



Safe Harbor Agreements for Private Landowners

Sacramento Fish & Wildlife Office

http://www.fws.gov/sacramento/partnerships/safe_harbor.htm

What is the Safe Harbor Program?

The Safe Harbor Program encourages non-Federal landowners to restore, enhance, and maintain habitats for federally-listed species.

Why does the U.S. Fish and Wildlife Service (FWS) have this program?

Many endangered and threatened species occur on non-Federal lands. The involvement of non-Federal landowners is critical to the conservation and recovery of these species.

Many landowners are willing to do activities on their land to benefit a listed species, such as restoration or enhancement of habitat, or beneficial management practices.

However, many landowners are hesitant to do these conservation actions on their properties because they are concerned that the FWS will impose regulatory restrictions on their land as a result of the increase in habitat for listed species.

The Safe Harbor Policy was developed to encourage landowners to voluntarily enhance and maintain habitat for listed species on their properties by providing assurances that the FWS will not impose additional restrictions because of their voluntary conservation actions.

What types of assurances does the FWS give to landowners under a Safe Harbor Agreement?

The FWS authorizes incidental take coverage for routine and ongoing activities on the property. This assures the landowner that they will be able to continue their routine and ongoing activities, despite the presence of listed species.

Examples of activities covered under Safe Harbor Agreements include routine ranching and agriculture activities and maintenance of existing transmission lines.

In addition, the FWS authorizes the landowner to return the property to pre-agreement conditions (baseline conditions). In other words, a landowner can create habitat for a listed species, and then remove the created habitat at the end of the Agreement if they choose to do so. Safe Harbor Agreements cannot authorize incidental take for a landowner to go below baseline conditions.

How does the FWS determine what activities are appropriate under a Safe Harbor Agreement?

The FWS must ensure that the Safe Harbor Agreement results in a "net conservation benefit" for the listed species on the enrolled property. To make this determination, the FWS analyzes the following:

1. The beneficial activities proposed by the landowner, such as restoration, enhancement, and beneficial management practices.
2. The potential impacts from routine and ongoing activities proposed for incidental take coverage.
3. The potential impacts from returning the property to baseline conditions at the end of the agreement.

To provide a net conservation benefit, the beneficial activities must outweigh the potential impacts from routine and ongoing activities and the potential return to baseline conditions.

Does the Safe Harbor Program provide funding for restoration and enhancement activities?

There is no funding associated with Safe Harbor Agreements; however, the FWS can provide information on grant programs for restoration and enhancement activities.

How does the Safe Harbor Program work?

Generally, the steps are:

1. Contact the Safe Harbor Program Coordinator at the Sacramento Fish and Wildlife Office:

Rick Kuyper
2800 Cottage Way
Room W-2605
Sacramento, CA 95825
(916) 414-6600

2. Our office will provide you with technical assistance to develop a safe harbor agreement. We will work with you to develop conservation actions that benefit listed species and to describe baseline for the covered species on your property. Our office will also assist you in the preparation of a monitoring program designed to assess the success of your conservation actions.



Valley elderberry longhorn beetle. Photo by J. Silveira and J. Katz

3. To apply for a permit, submit the safe harbor agreement to the Service and complete a 10(a)(1)(A) permit application form (available from the link at the top of this page).

4. After we complete an internal section 7 review and public comment period on your permit application, we can issue you a 10(a)(1)(A) permit and finalize the agreement.

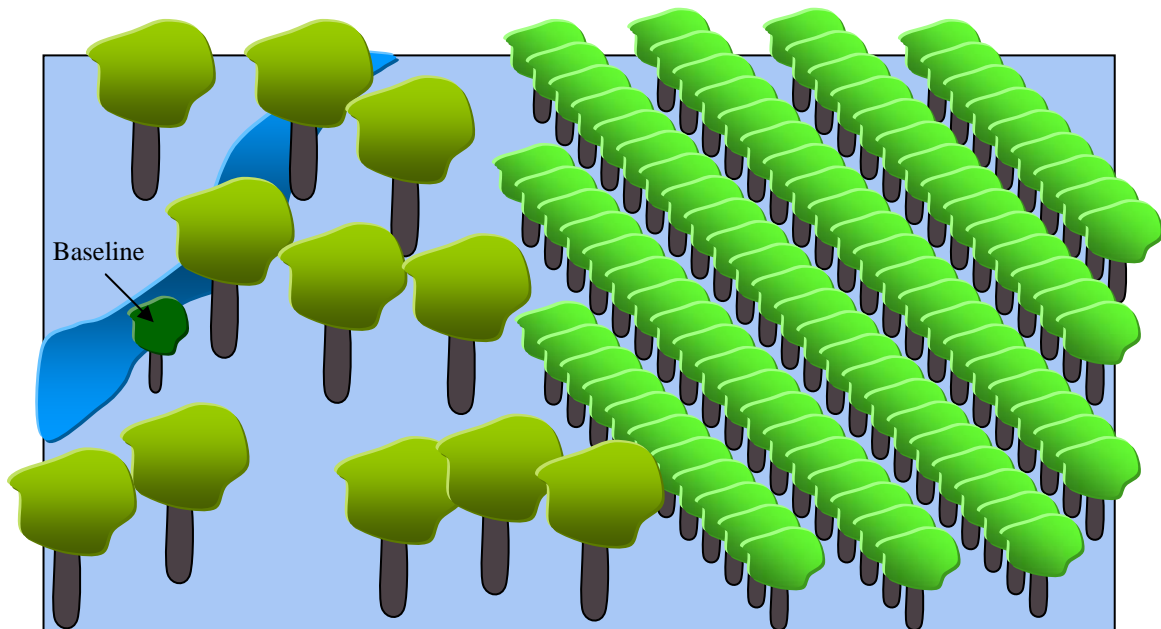
See Page 2 for an example of a Safe Harbor Agreement.

