

CONSERVATION COVER (CODE 327)

DESCRIPTION

A practice which establishes and maintains perennial vegetative cover to protect soil and water resources on agricultural land retired from production or other lands requiring protective cover, such as those adjacent to state waters or other sensitive natural resource areas.

PURPOSE

The practice is intended to address one or more of the following: reduction of soil erosion, sedimentation, nutrients, and other pollutants by controlling surface flow, as well as improving water quality by providing nutrient uptake.

CONDITION

This practice may be applied on land retired from agricultural production, land adjacent to wetlands, Waters of the State, or other sensitive resource areas, or other lands requiring protective cover where water quality is impaired or where there is a high potential of water quality impairment. This also includes land entered into conservation programs sponsored by USDA or other state or federal agencies and private organizations.

If the practice is to be utilized under the Conservation Reserve Enhancement Program, the eligibility criteria for that program must have been met.

POLICIES

1. Vegetative cover shall be selected to accomplish the intended purpose of the practice, conditions of the site, and the objectives of the land user. Herbaceous and/or woody species may be appropriate. In situations where hardwood species are appropriate, tree shelters may be cost-shared at a maximum rate of 400 shelters per acre.
2. NRCS Standards and Specifications for Conservation Cover (Code 327) shall be followed when applying this practice.
3. When used as a riparian buffer, the conservation cover must be a minimum width of 100 feet or 30 percent of the geomorphic floodplain, whichever is less, but in no case shall the width be less than 35 feet.

4. When used as a Marginal Pastureland Wildlife Habitat Buffer (CP29), the conservation cover shall not be less than 35 feet in width or more than a maximum average of 100 feet wide. Animals must be present, or a water quality condition must exist.

Cost-share eligibility is determined as follows:

- a. Animals must be present on the pasture and will be excluded as part of the practice. Cost-eligibility will be based on the number of animal units that regularly use or occupy the area being addressed.
 - i. If **fifteen (15) or more** animal units (AU) are present, cost-share funds will be based on applicable flat rates and project limits.
 - ii. Operations with **one (1) to less than fifteen (15)** animal units (AU) may be eligible based on the animal unit pro-rated cost-eligibility formulas. (SECTION III, *Water Quality Project Application Instructions*, 44B).
5. Selection of locally native species shall be a priority when feasible.
6. Plantings shall consist of two or more species to provide greater vegetative diversity. Those species selected for planting shall be suited to the seasonal variation of soil moisture on the planting site. Plant types and species shall be selected based on their compatibility in growth rates, shade tolerance, and other characteristics.
7. Site preparation and planting to establish vegetative cover shall be done at a time and in a manner to ensure the survival and growth of the selected species. It is eligible for cost-share provided it is an area of light infestation, i.e., less than 20% of the site is covered by *Multiflora Rose* or other invasive woody species. The maximum cost-share available for site preparation is \$600 per acre.
8. Only viable, high-quality seed and planting stock shall be used. The method of planting shall include hand or machine planting techniques suited to achieving proper depths and placement for the selected plant species. Supplemental moisture shall be applied is and when necessary to assure early survival and establishment of selected species. Also, plant and animal pest species shall be controlled as necessary to achieve and maintain the intended purpose of the vegetative cover. Further, noxious weeds shall be controlled as required by state law.
9. Livestock shall be excluded as necessary to establish and maintain the vegetative cover to meet its intended purpose. In addition, cost-sharing is authorized for the establishment of one or all of the following, if it is considered essential for the protection of the riparian area:
 - a. Permanent Fencing (Code 382) for the purpose of livestock exclusion in order to protect water quality and stream banks from damage.
 - b. Stream Crossings (Code 728) and/or Watering Facilities (Code 614), in order to minimize impact to buffer vegetation and function.
10. Occasional removal of trees is permitted provided that the intended purpose is not compromised by the loss of vegetation. In addition, such harvesting must occur as part of an approved forestry management plan.

11. Cost-sharing *is not authorized* for the following:
 - a. Plantings intended for forage production. (Refer to the conservation practice standard Pasture and Hayland Planting, Code 512).
 - b. Plantings which will be established on critically eroding areas which usually cannot be stabilized by ordinary conservation treatment and management. (For site stabilization on these areas, refer to the conservation practice standard Critical Area Planting, Code 342).
12. This practice must be properly maintained for a minimum of ten (10) years. The applicant agrees to provide all equipment, labor and materials needed to meet this requirement. At a minimum, these measures shall be carried out for the life of the practice:
 - a. Periodically inspect the conservation cover, and repair or restore as needed to maintain the intended purpose from adverse impacts such as excessive vehicular and pedestrian traffic, pest infestations, and pesticide use on adjacent lands, livestock damage and fire.
 - b. Replace dead trees and shrubs as needed, and control undesirable vegetative competition.
 - c. As applicable, control of concentrated flow erosion or mass soil movement shall be continued in the up-gradient area to maintain buffer function.
13. Applicants must be in compliance with Maryland's Nutrient Management regulations (COMAR 15.20.08) at the time of Application. Application will not be approved unless a Nutrient Management Plan Certification Form is submitted with the Application (SECTION III, #30).

COST-SHARE RATE

The State cost-share payment will not exceed 100% of the total eligible costs, not to exceed \$150,000 per project.

USDA shares will be considered co-cost shares and entered accordingly on the Water Quality Project form and Claim for Payment.

ATTACHMENTS

Applicant(s) with an outstanding Unsatisfactory On-Farm Status Review of previous project(s) may be ineligible for MACS Cost-Share funding. When a previous project expires with outstanding unsatisfactory status, the applicant is ineligible for any future MACS funding.

The following items are needed:

1. A copy of a recorded deed(s) for the parcel(s) where the BMP is located. If the current, appropriate deed is already on file in the MACS Office, then record both the agreement number of the file where the deed is kept and the liber/folio numbers in the General Comments section of the application.
2. A copy of the Real Property Data Search page from the Maryland Department of Assessments and Taxation's website (<https://dat.maryland.gov>) indicating the Maryland Property View Account ID Number and owner information.
3. Aerial photograph indicating the property lines and existing and proposed BMPs.
4. Plan view sketch graphically demonstrating the layout and details of the proposed BMP.
5. Nutrient Management Plan Certification Form shall be submitted along with the Application (SECTION III, #30).