

**DIVERSION
(CODE 362)****DESCRIPTION**

A channel constructed across the slope with a supporting ridge on the lower side.

PURPOSE

To provide protection from erosion and prevent pollutants from nutrients, sediment, animal wastes or agricultural chemicals from reaching the Waters of the State.

CONDITION

Apply this practice to farmland subject to erosion that would allow pollutants from excess surface or subsurface water runoff to reach the waters of the State. This practice is also applied where there is a need to divert clean water around areas where animal wastes are stored or accumulate in significant amounts, or as part of a system to intercept and divert waste-contaminated water to a safe storage site.

POLICIES

1. A minimum of **fifteen (15)** animal units (AU) 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-effectiveness (SECTION III, *Water Quality Project Application Instructions*, #44B).
2. Cost-sharing **is authorized** for:
 - a. Diversion channels, dikes, or subsurface drains where necessary for the proper functioning of the diversion.
 - b. Installation of structures such as pipes, chutes, underground outlets or other outlets for the conveyance of water to a waterway, to provide more even flow, or to protect outlets from erosion. The installation of a protective outlet as part of the system shall be included as a component of the diversion system.
 - c. Leveling and filling to permit installation of an effective system; vegetative cover (including mulch) to protect the diversion.
3. Cost-sharing **is not authorized** for the installation of ditches or dikes designed to impound water for later use, or which will be a part of a regular irrigation system.
4. In cases of clean water diversions, the area around which the water is being diverted must be a permanent feature of the farm operation, and it must be an area in which livestock wastes accumulate or are permanently stored in large amounts. The location of the area must be such that the delivery of contaminated runoff to local streams or waterways is certain to occur in the absence of proper BMPs.
5. In the case of diverting either clean water or waste-contaminated water, no estimate of soil savings is required; justification may be based on water quality benefits. (SECTION V, #7).

6. NRCS Standards and Specifications for Diversion (Code 362) shall be followed by 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).

COST-SHARE RATE

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

ATTACHMENTS

Applicant(s) with an outstanding Unsatisfactory On-Farm Status Review of BMP Maintenance and Use of previous project(s) may be ineligible for further 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. For sediment control practices, 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).