

## HEAVY USE AREA PROTECTION (CODE 561)

### DESCRIPTION

Stabilization to protect an area on a farm which is being utilized frequently and intensively by livestock or farm equipment (only if specifically for areas adjacent to the entrance of a poultry house or poultry waste storage structure).

### PURPOSE

The purpose of this practice is to stabilize facility areas on the farm which are disturbed due to frequent and intense livestock or equipment use in order to prevent or abate pollution of the waters of the State.

### CONDITION

This practice may be applied only to farms which have been determined to have erosion and water quality problems along areas of frequent and intense livestock or equipment use, and where there is a need for properly designed artificial or vegetative cover in order to prevent the delivery of animal waste, sediment and nutrients to the waters of the State.

### POLICIES

1. In cases of Heavy Use Area Protection areas in which animal wastes accumulate, the location of the area must be such that the delivery of contaminated runoff to local streams or waterways has the potential to occur in the absence of this proper BMP.
2. A minimum of **fifteen (15)** animal units (AU) must regularly use or occupy the area being protected, cost-share funds will be based on applicable flat rates plus project and farm 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).
3. Cost-sharing is authorized for the required waste storage/management in a method compliant with the Waste Management System Plan (WMSP).
4. This practice will be applied on farms where erosion and/or animal waste from existing heavily used animal areas pose a significant water quality problem. A Critical Condition (defined in the COMAR 15.01.05.02.C) must exist to be eligible for cost-share.
5. Cost-sharing **is authorized** for the establishment of a permanent vegetative cover as buffer strips, if required, according to the criteria for Filter Strips (Code 393) or Critical Area Planting (Code 342), *plus* one or all of the following, if it is considered essential for the protection of the Heavy Use Areas:

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- a. Permanent Fencing (Code 382) to protect water quality and stream banks from damage by domestic livestock to buffer areas or adjacent streams, Stream Crossing, (Code 728), Diversion (Code 362), Grade Stabilization Structure (Code 410), Grassed Waterway (Code 412), Lined Waterway or Outlet (Code 468) and Roof Runoff Structure (Code 558).
  - b. Preparation of surface and subsurface drainage mechanisms, as well as the utilization of lime, fertilizer, seed, straw mulch, and mulch anchoring for establishing permanent vegetative cover.
  - c. Earth fill, excavation, compacting, and grading operations necessary to establish the base course, including the use of gravel, crushed stone, a geotextile, or other suitable materials.
  - d. Materials such as erosion control netting, matting, staples, filter cloth, rock riprap, geoweb, box inlets, subsurface drains, and culverts for runoff control measures.
  - e. Surface treatment using materials such as concrete, gravel, or other materials in order to provide a stable, wearing surface.
6. When applying for cost-sharing under this practice, ***all*** components and their associated NRCS code numbers will be included under Section II of the MACS Water Quality Project Form. For example, if applying for a Heavy Use Area, a Diversion, and a Grassed Waterway, then NRCS codes 561, 362, and 412 must be listed on the application.
  7. If an animal waste management system (Animal Waste Treatment and Containment Project) receives MACS cost-share funding, the cubic foot volume ceiling rate eligibility cap for this waste storage structure project will be verified, and the remaining balance of eligible cost-share can be applied towards the proposed Heavy Use Area Protection (561).
  8. Cost-sharing ***is not authorized*** for the following:
    - a. Any construction or portion thereof that is greater than ***60 sq. ft.*** per animal unit when used as a feeding or confinement area. (See additional section below for policies specific to HUAs, which include Roof and Covers – 367).
    - b. Any siding materials when used as a feeding or confinement area.
    - c. Any construction or portion thereof that is greater than ***12 feet*** in width when used as a travel lane. Also, the portion used as a travel lane may not exceed ***300 feet*** in length. Special consideration can be made for unique situations. This must be approved by the MACS Program Administrator.
    - d. Prescribed Grazing (Code 528) or Access Road (Code 560).
    - e. Replacement, repair, relocation, or installation of any utilities such as water, sewer, electric, gas, or telephone.

