

## Fact Sheet: Floodplain Easement Program

### Overview

The Emergency Watershed Protection Program – Floodplain Easement (EWPP-FPE) is a voluntary program established to acquire new floodplain easements on eligible lands; restore their floodplain functions and values to natural conditions to the greatest extent practicable; and help stimulate the economy.

The EWPP-FPE was authorized as part of The American Recovery and Re-investment Act. Congress authorized \$145 million for the purchase and restoration of floodplain easements. The nationwide signup is March 9-27, 2009.

### Benefits

Restoration on floodplain easements will include all necessary conservation practices, measures and activities required to restore the floodplain functions and values to the natural conditions to the greatest extent practicable. Restoration of wetlands will be restricted to the wetland type(s) that were present in the natural conditions.

- **Permanent Floodplain Easements** will be acquired by NRCS.
- Applications will be taken by NRCS staff at local USDA Service Centers.
- Applications will be ranked using the New York Floodplain Easement Program Eligibility Determination and Ranking Worksheet.
- Land **eligible** for enrollment in the Floodplain Easement Program (FPE) includes:
  - Land damaged by flooding at least **twice in last 10 years** or **once in the last twelve months**.
  - **Other land** within the floodplain that is functionally dependent on eligible acres as described above, or that would improve the practical management of the easement. Only one acre of other land may be enrolled for each acre of land eligible as described above.
  - Land that would be inundated or adversely impacted as a result of a dam breach.
  - Land **must** be privately owned or owned by State or local units of government. Federally owned land is not eligible.
- Landowners must provide copy of deed for property offered. If property is owned by an entity, the entity must provide the necessary documentation to prove ownership.
  - A title search must be conducted prior to an offer being made.
- **Easement compensation** will be based on the least of the following 3 criteria:
  - **Area-Wide Market Analysis**, establishing fair market value of land
  - **Geographic Area Rate Cap**
  - **Landowner's Offer**
- A hazardous substance database records search will be conducted prior to an FPE offer.
- An environmental evaluation and cultural resources review will be completed.
- **All** legal and administrative costs are paid 100% by NRCS.

- A restoration plan will be developed.
    - **NRCS pays 100% of the restoration costs** (removing dikes, fencing out livestock, alternative water, planting trees or native vegetation, etc.).
  - **Compatible Uses:** If landowner requests compatible uses, such as haying, grazing or managed timber harvesting, those associated costs are the responsibility of the landowner. Compatible use authorization will only be made if the agency determines that the proposed use is consistent with the long-term protection and enhancement of the floodplain functions and values of the easement area. NRCS will prescribe the amount, method, timing, intensity, and duration of the compatible use in a management plan.
  - Landowners still own the land and must pay real estate taxes, control noxious plants and pests, and maintain all fences at their own expense. Landowners retain the right to control public access, quiet enjoyment, and undeveloped recreational use such as hunting and fishing.
  - **Timelines**
    - National Sign-up Period is **March 9-27, 2009**.
    - All offers for acquiring easement will be made to landowners by **May 4, 2009**.
    - All easements will be recorded by **December 3, 2009**
    - All restoration will be fully completed by **December 30, 2010**.
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### Contact Information

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