

CRITICAL AREA PLANTING (CODE 342)

DESCRIPTION

Planting vegetation, as per current NRCS Standards and Specifications for trees, shrubs, and grasses, on highly erodible or critically eroding areas.

PURPOSE

To stabilize the soil, thus reducing the movement of sediments, nutrients, agricultural wastes, and agricultural chemicals from reaching the Waters of the State.

CONDITION

This practice is to be applied only on highly erodible or critically eroding areas on farms where runoff carrying substantial amounts of sediment and other pollutants could reach the waters of the State. These areas (e.g., gullies, banks, or critical slopes) generally cannot be stabilized by any other conservation treatment.

POLICIES

1. Cost-sharing *is authorized* for:
 - a. Measures needed to stabilize a source of sediment. These measures may include land grading, shaping, seedbed preparation, seeding, lime and fertilizer, tree planting, or similar measures which the SCD determines practical for solving the problem. The flat rate for tree planting in critical areas is based on two times the established Critical Area seeding flat rate when planting Loblolly Pines (*Pinus taeda*) on the Eastern Shore and White Pines (*Pinus strobus*) on the Western Shore. Other species may be planted, but MACS will only cost-share at the established rate for Loblolly and White Pines.
 - b. Measures which are essential to solve a farm-based pollution or conservation problem. A minimum of **fifteen (15)** animal units must regularly use or occupy the area being addressed, cost-share funds will be based on applicable flat rates and project limits. 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).
2. Cost-sharing *is not authorized* for following:
 - a. Tree planting for the primary purpose of forestation or reforestation.
 - b. Mine reclamation sites, nor for planting on spoils after a pond clean-out. Any planting required as part of a new or rebuilt Sediment Control Pond is to be applied for as Practice Code 378.
 - c. The destruction of vegetation in order to plant trees or for tree planting if existing vegetation is providing adequate protection.

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3. For tree planting, the maximum cost-share amount shall not exceed the amount required for establishing grasses wherever such establishment is equally feasible and effective for water quality improvement.
4. Consideration shall be given to enhancing wildlife habitat in the area when establishing protective measures.
5. The applicant shall follow the maintenance recommendations for a critical area planting (Code 342) from the NRCS Technical Guide and any other maintenance recommendations developed by the SCDs.
6. NRCS Standards and Specifications for Critical Area Planting (Code 342) shall be followed when applying this practice.
7. 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.
8. The applicant and the farm's Nutrient Management Plan must be in compliance with Maryland's Nutrient Management regulations (COMAR 15.20.08) at the time of Application. No Applications will be approved without a Nutrient Management Plan Certification Form submitted with the Application (SECTION III, #30).

SEDIMENT CONTROL POND DAM BREACHES

If a landowner chooses to breach rather than rebuild an existing Sediment Control Pond in need of repair, a Critical Area Planting (342) is to be applied for rather than a Sediment Control Pond (378).

COST-SHARE RATE

The State cost-share payment shall not exceed 100% of the total eligible cost, not to exceed \$150,000 per project. If Code 342 is used to breach a dam, the State cost-share payment shall not exceed 87.5% of the eligible costs with a cap of \$20,000.

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 (www.dat.maryland.gov) indicating the Maryland Property View Account ID Number and owner information.
3. An aerial photograph indicating the property lines as well as all existing and proposed BMPs. Since this is a sediment control practice, also indicate the drainage area and the direction of flow.
4. A plan view sketch graphically demonstrating the layout and details of the proposed BMP.
5. Nutrient Management Plan Certification Form shall be submitted with the Application (SECTION III, #30).