An example of a Safe Harbor Agreement...

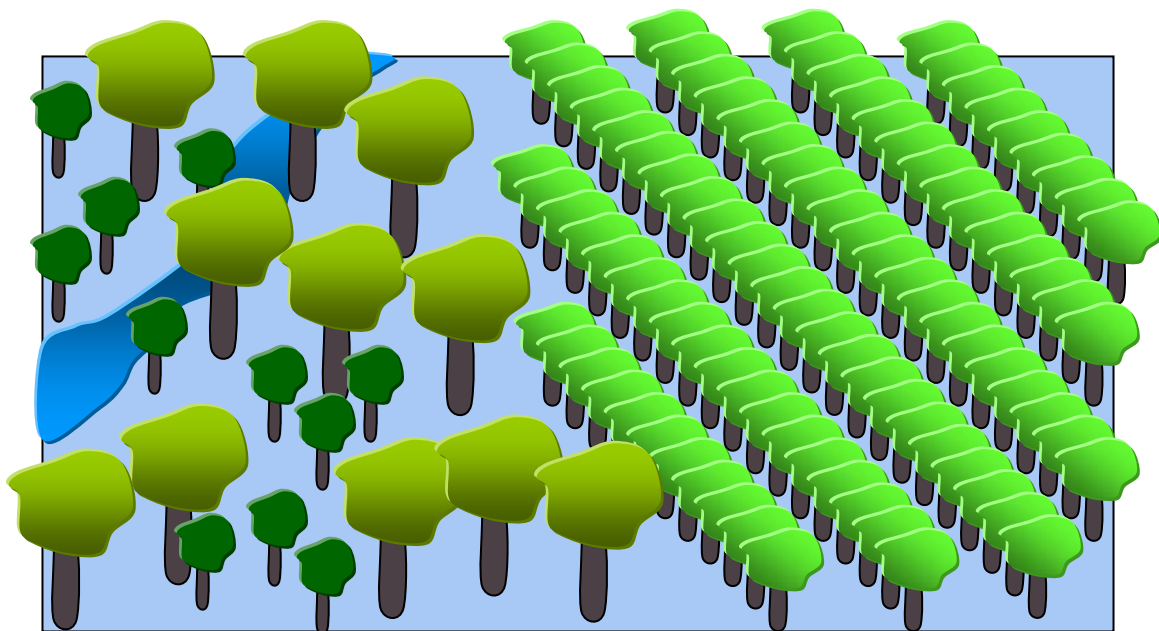
This Safe Harbor Agreement involves a landowner who has a vineyard on his property, as well as a riparian area. The landowner would like to do conservation actions within the riparian area for the federally-threatened valley elderberry longhorn beetle. This species depends on its host plant, the elderberry shrub, for all stages of its life cycle.

Determining baseline conditions: In this example, baseline would include one elderberry shrub (represented by the small dark green shrub in the figure below) because only one elderberry shrub is present on the property prior to any conservation actions. Baseline can be defined by number of species as well, but in this example, it would be difficult or impossible to count the actual number of valley elderberry longhorn beetles on the property. Therefore, the baseline condition would be defined as one elderberry shrub.

Determining what ongoing and routine activities will be covered under the agreement: Obviously, the landowner will not want to plant elderberry shrubs on his property if it will lead to further restrictions on his vineyard operation. To alleviate this concern, the FWS authorizes incidental take coverage for activities associated with the vineyard operation under the Safe Harbor Agreement. For example, if a new elderberry shrub sprouts up in an area that could impact the vineyard operation (such as on an access road, within the vineyard, or other related facilities) the landowner is authorized to remove the shrub.



Providing a net conservation benefit: In this example, the landowner provides additional habitat for the beetle by planting 10 elderberry shrubs (see figure below). Additionally, the landowner agrees to maintain the 10 elderberry shrubs for 10 years. The landowner also proposes avoidance measures to minimize impacts from the vineyard operation on the beetle, such as using adequate buffers during herbicide and insecticide application. The FWS determines that having these 10 additional shrubs for 10 years will provide a net conservation benefit to the beetle, even if the landowner decides to return the property back to baseline conditions at the end of the agreement.



After the 10 year duration of the Safe Harbor Agreement, the landowner can either renew the agreement, or elect to return the property back to baseline conditions (removing all but the original elderberry shrub). Through this agreement, the landowner is able to contribute to the recovery of the valley elderberry longhorn beetle without impacting his vineyard operation.