-handbook.
[5] See Policy Regarding Voluntary Prelisting Conservation Actions, 735 FW 1, Appendix 1, and Policy for Evaluation of Conservation Efforts When Making Listing Decisions, 68 Fed. Reg. 15,100 (March 28, 2003).
[6] American Public Power Association, *America's Electricity Generation Capacity 2025 Update* (April 2025), available at https://www.publicpower.org/system/files/documents/Americas-Electricity-Generation-Capacity-2025-Update.pdf.

April 2020.[7] The Monarch CCAA has seen broad participation across the energy and transportation sectors and has so far resulted in conservation of more than one million acres of monarch butterfly habitat.[8] Based on the high rate of participation in the Monarch CCAA, there is no reason to believe that implementation of the Bumble Bee CBA will not see the same degree of success. Successful implementation of the Bumble Bee CBA will, in concert with the Monarch CCAA, provide extensive conservation benefiting a multitude of pollinator species in addition to the Covered Species, and will contribute to a stable, reliable, and safe electric grid by allowing industry to focus on critical investments in the Electric Infrastructure. Additionally, to the degree implementation of landscape-scale, coordinated conservation precludes the need to list new species or aids in the recovery of already listed species, Service resources can be focused on species at greater risk of extinction.

III. Conclusion

For the reasons stated above, EWAC urges the Service to expeditiously approve the Bumble Bee CBA and to continue looking for additional opportunities to work with the regulated community to find creative, efficient, and effective solutions to ESA compliance and species conservation and recovery.

EWAC welcomes the opportunity to discuss its comments in greater detail with the Service and Department of the Interior.

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[7] *See* Press Release, U.S. Fish and Wildlife Service, *Historic agreement will conserve millions of acres for monarch butterflies and other pollinators across the United States* (Apr.8, 2020), found at: https://www.fws.gov/press-release/2020-04/agreement-will-conserve-millions-acres-pollinators; *see also* Permit No. TE74464D-0 (April 3, 2020).

[8] Nationwide Conservation Benefit Agreement for Bumble Bees on Energy and Transportation Lands (April 2025) at vi.