

Maryland Winter Cover Crop

Program Requirements and Agreement

Applicant (Operator) whose application is approved by the Department agrees to the following terms and conditions to be eligible to participate in the Winter Cover Crop Program for nutrient management.

The Operator Agrees:

1. To plant annual cover crops on the Operator's farm as specified in the **Cover Crop Species Fact Sheets**, which are available at the local SCD or on the Department's website. The cover crop must be planted in early fall after one of the following eligible preceding crops: corn, sorghum (sorghum/Sudan hybrid), soybeans, vegetables, hemp, millet, sunflowers, sod, or tobacco.
2. To comply with all nutrient management requirements, including having submitted the most current AIR and/or Nutrient Management Plan, as well as having no enforcement issues. Submitting a completed Nutrient Management Certification form—signed by the plan writer, applicant, and landowner (if applicable). Applications without this form will not be accepted. Compliance with Nutrient Management must be maintained throughout the project, or payment may be denied or repayment required.
3. To be in good standing with all other divisions of the Maryland Department of Agriculture (MDA), including but not limited to the Maryland Agriculture Water Quality Cost-Share program (MACS) and Maryland Agriculture Land Preservation Foundation (MALPF), as a condition of eligibility for filing a claim for cover crop costs under this Agreement;
4. To complete an application form requesting a minimum of **10 acres** of cover crop cost-share.
5. Acres enrolled in the **EQIP/NRCS or the CSP Cover Crop Program are not eligible** for any co-cost or cost share from the Maryland Cover Crop Program. These acres will need to be shown on the Cover Crop application, where designated, to calculate total AIR acres
6. Except for animal waste as described in paragraph #7 below, no nutrients shall be applied by the Operator or designee to any acres enrolled in the Maryland Cover Crop Program before March 1. Only Potash and Lime may be applied to acres enrolled in the cover crop program.
7. Fall Applied Non-Poultry manure is allowed; however, the following criteria must be met:
 - A. **The manure must be on-farm generated.** All acres that have received Fall Applied Non-Poultry Manure before planting, and all acres intended for Fall Applied Non-Poultry Manure after planting, must be reported at the time of fall certification. Once a field is designated as having or going to have manure applied, it cannot be changed. All acres that receive Fall Applied Non-Poultry Manure will only be **eligible for a reduced payment of \$25/ac**, and no incentives will apply to these acres. These acres will be paid in full in the fall if partial payment is issued.
8. **If non-poultry manure was applied in the Spring and Fall, the Fall application must be documented on the fall/spring certification form.** **Acres that receive fall poultry manure are not eligible for payment.**
9. **All seed used in the Cover Crop program must meet the following requirements:** Germination must be at least 80%, all seed shall be free of prohibited noxious weed seeds, have no more than 16 restricted noxious weed seeds per pound, and the test date can be no older than 9 months from the planting date. **Purchased seed** must have the following information on the seed tag: seed type, state of origin, test date, germination, and noxious weed count. If using **homegrown seed**, the seed must be tested by the **Maryland State Seed Testing Lab**. To ensure results are received before planting, samples should be sent to the Maryland State Seed Testing Lab before 10/1.
10. To establish the cover crop, the Operator or hired contractor shall use one of the following Approved Methods to ensure **good seed-to-soil contact. Contact the local SCD with any questions regarding tillage equipment before planting:**
 - A. **No-till:** utilizing a no-till drill in undisturbed ground.
 - B. **Conventional:** prepare seedbed using primary tillage (plow, chisel) or secondary tillage (disking), then seeding with a conventional drill.
 - C. **Broadcasting/Light tillage:** broadcast seeding followed by light disking or other approved methods to ensure good seed-to-soil contact. **The planting date for this method is the date of seed incorporation.**

- D. **Aerial Seeding:** seeding into an eligible previous crop that has not been harvested, with any of the following: fixed-wing airplane, helicopter, drone, or ground-driven apparatus.
 - E. **Broadcast/stalk chopping (BCSC):** broadcasting of seed followed by stalk chopping (**corn or sorghum**).
 - F. **Broadcast/cultipacker (BCCP):** broadcasting of seed followed by a cultipacker (**corn or sorghum**).
11. The cover crop shall be properly maintained by the Operator for the duration of this cover crop Agreement.
12. **The use of unapproved mixes is prohibited.** Approved mixes may include Canola/Rape, Forage Radish, Clover, Hairy Vetch, and/or Winter Peas with the following approved cover crop species: Wheat/Spelts, Rye, Triticale, Oats, Barley, or Ryegrass. **No incentive payments will be issued for planting a 2-Cereal Grain mix. The crop with the earliest planting date will determine the planting date deadline for the mix.** Refer to the **Cover Crop Program Approved Mixes** handout for all approved cover crop mixes, which is **available at local SCD's or on the Department's website.**
13. The Applicant/Operator agrees to certify compliance with the Cover Crop Program as follows:
- A. Within **one week of planting** the cover crop, but no later than the dates listed in the chart below, the Applicant/Operator shall certify planting information with the local Soil Conservation District and that the Applicant/Operator meets all eligibility requirements of the Cover Crop Program.

