

Questions and answers regarding the NRCS floodplain easement option...

Floodplain easements restore, protect, maintain, and enhance the functions of the floodplain. They also conserve natural values including fish and wildlife habitat, water quality, flood water retention, ground water recharge, and open space. In the long-term, they reduce federal disaster assistance, and safeguard lives and property from floods, drought, and erosion.

Following are some important questions and answers that can help you determine if a flood plain easement option is right for you and your land.

Q. What land is eligible?

A. USDA's Natural Resources Conservation Service (NRCS), through its Emergency Watershed Protection program, may purchase easements on any floodplain lands that have been impaired within the last 12 months or that have a history of repeated flooding (i.e., flooded at least two times during the past 10 years). Because landowner applications for the program tend to exceed funding, purchases are based upon established priorities. The land must be privately owned or owned by state or local units of government.

NRCS maintains a list of easement offers that meet basic eligibility criteria at the time of application. These offers continue to be eligible pending availability of funding.

Q. Does a national emergency need to be declared for land to be eligible?

A. No. It is not necessary for a national emergency to be declared for an area to be eligible for assistance. The objective of the program is to assist sponsors and individuals in implementing emergency measures to relieve imminent hazards to life and property created by a natural disaster.

Q. How does the program work?

A. Under the floodplain easement option, a landowner voluntarily offers to sell to the NRCS a permanent conservation easement that provides the NRCS with full authority to restore and enhance the floodplain's functions and values.

Q. Can the land be used for other purposes?

A. At any time, a landowner may request authorization from the NRCS to engage in other activities. However, allowable uses are restricted to only those that the NRCS determines will further the protection and enhancement of the easement's floodplain functions and values. These compatible uses may include managed timber harvest, periodic haying, or grazing, but landowners should not plan for continued use of this land for routine haying or grazing.

Q. How is payment determined?

A. In exchange for the flood plain easement, a landowner receives the least of one of the three following values as an easement payment:

- An area-wide market analysis or survey;
- The amount corresponding to a geographical area rate cap (GARC), as determined by the Secretary in regulations; or
- The offer made by the landowner.

Q. What does the NRCS do with the land?

A. The easement provides the NRCS with the authority to restore and enhance the floodplain's functions and values. The NRCS may pay up to 100 percent of the restoration costs. To the extent practicable, the NRCS actively restores natural features and characteristics of the floodplain by re-creating the topographic diversity, increasing the duration of inundation and saturation, and providing for re-establishment of native vegetation. The landowner is provided the opportunity to participate in restoration efforts. The NRCS may pay 75 percent of the cost of removing buildings when appropriate.

Q. What landowner rights are retained?

A. Landowners retain several rights to the property, including quiet enjoyment, the right to control public access, and the right to undeveloped recreational use such as hunting and fishing.

Q. Who makes the "compatible use" determination?

A. The NRCS determines the amount, method, timing, intensity, and duration of any compatible use that might be authorized. While a landowner can realize economic returns from an activity allowed for on the easement area, a landowner is not assured of any specific level or frequency of such use, and the authorization does not vest any right of any kind to the landowner. Cropping is not authorized and haying or grazing would not be authorized as a compatible use on lands that are being restored to woody vegetation.

Q. If I'm interested, what do I do next?

A. First, contact your local USDA-NRCS office. Our professional conservationists will outline the eligibility and application process and address other questions you may have.

For more information contact: Dave Brown, Asst. State Conservationist for Programs, 509/323-2971, david.brown@wa.usda.gov.