



New Federal Funding for Land Acquisition and Conservation Easements



Overview

New funds from the Safe Drinking Water Act promote EPA's mission to protect public health by ensuring safe drinking water. Land trusts and other local organizations can further this mission by working with state agencies and water suppliers to identify and acquire critical lands and conservation easements.

A Focus on Drinking Water Protection

Safe drinking water is precious to communities, and its quality can be threatened by contamination of the lakes, reservoirs, streams, and ground water that serve as sources of drinking water. Communities of all sizes across the United States that have experienced contaminated water supplies or that foresee potential threats to the quality of their drinking water are considering various options for protecting their sources of drinking water. Some communities have found that an effective way to protect water quality is to own or control land that is located in upstream watershed or ground water recharge areas where development activities could impair the quality of the drinking water source. While land acquisition and easement efforts can protect a water supply by preventing pollution-generating activities in critical areas, the efforts can also provide other community benefits such as preserving wildlife areas, enhancing recreational opportunities, and reducing flood damage.

Safe Drinking Water Act Funding

The 1996 Amendments to the Safe Drinking Water Act make it easier for communities to purchase land or conservation easements for the purpose of protecting public drinking water supplies. The new law provides for annual grants to each state through the year 2003 to fund drinking water programs and projects that protect public health and ensure compliance with the requirements of the Act. In 1997, grants to individual states from the U.S. Congress' \$1.275 billion appropriation ranged from \$12.6 million to \$75.7 million. Each state will place most of this money into a Drinking Water State Revolving Fund (DWSRF) to use for loans to community public water systems for building or upgrading water treatment plants and other water supply construction projects. However, a state also has the option of designating up to 10% of its federal grant specifically for the acquisition of land and conservation easements, as well as for other source water protection activities. The conditions for this land acquisition set-aside are described in the Drinking Water SRF Program Guidelines (page 22):

"A State may provide assistance, only in the form of a loan, to a public water system to acquire land or a conservation easement from a willing party for the purpose of protecting the system's source water(s) and ensuring compliance with national drinking water regulations.

If a State elects to use this set-aside, the State shall use a priority setting process to decide what land or easements can be purchased. The process must include a

requirement that public water systems demonstrate how the land or easements to be purchased will directly promote public health protection and/or compliance with national drinking water regulations. The State must seek public review and comment on this process.”

Working with States to Influence Funding Decisions

Each year, states must explain how they intend to use the federal funding under the Safe Drinking Water Act in a document that is submitted to the U.S. Environmental Protection Agency (EPA) called the Intended Use Plan (IUP). Funds set aside for specific purposes such as land acquisition, assistance to small communities, wellhead protection, and other uses must be specifically described in the Intended Use Plan. Before the IUP is submitted to the EPA for approval, states must provide the public with adequate opportunity to review and comment on the Plan. Each state must also respond to all substantial comments received from the public.

For further information on your state's decisions to designate funds for easements and land acquisition and how to become involved, contact the agency in your state that is managing the drinking water program. Call the EPA Drinking Water Hotline at 1-800-426-4791 for the phone number and address of your state's contact.

Partnerships with Water Suppliers on Land Acquisition Activities

Loans for land acquisition and conservation easements can only be given to public water systems. Therefore, local land trusts, community groups, or others that are interested in easements and land acquisition opportunities for protecting drinking water quality should work cooperatively with local water suppliers to request funds from the DWSRF. Local groups that have expertise in identifying properties that qualify for the funding or that have experience in negotiating acquisitions from willing sellers can offer their assistance to water suppliers. Such partnerships may complement the ongoing work of organizations to preserve parts of a watershed or ground water area for other purposes. Contact your state agency, community leaders, and/or local public water provider to find out about opportunities for local involvement, or to explore partnership opportunities.

To Find Out More

For additional information on state responsibilities for source water assessment activities, opportunities for local involvement, public participation, and other issues, call the EPA Hotline and request a copy of the “State Source Water Assessment and Protection Programs Guidance.” In addition, more details on state use of federal funds for drinking water programs are contained in EPA's “Drinking Water State Revolving Fund Program Guidelines” that can also be requested through the Hotline. These publications, as well as various fact sheets and links to other water protection programs can be found on the EPA Website at <http://www.epa.gov/OGWDW>.