- f. Repair, replacement, modification, or relocation of any building.
  - g. Any construction or portion thereof which would be used solely for the purpose of providing access for farm equipment or vehicles, or from public roads and highways to farm headquarters or home sites *except* for the area directly adjacent to the entrance of a poultry house.
  - h. Replacement or reconstruction of other attached, existing BMPs, unless such replacement or reconstruction is essential to the proper functioning of the proposed Heavy Use Area.
9. A current Waste Management System Plan (WMSP), according to NRCS Standards and Specifications, must be signed by the applicant and the District Conservationist and accompany the MACS Water Quality Project Form when the applicant is installing the practice for a feeding or confinement area or when installing a poultry house HUA. The WMSP must be farm-specific and include information on the situation, problem, geographic area, system components, component details, waste utilization, installation timetable, and structure operation and maintenance.
10. Applicants are required to keep their WMSP and NMP updated and current throughout the maintenance life of any animal waste treatment or containment project. These updates are the responsibility of the applicant and landowner. The District and/or a nutrient management consultant may provide technical assistance. The District is responsible for verifying that the applicant has a current Waste Management System Plan.
11. 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).
12. For a start-up operation or expansion to increase the animal capacity within the next six months, *and* if the applicant will document that fact in writing to the Department's satisfaction, cost-share may be based on the total new animal capacity on the farm. The SCD must document the animal capacity increase on the Certificate of Imminent Start-up or Expansion of a Poultry-Growing Operation form or Certificate of Imminent Start-up or Expansion of a Livestock Operation form (SECTION III, #19 or #20) and submit this form with the MACS Water Quality Project Form. *Start-up or expansion operations are eligible for 50% cost-share.*
13. MACS will initiate an On-Farm Status Review (Spot Check) six months following the completion of any project subject to the Certificate Imminent Start-Up or Expansion form.
14. An operation and maintenance plan shall be developed in accordance with NRCS standards and specifications.

15. NRCS Standards and Specifications for Heavy Use Area Protection (Code 561) shall be followed when applying this practice.
16. This practice must be properly maintained within the life maintenance *without* additional cost-share for a minimum of ten (10) years for a HUA stand-alone or fifteen (15) years if the HUA is roofed (367). 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. Inspect areas surrounding the Heavy Use Area after each major runoff event, and repair promptly as needed.
  - b. Maintain grass areas in adequate cover. Reseed and mow as needed, according to the operation and maintenance plan.
  - c. Fill in low areas and regrade, as needed, to maintain area integrity, using like materials as originally installed.
17. It may be necessary to confine animals during inclement weather.
18. MACS cost-share funding is available for the initial gravel (stone) Heavy Use Area Protection (Walkway/Travel Lane). MACS funding is not available for the repair, replacement, or relocation during the maintenance life of the original funded MACS Heavy Use Area Protection project.
19. If MACS cost-share funding was received for an Animal Waste Treatment and Containment Project and if supporting practices (367, 558, and 561) were not installed with the initial waste storage structure, the total eligible cost, not to exceed \$200,000 per project, and the cubic foot volume ceiling rate eligibility cap, is still applicable. The remaining balance of eligible cost-share can be applied towards the proposed Roofs and Covers (367), Roof Runoff Structure (558), and Heavy Use Area Protection (561).
20. **MACS defines Animal Waste Treatment and Containment Projects to include Practice Codes 313, 316, 359, 367, 558, and 561 to solve a single water quality problem. The waste storage facility and supporting practices are part of a Waste Management System Plan (WMSP), and the total cost is not to exceed \$200,000 per project.**

### COST-SHARE RATE

For Heavy Use Area Protection, the State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$150,000 per project.

*Note: If the proposed Heavy Use Area Protection (561) is part of an animal waste management system (Animal Waste Treatment and Containment Project) that includes Practice Codes 313, 316, 359, 367, 558, and 561 to solve a single water quality problem, the State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$200,000 per project, that is based on the cubic foot volume ceiling rate eligibility cap of the waste storage structure.*

**ADDITIONAL POLICIES FOR HEAVY-USE AREA PROTECTION, WHICH INCLUDES ROOFS AND COVERS (367)**

1. To qualify for this practice, a required minimum of 40 square feet of housing, per animal unit, must be available or provided by the applicant. This area must be used solely as housing (not storage) for the duration of the maintenance life of the practice.
2. Cost-sharing *is authorized* for any construction of a roof or cover up to 60 square feet, per animal unit, for a required total of 80 contiguous square feet per animal unit. If 80 square feet of a covered housing currently exists, then cost-sharing may be authorized by the MACS Program Manager only for the construction of up to an additional 20 square feet per animal unit.
3. Any roof construction of eaves or overhangs greater than three (3) feet.
4. This practice must be properly maintained *without* additional cost-share during the Roof and Covers (Code 367) maintenance life of a minimum of fifteen (15) years. The applicant agrees to provide all equipment, labor, and materials needed to meet this requirement.
5. A Roof or Cover (Code 367) may only be built over a Heavy Use Area constructed of concrete.
6. Any existing Heavy Use Area must meet NRCS Standards and Specifications (Code 561). A status review is to be completed for any Heavy Use Areas to be covered and submitted with the application for the Roof and Cover (Code 367).
7. A signed “Provisions for Heavy Use Area Protection (Code 561), and/or Roof and Cover (Code 367)” sheet; Calculation Sheet; Roof Diagram; and Application Tool must accompany the application (SECTION III, #17).
8. For a start-up operation or expansion to increase the animal capacity within the next six months, *and* if the applicant documents that fact in writing to the Department’s satisfaction, cost-share may be based on the total new animal capacity on the farm. The SCD must document the animal capacity increase on the Certificate of Imminent Start-up or Expansion of a Poultry-Growing Operation form or Certificate of Imminent Start-up or Expansion of a Livestock Operation form (SECTION III, #19 or # 20) and submit this form with the MACS Water Quality Project form. *Start-up or expansion operations are eligible for 50% cost-share.*
9. MACS will initiate an On-Farm Status Review (Spot Check) six months following the completion of any project subject to the Certificate Imminent Start-Up or Expansion provision form.

