

What is the process for entering into a SHA?

Generally, the steps are:

1. An interested property owner contacts the nearest NOAA Fisheries office.
2. The landowner, with the aid of NOAA Fisheries, gathers information about the listed species and habitat on the property. With this information, NOAA Fisheries assists the landowner in identifying stewardship activities that are voluntarily undertaken to support listed species.
3. NOAA Fisheries and the landowner work together to develop a description of the baseline conditions, identify habitat improvement activities, and create land-use objectives for the property. Baseline conditions for an SHA contributing to salmon and steelhead recovery are generally derived from the current condition and accessibility of stream habitat on the property.
4. NOAA Fisheries and the landowner develop a draft SHA.
5. The landowner submits an application with the draft SHA to NOAA Fisheries for an ESA Enhancement of Survival Permit.
6. NOAA Fisheries conducts an internal review, allows opportunity for public comment, and formally determines whether the agreement complies with the ESA and contributes to the recovery of the listed species involved.
7. NOAA Fisheries issues an Enhancement of Survival Permit to the landowner and the SHA is finalized.

For information, please contact your nearest NOAA Fisheries office:

<https://www.fisheries.noaa.gov/west-coast/about-us/west-coast-region-locations>

More information on SHAs and descriptions of existing SHAs with NOAA Fisheries are available at:

www.fisheries.noaa.gov/west-coast/habitat-conservation/safe-harbor-agreements-west-coast

U.S. Department of Commerce

National Oceanic and Atmospheric Administration

National Marine Fisheries Service



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www.fisheries.noaa.gov/about/west-coast-region

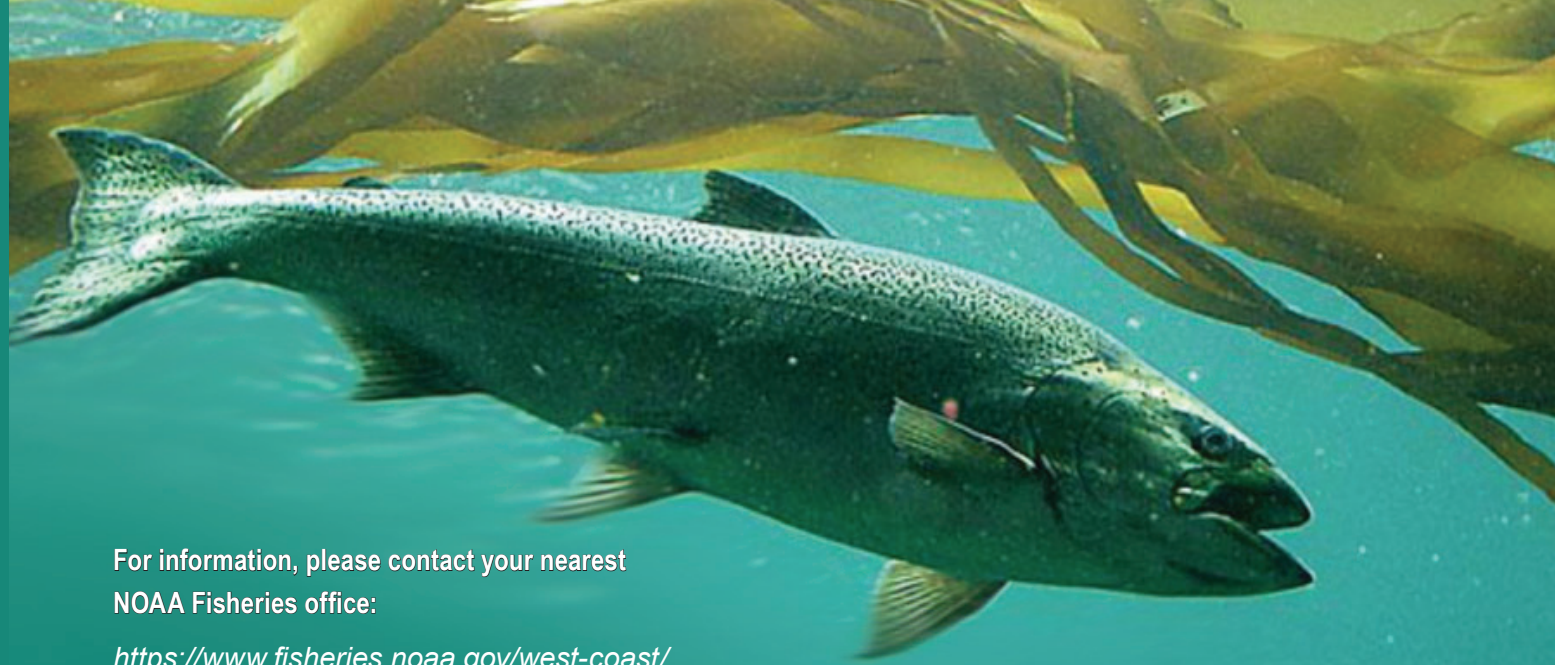
Safe Harbor Agreements for Private Landowners

