

EMERGENCY WATERSHED PROTECTION PROGRAM FLOODPLAIN EASMENT GREAT LAKES RESTORATION INITIATIVE APPLICATION PROCESSING & SITE EVALUATION FY- 2024 INSTRUCTIONS

Site Visit & Evaluation

The time spent by the team at the EWPP-FPE (GLRI) applicant's proposed site is the best opportunity to determine a site's potential for restoration; how well the site fits into EWPP-FPE (GLRI) programmatic objectives; to make sure the landowner fully understands what is involved; and to collect the necessary documentation to support the site's eligibility and potential for funding.

Team Composition

The team visiting the site should bring the knowledge needed to evaluate the site. Although it is not necessary for the landowner to be present, it is very strongly recommended. Questions may arise that only the landowner can answer. National policy requires that the landowner be consulted and be provided the ability to provide input into the restoration planning and decision-making process.

The District Conservationist (DC) is the leader for the team. The DC is responsible for ensuring all necessary disciplines are consulted and may include:

- NRCS Resource Conservationist
- NRCS Engineer or Technician
- NRCS Wetland Team Leader
- Other State or Local Conservationist or Technicians
- Pheasants Forever and/or ODNR Biologist or Forester
- U.S. Fish & Wildlife Private Lands Biologist

Prior to Site Visit

DC should ensure applicant is familiar with EWPP-FPE (GLRI) program rules including eligibility requirements, program goals, and restrictions for future use once enrollment is complete. The applicant should also be aware of the process for requesting compatible uses and NRCS process for determining if requests are allowable.

DC should gather as much remote information as possible to determine past land use and determine pre-floodplain alteration site conditions. National policy mandates that all sites be restored to pre-agricultural conditions. The following information can provide valuable insight into a site's potential for restoration to pre-agricultural conditions:

- Historical aerial imagery
- Topographic maps and/or LIDAR
- Soils Maps & Data
 - NRCS Official Soil Series Descriptions contains descriptive information on native vegetation and hydrology
- [FEMA Floodplain](#) or Floodway Maps

Site Visit

The purposes of the site visit include:

- Confirm site eligibility.
- Determine adequacy of boundary of offered acres
- Confirm there is sufficient physical and legal access to the offered acres
- Evaluate floodplain restoration potential and practices needed to achieve program goals and requirements
- Assess adequacy of current cover for non-cropland areas
- Determine if onsite or offsite conditions exist which would undermine the purposes of the program or prevent implementation of restoration plan. Example may include:

- Risk of hazardous substances
- Proposed or existing rights of way (such as gas, oil, electric or cable/fiber optic)
- Infrastructure development
- Adjacent land uses which have the potential to negatively impact the proposed easement such as oil/gas exploration, waste and wastewater facilities, industrial or salvage operations, etc.
- Evaluation of adjacent and surrounding land uses is critical to the long-term success of the planned restoration
- Collect information for ranking purposes
- Develop Preliminary Restoration Plan
- Collect information needed to complete forms on application checklist

Forms required to Complete Application

- AD-1153 “Application for Long-Term Contracted Assistance”
 - ***NOTE: EWPP-FPE is not a Farm Bill conservation program, and applicants are not required to meet the adjusted gross income, highly erodible land, wetland compliance, or length of ownership requirements of the Farm Bill***
- Proof of Ownership Documentation
 - If multiple landowners are listed on deed, landowners must provide a breakdown of ownership shares
 - Proof that entity is a legal and valid entity in Ohio
 - Evidence of signature authority
 - All landowners must be eligible
- Proof of Recordable/Existing Access and map of access route identifying name of public road (if applicable) and ownership of lands underlying access route
- Landowner needs to complete the CCC-902 (I) if individual or the 902 (E) if an entity
- Map of proposed easement area – include location, boundary, and acres
- Land eligibility determination document and supporting documents
 - Land eligibility map must include at minimum, land use, soils, and 100-year floodplain.
- Proof of damage from identified disaster with sufficient site-specific supporting documentation
- Appraisal Supporting Documentation to order an appraisal

Information Provided to Landowners at Time of Application

- Checklist of information to be submitted to NRCS
- Copy of blank warranty easement deed (Form NRCS-LTP-20) and associated exhibits
- Notification of landowner requirement to provide clear title and written recorded access rights
- Copy of form AD-1158 “Subordination Agreement and Limited Lien Waiver”
- Copy of Form 1157 “Option Agreement to Purchase” (OAP)