10. If MACS cost-share funding was received for an Animal Waste Treatment and Containment Project and if supporting practices (367, 558, and 561) were not installed with the initial waste storage structure, the total eligible cost, not to exceed \$200,000 per project, and the cubic foot volume ceiling rate eligibility cap, is still applicable. The remaining balance of eligible cost-share can be applied towards the proposed Roofs and Covers (367), Roof Runoff Structure (558), and Heavy Use Area Protection (561).
11. **MACS defines Animal Waste Treatment and Containment Projects to include Practice Codes 313, 316, 359, 367, 558, and 561 to solve a single water quality problem. The waste storage facility and supporting practices are part of a Waste Management System Plan (WMSP), and the total cost is not to exceed \$200,000 per project.**

### COST-SHARE RATE

For Heavy Use Area Protection, which includes Roofs and Covers, the State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$150,000 per project.

*Note: If the proposed Heavy Use Area Protection (561), which includes Roofs and Covers (367) is part of an animal waste management system (Animal Waste Treatment and Containment Project) that includes Practice Codes 313, 316, 359, 367, 558, and 561 to solve a single water quality problem, the State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$200,000 per project, that is based on the cubic foot volume ceiling rate eligibility cap of the waste storage structure.*

**ADDITIONAL POLICIES FOR POULTRY HOUSE HEAVY-USE AREA PROTECTION**

1. The eligibility worksheet (SECTION III, #16) must be completed and attached to the application for a poultry HUA project.
2. The State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$150,000 per project.
3. **The maximum MACS Program eligible cost for Poultry House Heavy Use Area Protection (concrete pad) is \$8.00 per square foot.** MACS will only accept Water Quality Project Application and Claim for Payment forms based on an **itemization of the materials and quantities** necessary for the BMP.
4. Poultry House Heavy Use Area Protection (concrete pad) is typically 40' x 40'; however, for MACS eligibility, the pad size may not exceed 1,600 sq. ft.
5. No manure may be stored on the poultry HUA for any period of time, including manure enrolled in the Manure Transport Program.
6. Adequate waste storage and poultry mortality management practices, such as composting facilities for the size of the operation, must be available on the farm where the pads are installed.
7. If an applicant and/or landowner applying for a poultry house HUA has already received MACS funding for a Waste Storage Structure (WSS) (Code 313) or a Poultry Mortality Composting Facility (PMCF) (Code 316), then an On-Farm Status Review form (SECTION V, # 5) for each of the WSSs and/or PMCFs is to be sent with the MACS Water Quality Project Form. The operation must be properly utilizing the PWSS and PMCF for their intended purpose to be eligible for cost share.
8. A 20-foot filter strip is required between the HUA and any ditch or waterway (measured from edge of pad to top of ditch/waterway slope). If the area between the pad and ditch is not adequate for a 20-foot filter strip, then the pad size must be reduced to accommodate the required set back.
9. *Start-up or expansion operations are eligible for 50% cost-share.*
10. MACS will initiate an On-Farm Status Review (Spot Check) six months following the completion of any project subject to the Certificate Imminent Start-Up or Expansion provision form.
11. Poultry House Heavy Use Area Protection (concrete pad) is a stand-alone project. A separate MACS Application and Claim for Payment must be submitted and not combined with other Heavy Use Area Protection pad for Poultry Waste Storage Structures (PWSS) and/or Poultry Mortality Composting Facility (PCMF).

## COST-SHARE RATE

For Heavy Use Area Protection (concrete pad) installed adjacent to the entrance of a poultry house, the State cost-share payment will not exceed 87.5% 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 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 # 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](http://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.
4. A dimensioned plan view sketch of the area indicating the location of the proposed BMP and graphically demonstrating the layout and details of the project.
5. For HUA's for feeding or confinement areas *or* for poultry house HUA's, a farm-specific WMSP, which includes information on the situation, problem, geographic area, system components, component details, waste utilization, installation timetable, structure operation, and maintenance. This document must be signed by the District Conservationist and the applicant and/or operator.
6. Certificate of Imminent Start-up or Expansion of a Livestock Operation form or Certificate of Imminent Start-up or Expansion of a Poultry Operation form, if applicable (SECTION III, # 19 or #20).
7. Nutrient Management Plan Certification Form shall be submitted with the Application (SECTION III, #30).
8. A signed "Provisions for Heavy Use Area Protection (561), and/or Roof and Cover (Code 367)" sheet; Calculation Sheet; Roof Diagram; and Application Tool or Poultry eligibility criteria worksheet must accompany the application. (SECTION III, #16 or #17).