



Emergency Watershed Protection Program– Floodplain Easements (EWP-FPE)

August 2008

The Federal Agriculture Improvement and Reform Act of 1996 amended the Emergency Watershed Protection Program (EWP) to provide for floodplain easement acquisition through the Natural Resources Conservation Service (NRCS). The EWP easement program provides an alternative for farmers with frequently flooded and damaged farmlands. The program's primary emphasis is to retire frequently-flooded bottomland from agricultural uses, allowing the unimpeded reach and flows of floodwaters and improving wildlife habitat. It also eliminates the need for future disaster payments on frequently flooded cropland.

EWP-FPE Enrollment

The program only allows for permanent easements.

Eligibility

Floodplains that include cropland, pasture or timber, are eligible for EWP-FPE. The land must have been damaged by flooding within the past year or at least 2 times during the past 10 years. Crop history is not a consideration for eligibility, although cropland fields do receive a higher score during the ranking process. Upland may be included within the easement area but cannot exceed 50% of the total enrollment area.

Restoration Process

Restoration of new EWP easement sites consists of seeding native plant communities, plugging drainage ditches, breaking tile lines, breaking diversions and breaching flood control levees (if applicable). The construction and installation of impoundment dikes or water control structures are generally not included since restoration of the reach and flow of floodwaters is a major consideration.

Calculating Land Values

The easement compensation offer will be based on the lower of the following three options:

- A market analysis of recent comparable sales by NRCS in the Crop Reporting District in which the land is located, or an appraisal procured by the NRCS;
- The Geographic Area Rate Cap as determined by the NRCS State Conservationist for the applicable Crop Reporting District; or
- The landowner's offer to NRCS.

The offer to the landowner is a "set amount" and is not negotiable. NRCS gives the landowner up to several weeks to consider the amount offered before accepting or rejecting the offer.

Payment Options

The easement compensation payment is made when the easement document is executed and recorded.

Restoration Costs

The landowner enters into a cost-share contract with the NRCS and is reimbursed 100% of the costs related to restoration.

Landowner Rights

Although the land is placed under easement, the owner retains several rights to the property including control of access and **undeveloped** recreational uses (including hunting). The landowner continues to be responsible for property tax and other taxes that may be assessed. The NRCS acquires the authority to limit or restrict all other land uses.

Other Information

Eligible easement applications are placed on a waiting list based on ranking score. Application for the program does not guarantee that a site will be selected or funded. Historically, Iowa has not received enough EWP-FPE funds to accept and enroll every site that is offered. Application is voluntary and applicants are not obligated to proceed with enrollment up to the time that a formal written land value offer is made by the NRCS and accepted (in writing) by the landowner. It generally takes about 9-12 months from the time an offer is accepted to the time the easement is ready to record and the land value payment made.



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