Land Eligibility Determination

Only land within GLRI Agricultural Priority Watersheds will be considered in FY2024 (see Bulletin Enclosure 1 for a map and page 4 of this document for a table of eligible watersheds). Furthermore, at least one of the following criteria must also be met:

- (1) The floodplain lands were damaged at least once by within the previous calendar year or have been subject to flood damage at least twice within the previous 10 years. *For FY2024, documented flood damage would need to have occurred since January 1, 2014.*
- (2) Other lands are eligible, provided the lands would contribute to the restoration of the flood storage and flow, provide for control of erosion, or that would improve the practical management of the floodplain easement.
- (3) Lands would be inundated or adversely impacted as a result of a dam breach.

Land eligibility documentation ***MUST*** include site-specific evidence of damage by flooding or dam breach impact to the offered area.

Site specific evidence may include:

- Photos

- Insurance claims
- Engineering reports
- Loss of crops or income on the property
- Dam breach inundation maps
- Media articles
- Floodplain/Topographic maps
- Soils information
- Hydraulic analysis

Ineligible Land

- (1) Lands where implementation of restoration practices would be futile due to onsite or offsite conditions, including where the SC determines to exclude enrollment of otherwise eligible lands if the participation of the adjacent landowners is essential to the successful restoration of the floodplain and those adjacent landowners are unwilling or ineligible to participate.
- (2) The land is subject to an existing easement or deed restriction that provides sufficient protection or restoration, as determined by the Chief of NRCS, of the floodplain's functions and values.
- (3) Less than 15 acres (waiver option for unique circumstances described below)

Required Forms to Further Confirm Land Eligibility

- Hazardous Substance Examination Checklist
- Preliminary Certificate of Inspection and Possession
- National Historic Preservation Act Assessment
- National Environmental Policy Act environmental assessment
- Endangered Species Act assessment

Site Evaluation

Conservation Assessment:

Conservation practices that must be selected during the Conservation Assessment are as follows:

Term of the easement

- LTPPE – Long-term Protection of the Land Permanent Easement
- LTAPIE – Ingress-Egress Location of the Proposed Easement

Services requested as part of the Easement Acquisition (Select All)

- LTAPTS – Acquisition Process – **Title Search**
- LTAPCS – Acquisition Process – **Closing Services**
- LTAPERS – Acquisition Process – **Environmental Database Records Search**
- LTAPBS – Acquisition Process – **Boundary Survey**

If it is determined, in consultation with the State Office staff, that the GARC value is not appropriate for an application, then you must select the following practices (**APPRAISALS WILL BE REQUIRED IN FY24**):

- LTAPA – Acquisition Process – **Appraisal**
- LTAPTR1 – Acquisition Process – **Appraisal Technical Review**

Preliminary Restoration Plan & Cost Estimate

Restoration on floodplain easements will include all 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 natural conditions should result in a close approximation or mimicry of conditions and functions that existed prior to the conversion or manipulation of the site so as to recover the floodplain functions of the site. Restoration may include both structural and nonstructural conservation practices to restore the floodplain functions and values including water storage and flow, erosion control, vegetative and biological communities, and to improve the practical management of the

easement. Structures within the floodplain not necessary for the restoration of the floodplain, including buildings, must be demolished and removed, or relocated outside the 100-year floodplain or dam breach inundation area (section 514.40).

The evaluation team should identify practices and estimated quantities that will achieve the desired restoration result. Partner suggestions and the landowner’s objectives should be taken into account, but NRCS is the final authority for restoration planning and implementation. If structures are present or being planned, an engineer or technician with the appropriate job approval should be consulted on the preliminary plan.

If threatened or endangered species points were taken in the ranking & evaluation, identify what practices will be used to develop the required habitat types.

The practices need not be broken out by component, but a cost may be given for the entire practice. For example, the cost given for a dike may include the earthwork, seeding, and pipe. However, all component costs should be considered and included in the total. For unit costs, you should use the most recent EWPP-FPE cost list. The cost given should be the total cost; do not consider whether the site will be cost share or not.