Incentives for Landowners to help Salmon and Steelhead

Are you a landowner committed to stewardship and interested in deepening your connection with the landscape and wildlife? Your land may be able to support at-risk salmon and steelhead and help their populations recover. We offer assistance and incentives to help landowners enhance creeks and streams to support endangered and threatened salmon and steelhead.



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Many landowners are interested in helping these species recover, but are wary of potential legal issues regarding endangered and threatened species. Safe Harbor Agreements can help by providing regulatory assurances to private landowners engaged with NOAA Fisheries in carrying out recovery actions.

Throughout their lives anadromous fish travel thousands of miles and cross multiple jurisdictions. To successfully recover and conserve salmon and steelhead, it takes collaboration among federal, state, and local government; nongovernmental organizations; and private landowners.

What is a Safe Harbor Agreement?

A Safe Harbor Agreement (SHA) is a voluntary agreement between NOAA Fisheries and one or more private landowners that provides regulatory assurances to landowners whose actions contribute to the recovery of species listed as threatened or endangered under the Endangered Species Act (ESA).

In exchange for adopting conservation practices that contribute to the recovery of ESA-listed species, participating landowners receive formal assurances that NOAA Fisheries will not ask for any additional land use restrictions without their consent. At the end of the agreement period, landowners may return the enrolled property to its original, or baseline, habitat conditions.

Who can enter a Safe Harbor Agreement?

Any non-federal landowner can request a Safe Harbor Agreement, including private individuals, local governments, State agencies, business, Tribal governments, and conservation organizations.

How does a Safe Harbor Agreement benefit the property owner?

Participating landowners will not be subjected to increased land-use restrictions if they attract or increase the population of an ESA-listed species on their property.

NOAA Fisheries provides this assurance by issuing an Enhancement of Survival Permit to the landowner, under the ESA. This permit authorizes the “incidental take” of species that may result from the landowner’s actions.

What can property owners do to help salmon and steelhead recovery under an SHA?

Some examples:

- Remove fish passage barriers to habitat (e.g. undersized culverts, water diversion structures, small dams)
- Plant riparian vegetation
- Maintain a vegetated buffer along streams
- Add wood to streams
- Enhance streamflow
- Improve access to and function of floodplains

Can I sell or transfer property enrolled with an SHA?

Yes. If a landowner sells or gives away lands enrolled in the SHA, the new owner is not obligated to enter into the SHA. If the new landowner agrees to become a party to the original SHA and Enhancement of Survival Permit, then NOAA Fisheries will regard the new owner as having the same rights and obligations with respect to the enrolled property as the original landowner.

What happens when the SHA expires?

The SHA can be renewed for a new term if the landowner and NOAA Fisheries mutually agree. If the landowner does not seek to renew the agreement before it expires, then the landowner may bring the property to baseline conditions and the assurances tied to the Enhancement of Survival Permit expire.