MACS INCENTIVE FOR 10/10 INCORPORATED PLANTING AND AERIAL SEEDING DEADLINE	MACS BASE PAYMENT PLANTING DEADLINE 11/05
Certification Deadline 10/17	Certification Deadline 11/12

- B. The Applicant/Operator shall submit the following to the local SCD:
 - 1. Seed tags for purchased seed and seed tests for home-grown seed. **The seed tags need to be signed by the Operator, and any seed tests not in the Operator's name shall also be signed.**
 - 2. All custom-planted acres, including all Aerially seeded acres, will require an FSA map designating which fields were planted, signed, and dated by the applicator. This documentation is filed at the local SCD office and is available upon request from the Cover Crop Program Administrator.
 - 3. The applicant will also need to provide additional signed documentation for all Aerially seeded acres, certifying previous crop, crop planted, seeding rate, and planting date. A template is available at the local SCD offices.
 - 4. **All certification documentation must be submitted to your local SCD by the conclusion of fall certification, but no later than December 1. If all documentation is not received by December 1, the Cover Crop Program Administrator may cancel the agreement.**
 - C. The Applicant/Operator shall allow SCD personnel or MDA personnel to conduct random Spot-Checks to verify compliance with program guidelines. A minimum of 20% of the acres fall-certified will be spot-checked. Every agreement will have acres spot-checked. These locations will be randomly selected by the SCD's. SCD's will submit completed forms to the Cover Crop office no later than **December 19**.
 - 1. The Applicant/Operator agrees that, after review by the SCD or the Cover Crop office, it is determined that the applicant has failed to provide the required documentation as provided in paragraph 13B, or if, as the result of a spot check the SCD or MDA determines the applicant has submitted false, misleading, or inaccurate information during fall certification, the Cover Crop Agreement will be cancelled by the Cover Crop Administrator, and any claims for payment denied. The applicant may also be placed on one-year probation, making them ineligible to participate in any Cost Share Program administered by MDA during that time
 - 2. An Operator may appeal the denial of the cover crop agreement to the Secretary of Agriculture or their designee. All decisions by the Secretary are final.
 - D. Once the fall certification process is complete, acres cannot be changed. The applicant can request a printout of the certified acres.
 - E. Partial payments are strongly recommended. This payment will be issued after all fall-certified acres are approved and sent to applicants by the end of that calendar year. Applicants can opt out of the partial payment and receive full payment in the spring. However, spring payments may be delayed until late May or June because Satellite Imagery will be used to determine spring-qualifying acres.
14. Grazing or "green chopping" for livestock forage is allowed after the fall crop is well established, but only for the applicant's own use. **It may not be sold.**

15. The Applicant agrees to all the following requirements and conditions of MDA’s Cover Crop Program:

- A. I agree to allow reasonable access by Soil Conservation District/MDA staff for Spot Checks for the purpose of verifying program guidelines have been followed, including stand establishment, kill down, manure application, etc.
- B. I agree that I will meet and maintain compliance with State nutrient management requirements throughout the life of the cover crop contract as outlined in paragraph 2.
- C. I understand that the acres receiving Fall Applied Non-Poultry manure either before or after planting must be reported, the manure must be generated on-farm, and is only eligible for a maximum payment of \$25/ac.
- D. I understand it is the Applicant's responsibility to verify that all fall planted acres have been documented before signing off on the fall certification. Acres can not be added in the spring.**
- E. I have read, understand, and agree with the policies outlined in the preceding agreement regarding establishing and maintaining the cover crop. I understand I must maintain the cover crop until March 1 to be eligible for payment. Any acres terminated before March 1 may not be eligible for payment.
- F. I understand that within 2 weeks of the termination of the cover crop but no later than June 1, I must report all acres to the local Soil Conservation District to be eligible for payment.
- G. I have read and understand that the Spring Claim for Payment may be delayed until late May or early June because of the use of satellite imagery in the verification process. I understand that I may request a partial payment in the fall, and that payment will be processed by the end of the calendar year in which the cover crop was planted.**
- H. I agree to reimburse MDA for any overpayment if any partial payment based on the fall certification exceeds the final eligible payment due after spring certification.
- I. I understand that any outstanding payments to the State will be satisfied before the cover crop payment is issued.
- J. I have received and reviewed the Cover Crop Fact Sheets for the species I intend to plant, and I have received and reviewed the Approved Mixes handout.**
- K. I agree that MDA may deny payment of any claims under MDA’s Cover Crop Program if the Operator is in violation of any requirement or condition under the Cover Crop Program, or if any claim for payment is based on false, misleading, or fraudulent information.
- L. I understand that if my lease is terminated during the contract life of this agreement, MDA is not required to issue a payment for the cover crop planted. If I no longer have control over the termination of the cover crops, I may have to repay the Maryland Department of Agriculture any funds already received.
- M. I understand that fall application of non-farm generated Organic nutrients is prohibited on any cover crop acres; those acres must be removed from the agreement and are not eligible for payment.**

Applicant's Signature _____ Date _____