



Safe Harbor Agreements for Private Landowners

What Is a Safe Harbor Agreement?

A Safe Harbor Agreement (SHA) is a voluntary agreement involving private or other non-federal property owners whose actions contribute to the recovery of species listed as endangered or threatened under the Endangered Species Act (ESA). The agreement is between cooperating non-federal property owners and the U.S. Fish and Wildlife Service (FWS) or the National Oceanic and Atmospheric Administration, which is responsible for most listed marine and anadromous fish species.

In exchange for actions that contribute to the recovery of listed species on non-federal lands, participating property owners receive formal assurances from the FWS that if they fulfill the conditions of the SHA, the FWS will not require any additional or different management activities by the participants without their consent. In addition, at the end of the agreement period, participants may return the enrolled property to the baseline conditions that existed at the beginning of the SHA.

How Does an SHA Contribute to Recovery?

Because many listed species occur exclusively, or to a large extent, on privately owned property, the involvement of the private sector in the conservation and recovery of species is crucial. Property owners are often willing partners in efforts to recover listed species. However, some people may be reluctant to undertake activities that support or attract listed species on their properties, due to concern about future use limitations related to the ESA. To address this concern, an SHA provides that future property-use limitations will not occur without the landowner's consent.

Central to this approach is that the actions taken under the SHA will provide



Ryan Hagerly/USFWS

The black-footed ferret, once thought to be extinct, is now benefiting from Safe Harbor Agreements with 13 ranchers in Colorado and Kansas who have volunteered to have captive-raised ferrets reintroduced onto their lands.

a net conservation benefit that contributes to the recovery of the species included in the agreement. The contribution toward recovery will vary from case to case, and the SHA does not have to provide permanent conservation for the enrolled property. The benefit to the species depends on the nature of the activities to be undertaken, where they are undertaken, and their duration. The SHA and associated documents include a description of the expected net conservation benefit(s) and how the FWS reached that conclusion.

Examples of conservation benefits include:

- maintenance, restoration, or enhancement of existing habitats;
- reduced habitat fragmentation; increases in habitat connectivity;
- stabilized or increased numbers or distribution;

- the creation of buffers for protected areas; and
- opportunities to test and develop new habitat management techniques.

How Does a Property Owner Benefit?
By entering into an SHA, property owners receive assurances that they will not have to change their management activities agreed to in the SHA, even if the voluntary actions increase the number of individuals already present on their property or attract the species onto their property. The assurances are provided by the FWS through an Enhancement of Survival Permit issued to the property owner; this permit authorizes incidental take of species that may result from actions undertaken by the property owner under the SHA, which could include returning the property to the baseline conditions of the agreement.

The permit also specifies that the FWS will not require any additional or

