Flowage easement land is non-federal land on which the United States Government has acquired certain perpetual rights, including the right to overflow, flood and submerge the land, the right to prohibit structures for human habitation, and the right to approve all other structures proposed for construction within the flowage easement. The definition of structure also includes excavating or filling without the prior written consent of the U.S. Army Corps of Engineers (USACE). The land encumbered by the easement may be based on a metes and bounds description, on an elevation or a combination of both. A complete description of the flowage easement can be found in the deed to the property or within the chain of title for the property.

If your land is encumbered with a flowage easement, you may:

- Mow, clear, plant vegetation (such as flowers, grass, shrubs), or otherwise use as desired if not in conflict with the rights acquired by the government.
- Sell or lease the land to others, subject to all restrictions contained in the flowage easement.

If your land is encumbered with a flowage easement, you may not:

- Construct any structure for human habitation, permanent or temporary, within the flowage easement.
- Place or bury propane or fuel storage tanks within the flowage easement.
- Place or construct any other structure or appurtenances to existing structures within the flowage easement without prior written approval of USACE. “Other structures” include but are not limited to, buildings, fences, ramps, ditches, channels, dams, dikes, wells, earthen tanks, roads, utility lines, driveways, trees.

Subject to USACE approval, a structure that does not reduce flood storage capacity or is not designed or intended to be used for human habitation, may be constructed within the flowage easement. With respect to construction of water wells, sewerage lines, or septic systems, each case will be examined to ensure that pollution of the lake or interference with the operation of the reservoir will not occur. All proposed sewerage lines and septic systems must be approved by the appropriate local, county or state permitting agencies. If the easement is also within a floodplain, you may be asked to demonstrate whether there are any practicable alternatives to construction within the easement.

Please note, the Government will continue to exercise its right to occasionally overflow, flood and submerge the property within the easement. The Government is not responsible for damages to property 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 prior approval may result in civil penalties and removal of the encroachment at the owner’s expense.

Requests for Consent to Easement Structures

All requests involving flowage easement lands must include the following:

- A letter of request from the landowner including a complete return address and a phone number.

- A detailed description and site plans showing the location of the proposed activity within the easement, including elevations at the proposed site. Certification of plans by a Professional Engineer may be required depending on the scope of the proposed activity.
- Calculation of cubic yards of proposed fill and/or excavation within the easement, if applicable.
- Name and address of third parties (i.e. utility company, municipality, etc.), if applicable.
- Proposed dates of work within the easement.
- Photographs of the location of the proposed work.
- Property deed and, if not included in the deed, the flowage easement
- Property map (survey or county tax map)
- Copies of required federal, state, and local permits, if applicable.

We are engaged in preserving, maintaining and improving the resources at Hop Brook Lake. Your participation and assistance in these efforts is very much appreciated.

Please address all permit applications or other correspondences to: 4 Straits Turnpike, Middlebury, CT 06762. If you have any questions, you can reach us at (203) 729-8840.