

Petition Action Team/AFB board Meeting with Melinda Taylor, Lawyer Friday, January 30, 2015, 8pm EST

Background

1986 environmental law private (Washington, D.C.) and Deputy General Council – Audubon, senior lawyer eco systems restoration, endangered species

Now Law school: 2-3 classes/year environmental courses, run center on environmental law, programs, conferences, symposiums

Conservation Bankers – Lesser Prairie Chicken, listed last spring, put together large tracks of habitat

Listing Process

Anyone can petition to list with ESA

Dec 29, FWS found in petition enough info to start 12-month evaluation process, which includes this 60-day comment period we are in now. 60-day comment period ends March 2

December 2015 – 3 options: 1-Not warranted, 2-warranted, but precluded (higher priorities); CBD has required them to list 700 species by (2018); 3-warranted, and will propose a rule. There will be another 60-day comment period and the listing occurs 30 days later Could be listed as early as March 2016

If they issue a final rule, it will be illegal to sell the species - Section 9 prohibits the sale of any listed species – dead or progeny. Pretty extensive rule.

However! There are ways around the prohibition.

FWS can issue a permit (incidental take permits); They can permit us to continue to do what we are doing – selling commercially.

They deny permits VERY rarely, but they are time consuming and expensive to get. It is not an easy process. We have to demonstrate that what we are doing won't cause the species to go extinct.

We could go as an association to protect each breeder so individuals don't have to each get a permit.

FWS can write in a special 4d rule for threatened species, which would allow selling for educational purposes (for example) or to continue our commercial activities, or protecting the species activities

Really, the big enchilada in this petition is the Round up issue, it's not us. We play a small part

During this comment period, we should be submitting comments individually AND as an organization. They are supposed to be considering only the science data. Ideas for submitting:

*Use the release number discrepancy (they say millions, our data show at the most 250k)

*Disease screening co-op (how long have we had the co-op?)

*Commercial breeding should be allowed in the exemptions under the Appendix B

*Past and ongoing conservation measures

*What are we doing to ensure the butterflies we release are safe

*Emphasize disease prevention efforts of AFB

*Members emphasize their conservation efforts – past and ongoing efforts

*SOPs at your farm

They do really read these comments and take them into consideration. We need to let them know what we are doing as individuals and as an organization. It's ok to submit multiple comments, but word them differently. Don't just submit the same thing over and over.

The economic factors are more in favor of NOT listing. Let Monsanto spend the money to work on not listing. They are going to be contacting the state officials in the states affected. The real money being spent will be with Monsanto.

FWS would rather NOT list if they can find good reasons not to.

Person In Charge – Region 3 of FWS in MN

AFB rep should fly to MN and meet one on one with the person listed in the federal register and make him (he'll be a scientist) aware of who we are and why we think listing is a bad idea. We should do this in the next couple of months; early summer.

4d Rule has been a statute since 1973, but FWS didn't really use it until recently – Lesser Prairie Chicken, Polar Bear, Utah Prairie Dog – maybe a dozen examples that are similar to the Monarch.

CBD is typically suspicious of anyone making \$\$ from sales of a potentially "threatened" species. No down side to actually talking with them, but probably won't make a huge difference either. Always better to be open.

CBD does not have a lot of friends in the congress in the Midwest.

Question about partnering with Monsanto for conservation efforts? Lori and I had emailed with a potential contact here. You have to find a person receptive to a phone call or a meeting. Monsanto would have a lot to gain to show they are working with a butterfly conservation organization.

Before comment period closes, everything does not have to be in place. Plans need to be there, but every t does not need to be crossed. FWS is receptive to proposals and ideas.