Ranking Guidance – See 440-CPM, Part 514, Subpart C for further detailed guidance

Applicability Question – One question (no points)

QUESTION TEXT: Does at least one PLU in the project area intersect the GLRI Priority Watersheds layer by 50% or greater?

This question is geospatially answered – please double check manually that 50% of the offered acres are within at least one of the following HUC8 watersheds:

HUC8 Code	HUC8 Name
04100001	Ottawa-Stony
04100003	St Joseph
04100004	St Marys
04100005	Upper Maumee
04100006	Tiffin
04100007	Auglaize
04100008	Blanchard
04100009	Lower Maumee
04100010	Cedar-Portage
04100011	Sandusky

Category Question – One question (no points)

QUESTION TEXT: Does at least one PLU in the project area intersect the GLRI Priority Watersheds layer by 50% or greater?

For FY2024, we will not be doing further categorical sorting in ranking. Please confirm your answer for the Applicability Question Above.

Program Questions – 8 questions totaling 200 points

Question 1 – Is 100% of the proposed easement area within a GLRI phosphorus priority watershed (Initiative GLRI HUC12 Phosphorus Priority)?

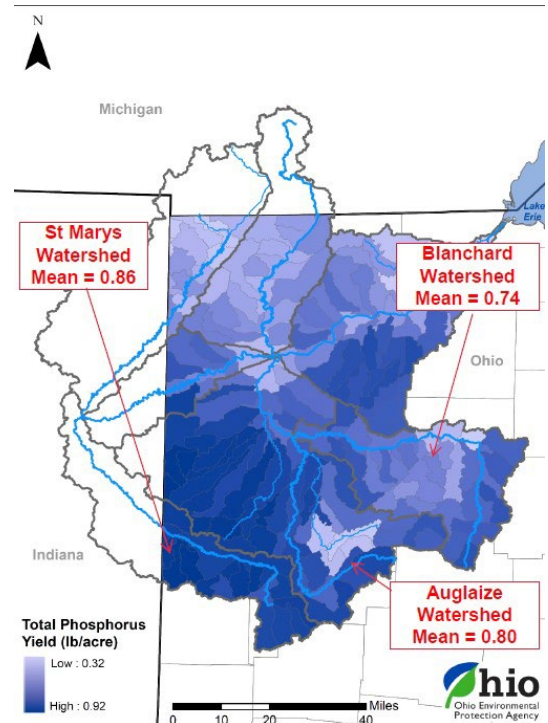
This question is worth 50 points and is a National Program Priority required question. It will be geospatially answered – but please double check manually that 100% of the offered acres are within one of the following HUC12 watersheds:

HUC12 Code	HUC12 Name	HUC12 Code	HUC12 Name
04000080201	Brights Ditch	041000080102	Headwaters Blanchard
04000080202	The Outlet - Lye	041000080103	The Outlet-Blanchard
04000080203	Findlay Upground Reservoir	041000080104	Potato Run
04000080401	Binkley Ditch – Little Riley Creek	041000080105	Ripley Run-Blanchard
04000080402	Upper Riley Creek	041000080204	Lye Creek
04000080403	Marsh Run – Little Riley Creek	041000080205	Findlay Riverside Park-Blanchard
04000080404	Middle Riley Creek	041000080301	Upper Eagle Creek
04000080405	Lower Riley Creek	041000080302	Lower Eagle Creek
04000080501	Tidershi Creek	041000080303	Aurund Run
04000080502	Ottawa Creek	041000080304	Howard Run-Blanchard
04000080503	Moffitt Ditch	041000080601	Cranberry Creek
04000080504	Dukes Run	041000080602	Pike Run-Blanchard
04000080505	Dutch Run	041000080603	Miller City Cutoff
04000080506	Village of Gilboa – Blanchard	041000080604	Bear Creek
041000080101	Cessna Creek	041000080605	Deer Creek-Blanchard

Question 2 - Does at least one PLU in the project area intersect the St Marys (04100004) or Auglaize (04100007) Blanchard (04100008) HUC_8 watersheds by at least 50%?

Through a collaboration among the Ohio Department of Natural Resources (ODNR), Ohio Environmental Protections Agency (Ohio EPA), Ohio Department of Agriculture (ODA), and Ohio Lake Erie Commission (OLEC), the H2Ohio Initiative developed, in 2020, the Ohio Domestic Action Plan (ODAP) to promote clean and safe water in Lake Erie.

