

## **Voluntary Agreements - Shasta Safe Harbor Incidental Take Agreement**

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A Safe Harbor Agreement (SHA) as defined by [USFWS](#) is a voluntary agreement that involves private property owners whose actions contribute to the recovery of species listed as endangered or threatened under the Endangered Species Act (ESA). In this case, the agreement is between cooperating private property owners and the National Oceanic and Atmospheric Administration (NOAA), which is responsible for most listed marine and anadromous fish species.

In exchange for actions that contribute to the recovery of listed species on nonfederal lands, in this case, the federally (and state) threatened Southern Oregon/Northern California Coast Coho Salmon (CDFW 2004, NMFS 2014), participating property owners receive formal assurances from NOAA that if they fulfill the conditions of the SHA, NOAA will not require any additional or different management activities by the participants without their consent.

Central to this approach is that the actions taken under a SHA will provide 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 private property owner. 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 benefits and how NOAA reached that conclusion.

#### Shasta River Safe Harbor Agreement

The Shasta River was historically one of the largest producers of spring- and fall-run Chinook salmon, coho salmon, and steelhead trout in the Klamath River Basin. The upper part of the Shasta River, above river mile 20, contains some of the most valuable and rare aquatic habitats for coho salmon in the region. The Shasta River's ice-cold springs have historically supported vibrant salmon populations, but alterations over the past 180 years due mainly to changes in land use that have resulted in population declines. Impaired water quality and changes in river function are the key limiting factors for coho in the Shasta River. Juveniles are the most vulnerable life stage—poor water quality and stressful conditions during hot, dry summer months put them at risk.

The Shasta Safe Harbor Agreement (SHA) was signed in early February 2021 by 14 participating ranches in the upper part of the Shasta after almost a decade of education, cooperation, and negotiation. The Shasta SHA area covers roughly 30,000 acres and works to improve instream conditions for coho on the Shasta and its tributaries in the in the upper part of the Shasta Watershed. One of the reasons this pathway of a voluntary agreement was pursued is because over 90% of the Shasta Valley is privately owned therefore private landowner cooperation is essential for the recovery of coho salmon. The Safe Harbor Agreement provides for a working landscape that also works to conserve habitat for coho recovery.

Each ranch in cooperation with NOAA and California Department of Fish and Wildlife, developed a ranch [site plan](#) that outlines how they will conduct their ranching activities and the projects they will undertake to improve conditions for coho. Taken together, the plans outline more than 100 restoration actions to improve water quality and habitat conditions over 37 river miles in the next 20 years. The actions include removing fish passage barriers and improving irrigation systems so that cold water can remain in the stream as well as improving instream habitat by adding large woody debris, connecting off-channel ponds, and protecting riparian corridors by fencing out cattle and planting native species. In exchange for improving habitat conditions for coho, the landowners receive regulatory assurances

removing the risk of additional regulation and penalty under the Endangered Species Act. These assurances remain as long as they maintain and improve important coho salmon habitat on their lands.

#### Monitoring

Whether or not the actions in the SHA are sufficient enough to restore coho in the Shasta River has and is being debated (see [compliant filed by Western Environmental Law Center challenging the Incidental Take permits issued by NMFS](#)), but monitoring for effectiveness and adaptive management are very important aspects of the SHA. There is monitoring required for all SHA project, both pre and post project monitoring. There is also effectiveness monitoring across the entire area, many of these monitoring stations have been installed and data are being collected. Lastly, the SHA participants have a timeline to complete projects on their ranches and they need to show progress in order to keep their coverage. A major milestone for the SHA is the 5 yr monitoring report in 2026, which will collate all the data collected across the area and will assess the overall effectiveness of the SHA.

For CalTrout part, a major benefit of the entire process has been that it has brought landowners to the table to discuss projects. We currently have requested funding to accelerate some of the priority projects in the SHA.

#### Further references:

[CDFW \(2004\). Recovery strategy for California Coho Salmon.](#)

[NMFS \(2014\). Final recovery plan for Southern Oregon/Northern California Coast evolutionary significant unit of coho salmon \(\*Oncorhynchus kisutch\*\).](#)