

Flowage Easement Consent Request Information
US Army Corps of Engineers - Wilmington District

This information is provided to assist property owners with preparing a request for consent from the government for activities within a flowage easement owned by the government. The government purchased flowage easements on private property adjacent to lakes operated by the US Army Corps of Engineers to allow for inundation of water impounded by the dam. Property owners may receive consent from the government for activities within a flowage easement provided those activities do not interfere with the government's use of the easement. Property owners should review the terms of their deed and the government's easement rights before submitting a consent request.

Requests for consent will be considered on a case by case basis. Activities will only be considered in cases where there is no reasonable alternative location for the proposed activity and the activity will not adversely impact authorized project operations. To avoid the loss of water storage capacity activities that reduce capacity and/or obstruct flow within an easement will not be authorized. The addition of fill material within the easement may be considered if fill is offset by an equal amount of excavation at the same elevation or lower within the easement. Due to concerns for public safety habitable structures, propane/fuel storage tanks, activities that will create floating debris, and other hazards will not be authorized.

In any case, the government will continue to exercise its right to occasionally overflow, flood and submerge the property within the easement. If a consent is provided the government would not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the consented activity and would be held harmless from any and all such claims. Failure to obtain necessary consent may result in civil penalties and removal of the encroachment at the owner's expense.

How to Apply: Property owners may submit a request for consent in writing to the lake Operations Project Manager. Review of the request may take 60 days or longer.

Requests should include the information listed below. Additional information may be requested.

1. Property owner's name/s and mailing address
2. Name and address of operator for third party facilities (utility company, municipality, etc.)
3. Property address
4. Detailed description of activity requested
5. Proposed dates of work within the easement
6. Documentation:
 - Site plans showing location of proposed activity within the easement
 - Property deed including easement estates
 - Property Map (survey or county tax map)
 - Photographs of the location of the proposed work
 - Drawing/construction plan and list of materials for proposed structures (Certification of plans by a Professional Engineer (PE) may be required depending on the scope of the proposed activity.)
 - Copies of required federal, state, and local permits
7. Calculation of cubic yards of proposed fill and/or excavation within the easement. Cut and fill calculations should be per 1 foot interval of elevation. To be considered for authorization any fill must be offset by an equal amount of excavation at the same elevation.