



Emergency Watershed Protection Program Floodplain Easement (EWPP-FPE) MISSISSIPPI

Q: What is the Emergency Watershed Protection Program – Floodplain Easement (EWPP-FPE)?

- A:** The EWPP-FPE is a voluntary program established to:
- acquire new floodplain easements on eligible lands;
 - restore floodplain functions and values to natural conditions to the greatest extent practicable; and
 - help stimulate the economy.



Q: What are the eligibility requirements?

- A:** To be eligible for enrollment, land must be private land or owned by state or local government which has:
- been damaged by flooding at least twice within the previous 10 years or at least once in the last 12 months; and
 - be other lands within the floodplain that are functionally dependent on acres eligible or that would improve the practical management of the easement (no more than one acre of other land may be enrolled for each acre of land eligible).

Q: What counties in Mississippi is EWPP-FPE offered?

A: The program is offered in all 82 counties.

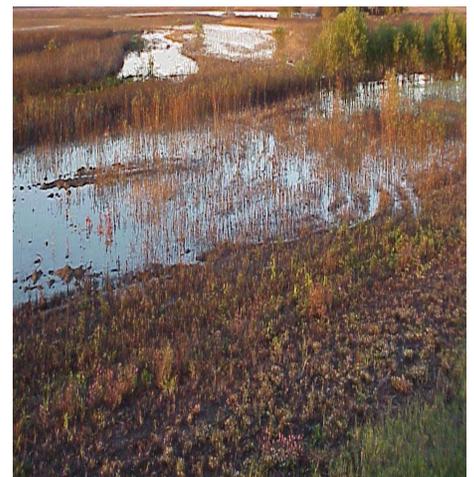
Q: What is the length of ownership requirements to apply for EWPP-FPE?

A: There are no ownership length provisions.

Q: Do you have to have flooded cropland present to qualify?

A: No, but applications that have been in row crops in at least one of the last five years and verified by NRCS will be given the highest priority. Also, priority will be given for:

- crop damage - applications that received disaster or crop insurance payments within the last five years;
- water quality – leaching potential and land use;
- location significance – proximity of offered area to water body causing flooding;
- frequency of damage from flooding;
- proximity to other protected lands;
- easement acres offered;
- restoration cost; and
- threatened and endangered species.



Q: How do you determine landowner eligibility for EWPP-FPE?

A: Landowner provides the necessary information for NRCS to determine if the landowner is eligible to participate including:

- copy of the deed.
- if an entity –
 - (1) proof that entity is a legal and valid entity in the state, usually a certificate of good standing from the Secretary of State.
 - (2) documents indicating who has authority to sign contractual arrangements for the entity.
 - (3) proof the Farm Service Agency (FSA) has been provided a list of entity members and membership shares.
- NRCS will conduct a preliminary title search to identify any title issues that could potentially delay or prevent closing the easement.
- NRCS will conduct a records search to identify any potential hazardous substance issues that may exist that could potentially delay or prevent closing the easement.



Q: Does EWPP-FPE offer enrollment options?

A: The program offers only one enrollment option:

- a permanent easement for which the landowner receives 100 percent of the actual cost of installing restoration approved conservation practices and may receive the lowest of:
 - (1) an area-wide market analysis or survey;
 - (2) the amount corresponding to a geographical area rate cap; or
 - (3) the offer made by the landowner.



Q: Is there a limit on the number of acres a landowner may enroll in EWPP-FPE?

A: There is no national limitation on the amount of land that can be offered for the program. The total amount of land that can be enrolled nationally is limited. However, a state may establish an acreage enrollment limitation. Mississippi has no limitation on the amount of land that can be offered for the 2009 signup, which is available March 9 through April 10, 2009.

Q: How are EWPP-FPE easement payments provided?**A:** A participant may request:

- lump sum payment; or
- annual payments.

Q: How do landowners apply for the program?**A:** Landowners may obtain EWPP-FPE applications at their local USDA Service Center NRCS office or conservation district office. Applications will be evaluated periodically.**Q: What are a participant's requirements under a EWPP-FPE permanent easement?****A:** When a landowner enrolls in the EWPP-FPE, the landowner shall grant a permanent easement to the United States. The easement shall require:

- that the easement area is maintained in accordance with EWPP-FPE goals and objectives for duration of the term of the easement including the restoration, protection, enhancement, maintenance, and management of the floodplain functions and values to the natural conditions.
- the easement shall require, at a minimum, that the landowner and the landowner's heirs, successors, and assigns shall cooperate in the restoration, protection, enhancement, maintenance, and management of the land in accordance with the easement and with the terms of the EWPP-FPE restoration plan.
- the easement shall grant to the United States through the NRCS:
 1. A right of access to the easement area;
 2. The right to permit compatible uses of the easement area, which may include such activities as hunting and fishing or managed timber harvest if such use is consistent with the long-term protection and enhancement of the purposes for which the easement was established;
 3. The right to determine compatible uses on the easement area and to specify the amount, method, timing, intensity, and duration of the compatible use;
 4. The rights, title, and interest to the easement area as specified in the conservation easement deed; and
 5. The right to perform restoration, protection, enhancement, maintenance, and management activities on the easement area.
- the landowner shall convey title to the easement which is acceptable to the NRCS.
- the landowner shall warrant that the easement granted to the United States is superior to the rights of all others, except for exceptions to the title which are deemed acceptable by NRCS.

Q: Does the applicant need to hire a closing agent, surveyor, or lawyer?

A: No. NRCS makes arrangements for these services.

Q: Who controls access to lands enrolled in an EWPP-FPE easement?

A: The landowner retains complete control of access. However, NRCS retains access rights to the easement area for the purposes of enforcing the easement deed and carrying out restoration, protection, enhancement, management, and monitoring activities.



Q: How are applications selected for EWPP-FPE?

A: Applications are selected according to criteria developed at the national and state level within broad national guidelines.

Q: Where did the EWPP-FPE come from?

A: The EWPP-FPE was authorized as part of the American Recovery and Re-investment Act (ARRA). Congress authorized \$145 million for the purchase and restoration of floodplain easements.



Q: Are wildlife food plots allowed in EWPP-FPE?

A: Wildlife food plots are allowed in the program, but will only be located where planned in the EWPP-FPE restoration plan and cannot be harvested for seed, grain, hay, or fodder. Food plots are limited to no more than 5 percent of the total easement area and must have an approved EWPP-FPE Compatible Use.

Q: Does land enrolled in the EWPP-FPE have to have a restoration plan?

A: Yes, the approved management activities must be described in the EWPP-FPE restoration plan to insure program objectives are achieved.

Q: What is in an EWPP-FPE restoration plan?

A: An EWPP-FPE restoration plan will have practices necessary to restore floodplain functions and values to natural conditions to the greatest extent practicable.

Q: Are lands under an existing flowage easement eligible for EWPP-FPE funding?

A: Land with an existing flowage easement is generally ineligible for the program unless the easement holder will subordinate the agreement.

Q: Are lands under a Conservation Reserve Program (CRP) contract eligible for EWPP-FPE funding?

A: The contract must be terminated before acceptance into the program.

Q: Is EWPP-FPE a Farm Bill Program?

A: No, the EWPP-FPE is not a Farm Bill conservation program and applicants are not required to meet the adjusted Gross Income, Highly Erodible Land or Wetland Conservation requirements of the Farm Bill.

Q: Is there any difference in the restoration of EWPP-FPE compared to WRP?

A: Yes, restoration will not be implemented when the primary purpose is wetland restoration or maximizing wildlife habitat benefits. EWPP-FPE will only include the 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.

