What is EWP-FPE?
The Emergency Watershed Protection - Floodplain Easement (EWP-FPE) offers an alternative method to traditional EWP Program Recovery. USDA’s Natural Resources Conservation Service (NRCS) recommends this option to landowners and others where acquiring an easement is the best approach (more economical and prudent) to reduce threat to life and/or property.

A major goal of EWP–FPE is to restore the land, to the maximum extent possible, to its natural condition. Restoration techniques include the use of structural and non-structural practices to restore the flow and storage of floodwaters, control erosion, and to improve management of the easement.

Reasons for Purchase of Floodplain Lands
NRCS may purchase EWP-FPE permanent easements in floodplains for the following reasons:

1. The land has been damaged by flooding at least once during the previous calendar year or subject to flood damage at least twice within the previous 10 years*.

2. Other lands within the floodplain may be eligible if they contribute to the restoration of floodwater storage and flow, offer a way to control erosion, or improve the practical management of the floodplain easement.

3. Lands that would be inundated or adversely impacted as a result of a dam breach.

*If FPE is offered as recovery for a specific natural disaster, at least one instance of flooding must have occurred because of that natural disaster.

Enrollment Options and Eligibility
A permanent easement is the only enrollment option under EWP-FPE. Permanent floodplain easements are available on the following types of land:

1. Agricultural or open lands. NRCS will pay up to the entire cost of the easement value and up to the entire cost for easement restoration.

2. Lands primarily used for residential housing. In these cases, NRCS will pay up to the entire easement value and up to the entire cost of the structure’s value if the landowner chooses to have it demolished. A project sponsor is required for lands primarily used for residential housing and for the purchase of the remaining lot after structures are removed.

Easement Payments
Although participation in EWP-FPE is voluntary, landowners selected for enrollment are required to sign a permanent conservation easement for the property as part of their application. Through the signing of the easement, NRCS purchases surface and other rights from the landowner, including the authority to restore and enhance the floodplain’s functions and values. Ownership

Community Benefits
Floodplain easements restore, protect, maintain and enhance the functions of floodplains while conserving their natural values such as serving as fish and wildlife habitat, improving water quality, retaining flood water, and recharging groundwater. Structures, including buildings, within the floodplain easement must be demolished and removed outside the affected floodplain area.
of the land is retained by the original landowner until they decide to sell or transfer the property to another party. Once an easement has been purchased and closed, the boundary configuration and terms of the agreement cannot be modified under any circumstances.

As compensation for the rights purchased by the NRCS, the landowner will receive the lowest of two values:

1. The geographic area rate cap (GARC). The GARC reflects the value the State Conservationist, with the advice of the State Technical Committee, determines to be fair compensation for the value of the easement.

2. A voluntary written offer by the landowner. When the landowner applies for the easements, he or she may voluntarily offer to accept less compensation than NRCS would offer. This may enhance the probability of the easement becoming enrolled. An offer to accept a lower compensation amount will be documented in writing on the ranking factors worksheet.

Easement compensation for projects that include residences or other structures will be determined through an appraisal.

**Easement Restoration**

The easement provides NRCS with the authority to restore and enhance the floodplain functions and values. NRCS may pay up to the entire restoration implementation costs. To the extent practicable, NRCS actively will restore the natural features and characteristics of the floodplain such as recreating the topographic features like ridges and swales, increasing the length of time the land is flooded, and establishing native vegetation. NRCS offers the landowner the opportunity to participate in the restoration efforts. NRCS may pay up to 75 percent of the cost of removing buildings when appropriate.

Since the EWP-FPE program is only used following a specific disaster event and tied to a unique appropriation, maintenance and management funding is limited. Additional costs may be the responsibility of the landowner.

**Landowner Use**

After the closing of the permanent easement, landowners still retain several property rights, including:

- the right to control public access, and
- the right to undeveloped recreational use such as hunting and fishing.

**Compatible Use**

At any time, a landowner may request authorization from NRCS to engage in other activities. NRCS may allow other activities, called compatible use, if it is determined the activity will further the protection and enhancement of the easement’s floodplain functions and values. These compatible uses may include, but are not limited to, managed timber harvest, periodic haying, or grazing. 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 rights outside of those specified in the easement to the landowner.

**How to Apply**

More information about the EWP-FPE can be obtained from your local USDA NRCS Field Office.