Emergency Watershed Protection (EWP) Program – Floodplain Easements

What is EWP – Floodplain Easement?

Federal law authorizes the USDA Natural Resources Conservation Service (NRCS) to purchase floodplain easements on lands that have serious recurring flood problems. Authorization for federal assistance through the Emergency Watershed Protection (EWP) program stems from Section 403 of Title IV of the Agricultural Credit Act of 1978, Public Law 95-334.

How does the EWP – Floodplain Easement Program help?

The easements are an effective alternative in reducing risks to life and property on land that frequently floods. And, they provide an opportunity to accrue long-term economic, social, and environmental benefits.

Floodplain easements will result in the following:

- Protection of lives and property from floods, drought, and the products of erosion.
- Retardation of soil erosion through the restoration, protection, or enhancement of the floodplain.
- Allowance of the unimpeded reach and flow of any waters in, over, upon, or through the easement area including the restoration, reconnection, and enhancement of water conditions on the easement area.
- Elimination of future disaster payments that would otherwise be applicable to the offered area.
- Conservation of natural values including fish and wildlife habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetics, and environmental education.

How does the program work?

Potentially eligible lands include agricultural lands damaged by flooding that have either been subject to repeated flood damage or are where the flooding can be expected to reoccur. Agricultural lands are predominately cropland, grazing land, hayland, or forest land adjoining the channel of a river, stream, watercourse, or lake.

The floodplain easement requires landowners to restrict the production of agricultural commodities, but allows compatible haying, grazing, or silviculture use according to conditions as they relate to timing, intensity, and duration. The United States acquires all other land use, development, and hydrology rights. The landowner retains all rights of free use and ingress/egress of the easement land.

All easements will require a plan that outlines easement objectives, conservation treatment needs, partnerships, long-term operation and management requirements, and annual monitoring efforts. NRCS will be the acquiring agency but has the authority to delegate management, maintenance, monitoring, and enforcement responsibilities to eligible partners (water resource districts, soil conservation districts, State agencies, and private entities).
What financial help is available?

Easement values are determined in accordance with an area-wide market analysis or survey, a geographical area rate cap, or the landowner’s offer. The least of these will be the accepted offer.

EWP funds will also cover the cost of land treatment practices. All administrative, survey, appraisal, title insurance, and other costs associated with establishing the easement will be paid by NRCS.

What is eligible?

All flood damaged land within the State of North Dakota is eligible.

- Land must have been damaged by flooding at least twice within the previous 10 years or at least once in the last twelve months.
- Other lands associated with the functions of flood damaged lands.
- Land which would be inundated or adversely impacted as a result of a dam breach.
- Land must be privately owned or owned by a State or local unit of government.

For more information

For assistance from the NRCS or for more information on the Emergency Watershed Protection – Floodplain Easement Program, contact your local NRCS office.

Deadline for Program Sign-up is March 27, 2009.