One of several goals laid out within the ODAP document is to “achieve a 40 percent total spring load reduction in the amount of total and dissolved reactive phosphorus (TP and DRP) entering Lake Erie’s western basin from the Maumee River by the year 2025. A spring (March – July) Flow-Weighted Mean Concentration (FWMC) of 0.23 mg/l TP and 0.05 mg/l DRP and a target of 860 metric tons (1.9 million lb) total phosphorus and 186 MT (410,000 lb) dissolved reactive phosphorus in the Maumee River is predicted to be a 40 percent reduction from the base year of 2008.” With that goal in mind, and the supporting phosphorus loadings data presented in ODAP (see figure), Ohio NRCS has defined the Blanchard, Auglaize, and St. Marys River HUC8 watersheds as “state focus” watersheds. FPE applicant sites within these watersheds will earn the 50 points allocated to “State Focused” priority areas. This question will be geospatially answered - but please double check manually that at least 50% of the offered acres are within one of these HUC8 watersheds.



Question 3 - What is the weighted Environmental Benefit (utilizing Land Use/Flooding Frequency Calculator) score for the offered acres?

Using the Environmental Benefit Land Use/Flooding Frequency Calculator provided in the bulletin determine the weighted environmental benefit score. Determine how many acres (round to nearest tenth) within the offered area that are within the following categories.

- Crop with soils mapped as very frequent, frequent, or occasional flooding (90 points)
- Lands in Conservation Reserve Program with soils mapped as very frequent, frequent, or occasional flooding (75

points)

- Range, Pasture, Forest with soils mapped as very frequent, frequent, or occasional flooding (60 points)
- Crop with soils flooding classes mapped as rare, very rare, or none (50 points)
- Lands in Conservation Reserve Program with soils flooding classes mapped as rare, very rare, or none (25 points)
- Range, Pasture, Forest with soils flooding classes mapped as rare, very rare, or none (5 points)
- Developed land (1 point). Determine the amount of offered acres that meet each category. **See definitions of these land types on page 6 of this document.*

Definitions of Land Use (Title 180 – National Planning Procedures Handbook – Amendment 9, Dec. 2021) and Soil Flooding Frequency (U.S. Soil Survey)

LAND USE

- **Crop** - Land used primarily for the production and harvest of annual or perennial field, forage, food, fiber, horticultural, orchard, vineyard, or energy crops.
- **Land in Conservation Reserve Program** – Ground that has an active or expiring CRP contract.
- **Range** - Land on which the historic and/or introduced vegetation is predominantly grasses, grass-like plants, forbs or shrubs managed as natural ecosystem. Range land may include natural grasslands, savannas, shrublands, tundra, alpine communities, marshes and meadows.
- **Pasture** - Land composed of introduced or domesticated native forage species that is used primarily for the production of livestock. Pastures receive periodic renovation and cultural treatments, such as tillage, fertilization, mowing, weed control, and may be irrigated. Pastures are not in rotation with crops.
- **Forest** - Land on which the historic and/or introduced vegetation is predominantly tree cover managed for the production of wood products or non-timber forest products.
- **Developed Land** - Land occupied by buildings and related facilities used for residences, commercial sites, public highways, airports, and open spaces associated with towns and cities.

SOIL FLOODING FREQUENCY

- **Very Frequent** - flooding is likely to occur very often under normal weather conditions. The chance of flooding is more than 50% in all months of any year
- **Frequent** - flooding is likely to occur often under normal weather conditions. The chance of flooding is more than 50 percent in any year but is less than 50 percent in all months in any year
- **Occasional** - flooding occurs infrequently under normal weather conditions. The chance of flooding is 5 to 50 percent in any year
- **Rare** - flooding is unlikely but possible under unusual weather conditions. The chance of flooding is 1 to 5 percent in any year
- **Very Rare** - flooding is very unlikely but possible under extremely unusual weather conditions. The chance of flooding is less than 1 percent in any year
- **None** - flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years

Question 4 - Voluntary Easement Payment Reduction?

Applicants who agree to accept less than the full appraised value have the opportunity to score additional points. The percentage reduction taken must be in writing. Use Voluntary Bid Reduction form attached to EWPP-FPE (GLRI) bulletin to document landowner's bid reduction.

