

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, floodwater retention, groundwater 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 floodplain 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 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). The land must be privately owned or owned by state or local units of government. Because it is anticipated that landowner applications for the program will exceed funding, purchases are based on established priorities.

Q. What are Oregon's floodplain easement funding priorities for 2009?

A. In Oregon, larger cropland and pasture land tracts with a high frequency of flooding and evidence of flood damage will receive funding priority. Additional emphasis for funding will also be placed on applications that identify an entity to complete yearly upkeep and maintenance of the easement, as will applications to protect riparian, wetland and/or aquatic habitat within designated conservation opportunity areas. These areas can be found at: <http://nrimp.dfw.state.or.us/coaexplorer/viewer.htm>.

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 NRCS a permanent conservation easement that provides NRCS with full authority to restore and enhance the floodplain's functions and values. Restoration activities for this sign up do not include streambank stabilization.

Q. How is payment determined?

A. In exchange for the floodplain 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 of Agriculture in regulations; or
- The offer made by the landowner.

Q. What does NRCS do with the land?

A. The easement provides NRCS with the authority to restore and enhance the floodplain's functions and values. NRCS may pay up to 100 percent of the restoration costs. To the extent practicable, 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. NRCS may pay 75 percent of the cost of removing buildings when appropriate.

Q. How long must the land remain in the easement?

A. A floodplain easement is permanent and will forever remain tied to the deed, regardless of who owns the land.

Q. What landowner rights are retained?

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

Q. Can the land be used for other purposes?

A. At any time, a landowner may request authorization from NRCS to engage in other activities. However, allowable uses are restricted to only those that NRCS determines will further the protection and enhancement of the easement's floodplain functions and values.

Q. Who makes the "compatible use" determination?

A. 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 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 your local USDA-NRCS office, listed in the telephone book under government agencies and online at: www.or.nrcs.usda.gov.