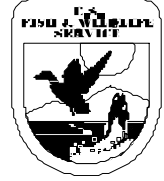


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# News Release



For Immediate Release, October 6, 2008  
Contact: Lee Folliard, 503-231-6179

#08-072

## **DRAFT SAFE HARBOR AGREEMENT RELEASED FOR PUBLIC REVIEW Promotes Conservation Projects for Endangered Fender's Blue Butterfly**

The U.S. Fish and Wildlife Service today opened a 30-day public comment period on a Safe Harbor Agreement and permit for the enhancement of the survival of the endangered Fender's blue butterfly. The agreement and associated 25-year permit are designed to encourage prairie restoration efforts that will help to recover the species by ensuring that participating landowners will not be subject to additional Endangered Species Act restrictions if they improve conditions for the butterfly on their properties. Notice of the documents' availability was published in today's *Federal Register*, and comments must be received by close-of-business November 5, 2008.

Safe Harbor Agreements are designed to benefit federally listed endangered and threatened species by giving landowners assurances that future restrictions would not be imposed by the U.S. Fish and Wildlife Service on their land as a result of their voluntary conservation actions. In other words, these agreements essentially relieve landowners of liability under the Endangered Species Act if conservation practices on their land attract or perpetuate the covered federally listed species. To date, nearly three million acres of land have been enrolled in Safe Harbor Agreements, benefiting a variety of listed species.

This Safe Harbor Agreement is expected to benefit the Fender's blue butterfly and Kincaid's lupine, a threatened plant that the butterfly relies on for food and reproduction. Some landowners have expressed interest in improving habitat for these species and are awaiting participation in the Safe Harbor Agreement. Implementation will be jointly carried out by the Oregon Fish and Wildlife Office and the Willamette Valley National Wildlife Refuge Complex, and will be used in concert with other species conservation and recovery programs. The U.S. Fish and Wildlife Service will seek additional landowners interested in participating in voluntary conservation activities. In some cases, funding may be available to assist with carrying out activities designed to benefit these and other native prairie species.

The Fender's blue butterfly and the threatened Kincaid's lupine were once distributed throughout much of the historical native prairie in the Willamette Valley. Over the last century and a half approximately 99 percent of the known habitat for these species has been lost due to fire suppression, invasive species encroachment, and land conversion to agricultural and urban uses. Most of the remaining populations of Fender's blue butterfly and Kincaid's lupine now occur on private lands.

This proposed programmatic Safe Harbor Agreement is intended to encourage non-federal landowners to undertake proactive conservation and restoration actions to benefit the two species, and other native prairie species in Benton, Lane, Linn, Marion, Polk, and Yamhill counties, Oregon. The programmatic nature of the agreement – as opposed to many individual agreements - will provide landowners with a streamlined process for obtaining regulatory assurances for eligible activities under an Endangered Species Act Section 10 “Enhancement of Survival” permit.

Copies of the documents may be obtained by contacting Jennifer Thompson, U.S. Fish and Wildlife Service, 2600 S.E. 98<sup>th</sup> Ave., Suite 100, Portland, Oregon 97266; facsimile 503-231-6195; or by making an appointment to view the documents at the above address during normal business hours. The office phone number is 503-231-6179. The documents may also be viewed on the Internet through [www.fws.gov/oregonfwo/species/](http://www.fws.gov/oregonfwo/species/).

Comments must be received by close of business on November 5, 2008.

Submit written comments to State Supervisor, Fish and Wildlife Service, 2600 S.E. 98<sup>th</sup> Ave., Suite 100, Portland, Oregon 97266, or by facsimile 503-231-6195. Comments should include the name and address of the person commenting, and refer to the ‘Willamette Valley Programmatic SHA.’

# # #

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit [www.fws.gov](http://www.fws.gov)

## **Frequently Asked Questions**

### **How Do Safe Harbor Agreements Work?**

In a Safe Harbor Agreement, the landowner agrees to maintain, create, restore or improve habitat for endangered or threatened species. The U.S. Fish and Wildlife Service, working with the landowner, will establish a baseline condition for each covered species (the Fender’s blue butterfly in this case). Proposed actions must be expected to result in a net conservation benefit to be eligible for enrollment in a Safe Harbor Agreement. The landowner may then incidentally take listed species, generally at the end of the agreement term, as long as baseline conditions are maintained.

### **Who Can Get One?**

Any non-federal landowner can be a party to a Safe Harbor Agreement. These agreements are often between the landowner and the U.S. Fish and Wildlife Service or between the U.S. Fish and Wildlife Service and other stakeholders (such as state natural resource agencies, tribal governments, local governments, conservation organizations and businesses) who work directly with landowners.

### **How long does it take to develop a Safe Harbor Agreement?**

Many Safe Harbor Agreements can be developed within a few months. More complex Safe Harbor Agreements will take longer, depending on the species' ecology, size of the project, number of parties to the agreement, and funding available for the program. The programmatic nature of this Safe Harbor Agreement provides a framework that allows for a quicker, streamlined approach to facilitate landowner participation and enrollment.

### **What if I sell or transfer ownership of my land? Does the Safe Harbor Agreement go with the sale?**

If you sell or give away your enrolled lands, we will honor the agreement, providing the new owner signs the original agreement or a new mutually agreeable one.

### **Can Safe Harbor Agreements be Renewed?**

Yes, agreements generally can be renewed for as long as the landowner wishes and as long as the landowner follows the terms of the agreement.

### **What Are Statewide Safe Harbor Agreement?**

Statewide agreements authorize individual states to implement safe harbor programs. The U.S. Fish and Wildlife Service provides an "Enhancement of Survival" permit to the state, who then can then offer individual landowners "certificate of inclusion" (which make them part of the permit). Several southern states have implemented statewide Safe Harbor Agreements for the red-cockaded woodpecker.

### **What are the assurances?**

The U.S. Fish and Wildlife Service will provide assurances that, when the Safe Harbor Agreement ends, the participating landowner may use the property in any otherwise legal manner that doesn't move it below baseline conditions determined at the onset of the Agreement. These assurances operate with the enrolled lands and are valid for as long as the participant is complying with the Safe Harbor Agreement and associated permit. In return for the participant's efforts, the U.S. Fish and Wildlife Service will authorize incidental take through the section 10 (a)(1)(A) process of the Endangered Species Act. This permit would allow participants to incidentally take individual listed species or modify habitat to return covered species levels and habitat conditions to those agreed upon as baseline.