Question 5 - Estimate Easement Value (BASED ON ACEP-WRE GARC)

This question utilizes the 2024 ACEP-WRE GARC Rates to estimate the value of the Easement (amount the Agency would pay the landowner for the Easement rights). Proposed Acres multiplied relevant Region GARC rate. **Note: Landowner compensation will be determined by appraisal for FY2024.*

Question 6 - Restoration Costs Per-Acre?

Utilize the approved EWPP-FPE (GLRI) cost list as applied to practices identified on the preliminary restoration plan to calculate total costs and divide by the number of offered acres.

Question 7 - Operation and Maintenance Costs.

If the site contains structures, or if the preliminary restoration plan contains structures, select the appropriate response. For purposes of this question, structures include dike, water control structures, riprap, culverts, or pipes.

Question 8 - Estimated Structure Removal Costs.

Answer this question based on the total square feet of the building or structure to be removed from the floodplain.

Resource Questions – 7 questions totaling 200 points

Question 9 - What percent of the proposed easement area is cropland?

Determine the percentage of the total area within the offered acres that meets the crop definition described on page 6 of this document.

Question 10 - Are there areas in the easement planted to permanent grass vegetation that could be managed for phosphorus removal through an approved NRCS plan?

Feasibility of equipment access combined with landowners stated intentions. Additionally, planned restoration ground cover must include cover type that is suitable to answer yes for this question. At least 50% of the total easement area must be feasible for haying to allot the points for this question.

Question 11 - What is the size of the offered area?

Select from size ranges the one that best fits. Please round up to the nearest whole number to determine the acres. If a site is less than 15-acres it is not eligible. The State Conservationist may waive the easement size criteria in certain unique circumstances such as:

- Enrollment of a small adjacent parcel will dramatically improve restoration potential on an existing FPE, WRP, or WRE easement.
- Enrollment will allow for restoration of rare habitat that will benefit threatened and endangered species.
- Group application where a large habitat block will be established but requires multiple landowners to participate.

Question 12 - Downstream distance to nearest population center?

Using geospatial mapping software, generate a map of the offered acres and measure the distance (in river miles) to the nearest population center and determine which of the categories best fit the site. Populations less than 1,600 people are not considered “population centers” for the sake of this question. Between 1,600 and 4,999 are considered “village” and populations of 5,000 or greater are considered “cities”.

Question 13 – What percent of the proposed easement area is within the 100-year floodplain?

Award points based on the proper category range.

Question 14 – Frequency of flooding that has caused documented loss or damage.

To be eligible for EWPP-FPE (GLRI), the landowner must provide sufficient documentation to establish that the floodplain lands have been damaged at least once within the previous calendar year or have been subject to flood damage at least twice within the previous ten years (since January 2014). If the landowner has supporting documentation to establish that damages have been realized more than the minimum criteria (example: at least three of the last ten years), award maximum points for this question. If the land is deemed eligible based on potential inundation or adverse impact as result of dam breach, also award the maximum points available under this question.

Question 15 – Proximity and connectivity to other protected habitat.

Determine if the offered acreage connects (abuts or touches) two protected areas, is adjacent to (touches or abuts) at least one protected area or is within one river mile of a protected area. A protected area is land such as a state wildlife area or other area with a similar conservation easement already in place.

Other Required Forms – Guidance Document

Hazardous Substances & Landowner Disclosure Worksheets

Hazardous Materials Field Inspection Checklist, Hazardous Materials Landowner Interview and Landowner Disclosure Worksheet are to be completed for all sites. The information needed may be obtained through landowner interview, personal knowledge of the site and observations made while visiting the site. Ensure you evaluate the perimeter/adjacent land for possible concerns and note locations(s) of existing utilities. This form is to be signed by the WTL or other NRCS staff with knowledge of the site. A physical feature map should be included with the hazardous substance examination checklist.

Environmental Evaluation

Complete the CPA-52, Environmental Evaluation Worksheet. Focus the evaluation on the area offered for enrollment. The evaluation should result in a finding that the action is categorically excluded from further environmental analysis and there are no extraordinary circumstances. If this is not the case, consult with State Program Manager.

IF YOU HAVE ANY QUESTIONS REGARDING THIS INFORMATION, PLEASE CONTACT:

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