

Frequently Asked Questions Safe Harbor Agreements

What is a Safe Harbor agreement?

A Safe Harbor agreement is a voluntary conservation tool for private landowners who wish to support recovery of plants and animals listed as threatened or endangered under the Endangered Species Act. Safe Harbors are area- and species-specific agreements, though they are sometimes developed for more than one species with similar habitat needs. They also can be specific to a single property owner or multiple landowners in a certain region. For the latter, they are usually called programmatic Safe Harbor agreements.

What is the purpose of a Safe Harbor agreement?

Safe Harbor agreements are just one tool for enhancing endangered species conservation on private lands (other common tools advanced by the U.S. Fish and Wildlife Service are Habitat Conservation Plans and Partners for Fish and Wildlife projects). Safe Harbor agreements can contribute significantly to the recovery of Endangered Species Act-listed species. The most common threat to listed species is habitat loss and degradation. More than two-thirds of all listed species in the country spend all or part of their lives on privately owned land.

How do Safe Harbor agreements work?

Under the program, the U.S. Fish and Wildlife Service works with a landowner (along with other partners to the Safe Harbor agreement) to identify “baseline habitat conditions” for the property he or she wishes to enroll. This is a way of setting benchmarks related to the existing natural characteristics of the property at the onset of the agreement. The Fish and Wildlife Service and landowner develop a management plan for the enrolled property, allowing for mutually agreed-upon uses that ultimately provide a “net conservation benefit” to the listed species.

In exchange for the landowner’s commitment to those conservation measures, the Fish and Wildlife Service provides formal assurance that the landowner will not be restricted from the uses identified in the management plan if the listed species is attracted to the enrolled property as a result of improved habitat conditions (though the landowner must maintain at least the baseline habitat conditions). This means that some incidental take of individual listed species may potentially occur in return for the long term conservation benefit to the species overall. The Fish and Wildlife Service carefully considers the potential level of incidental take when making the “net conservation benefit” determination at the onset of the agreement.

Toward the end of the agreement term, the landowner has the option of continuing their conservation measures on the enrolled land, returning it to baseline conditions that existed at the beginning of the agreement, or anything in between.

Who is eligible to enroll in a Safe Harbor agreement?

Any non-federal landowner can be a party to a Safe Harbor agreement. Existing agreements involve individual families, states, state agencies, tribes, county agencies, conservation

organizations, businesses, and universities. The U.S. Fish and Wildlife Service often implements a Safe Harbor agreement in partnership with another government agency or organization that works directly with landowners on a local basis.

How long do Safe Harbor agreements last?

Safe Harbor agreements have different durations, such as 10, 25, 50, or even 100 years, depending on the amount of time required to achieve conservation benefits for the particular species and habitat covered. A Safe Harbor agreement also can be renewed for as long as the landowner and U.S. Fish and Wildlife Service mutually agree.

What happens if land enrolled in a Safe Harbor agreement is sold or ownership is transferred? Does the agreement go with the sale or transfer?

If a landowner proposes to sell or give away lands enrolled in a Safe Harbor agreement, the U.S. Fish and Wildlife Service can allow the agreement and associated permit to continue to be in effect, providing the new owner agrees to become a party to the original agreement.

How many Safe Harbor agreements are there?

Since the first Safe Harbor agreement was signed in 1995, more than 400 landowners in 23 states and one U.S. territory have enrolled more than 4.3 million acres in 80 Safe Harbor agreements, benefitting 75 species listed under the Endangered Species Act.