

# Safe Harbor/Habitat Conservation Plan for The Gulf Coast Prairies Of Texas

## *Questions and Answers*

### **What is the Habitat Conservation Plan for the Conservation of Endangered Species on Private Land in the Gulf Coast Prairies of Texas?**

The plan, developed under the Endangered Species Act (Act), encourages restoration, conservation and/or enhancement of prairie habitats on private land that support endangered or threatened species by providing protection—a “safe harbor”—from any additional future liabilities under the Act.

### **What species are covered by this plan?**

Safe Harbor provisions of the Habitat Conservation Plan for Gulf Coast Prairies of Texas cover the endangered Attwater’s prairie-chicken. The endangered Houston toad and the candidate Texas prairie dawn-flower are also covered.

### **Why is this plan important?**

Restoration of native coastal prairie habitats is essential to this species’ long-term recovery. Most of remaining potential habitat is privately owned, therefore, voluntary private landowner cooperation is critical to recovery of these species. This Safe Harbor plan was only the second of its kind and removes a regulatory impediment that has caused some landowners to fear that if they do anything that might attract endangered species to their property, their use of that property could be restricted in the future (See *Safe Harbor Agreements for Private Property Owners*).

### **Is the plan voluntary?**

Yes, the “Safe Harbor” Habitat Conservation Plan is entirely voluntary. Only those landowners who wish to participate in the plan can do so.

### **How is this plan different from other habitat conservation plans?**

Habitat conservation plans typically are designed to offset or “mitigate” some adverse impact to endangered species that occurs as a result of a planned development, timber harvest, or other activity. This plan, however, is designed to facilitate positive habitat improvements, in advance of any specific development or other project that could adversely affect endangered species.

### **How are participating landowners assured that their interests will be protected by the plan?**

The primary objective of this habitat conservation plan is to encourage restoration, conservation, and/or enhancement of the Gulf Coast Prairies of Texas by providing assurances to a landowner who enters into a Safe Harbor Agreement with Sam Houston Resource Conservation & Development Area, Incorporated (RC&D) from any additional liability under the Act. Those assurances are based on the habitat conditions that exist at the time the agreement is signed. Participating landowners will enter into a cooperative agreement with RC&D and receive a “certificate of inclusion” under a permit from the Fish and Wildlife Service that authorizes the future removal, alteration, or elimination of any habitat improvements that they carry out under the plan.

### **What is the Sam Houston Resource and Conservation Development Area**

Sam Houston Resource Conservation and Development Area is an independent, non-profit organization dedicated to helping communities develop and conserve the environment in which they live. It is governed by a nine member board of directors, elected by representatives of supporting

organizations, such as county soil and water districts. The Natural Resources Conservation Service assigns a coordinator to work with the board. The Sam Houston RC&D was organized in 1978 and incorporated in 1988.

### **What if a landowner wants to use his or her land in the future?**

As long as a landowner carries out the agreed upon habitat improvements and maintains their baseline habitat responsibilities, they may develop, farm, ranch or make any other lawful use of the property, even if such use incidentally results in the loss of endangered species or their habitat. The participating landowner will only be required to notify the Fish and Wildlife Service and give the agency an opportunity to relocate any endangered species expected to be adversely affected by such actions.

### **If participating landowners are free to “undo” the good they have done, how will endangered species benefit?**

The numbers of Attwater’s prairie-chicken, Houston toad, and the Texas prairie dawn-flower have been in a long-term decline due to loss and degradation of habitat. Encouraging voluntary beneficial action by private landowners, even if that action is not permanent, will temporarily halt or reverse the fragmentation of overall species habitat, create or strengthen dispersal corridors between subpopulations, contribute some offspring that may either reoccupy previously abandoned areas or that may be used for relocation to land protected by longer-term conservation arrangements, and provide a form of “insurance” against the possibility of a disastrous event. Even if a landowner decides not to continue participating in the program, the favorable habitat conditions created will not necessarily

cease. They may persist for many years unless a landowner decides to eliminate them. In the unlikely event that all participating landowners eventually drop out of the plan, the result will only be to return to conditions that would have existed in the absence of the plan.

**What kinds of actions will participating landowners be encouraged to undertake?**

Approved practices to control or eliminate brush encroachment through prescribed burning, mechanical/chemical manipulations of the land and reestablishment of native vegetation, and any other approved range practice as outlined in the Natural Resources Conservation Service's document *Field Office Technical Guide* will be encouraged.

**Who is eligible to participate in the plan?**

Any landowner within Aransas, Austin, Brazoria, Calhoun, Chambers, Colorado, Fort Bend, Galveston, Goliad, Harris, Jackson, Jefferson, Liberty, Matagorda, Orange, Refugio, Victoria, Waller, and Wharton counties is eligible to participate as long as the property historically contained coastal prairie habitat.

**Is financial assistance available to landowners participating in this plan?**

Yes. Presently, there are funds specially earmarked for the implementation of this habitat conservation plan as part of the Coastal Prairie Conservation Initiative.

**How are the projects funded?**

Cooperative habitat management projects involving willing landowner participants have been funded through such sources as Section 6 of the Endangered Species Act, Challenge Cost-Share Grants, Partners for Wildlife, and landowner cost shares.

**Has Congress funded the Safe Harbor program?**

Beginning in fiscal year 1999, the Fish and Wildlife Service was appropriated \$5 million under the Endangered Species Act Private Landowner Incentive Pilot Program to help develop Safe Harbor Agreements and Candidate Conservation Agreements with Assurances. A total of 22 projects were selected for funding across the nation. In fact, the Texas coastal prairie-chicken Safe Harbor project received \$380,000 to help landowners

with their restoration efforts.

**Is a participating landowner free to sell his land?**

Yes. A participating landowner is free to sell his land and the buyer has exactly the same protection ("safe harbor") as the original landowner as long as the new owner continues to abide by the original agreement.

**Will actions by a participating landowner that attract endangered species to his/her property impose land use restrictions on his or her neighbors?**

No. The plan specifically addresses this issue and provides that habitat improvements carried out under the plan will not result in added restriction on either the participating landowner or that landowner's neighbors.

**How many landowner have signed Agreements and how many acres are being restored?**

Cooperative projects involving 8 willing landowner participants have been implemented to restore coastal prairie habitat on over 17,800 acres with the help of the Sam Houston Resource Conservation and Development Board (RC&D), De-Go-La RC&D. An additional 4 landowner agreements totalling more than 22,000 acres are pending.

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