

FENCING (CODE 382)

DESCRIPTION

Enclosing or dividing an area of land with a suitable permanent structure that acts as a barrier to livestock.

PURPOSE

To provide protection of streams and increase or protect the quality of the waters of the State. The purpose may be to exclude livestock from areas that are to be protected from grazing or browsing, contain livestock in an area, or control domestic livestock while allowing for some wildlife movement.

CONDITION

This practice is to be applied to farmland requiring control or exclusion of livestock to ensure water quality.

POLICIES

1. A minimum of **fifteen (15)** animal units must regularly use or occupy the area being addressed, and 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. Non-stream exclusion perimeter and/or interior fencing is eligible for cost-share provided it is part of a rotational grazing system in which **50% or more of the livestock forage coming from pasture grazing during the growing season**. A Grazing Management Plan meeting NRCS standards and specifications for Prescribed Grazing (528) must be included with the application. This also includes a summary of the animal unit (AU) calculation; and map labeling pastures, all existing practices and/or proposed practices; and a cover sheet of the grazing plan should be signed by the Operator and District Conservationist or planner with Job Approval Authority (JAA).

The pasture will be subject to an On-Farm Status Review every 2 years during the life maintenance to monitor pasture condition. A Pasture Condition Score (PCS) of less than 30 is considered unsatisfactory and must be addressed by the applicant.

3. Cost-share grants for fencing will be based on the following:
 - For stream exclusion fencing the grant amount will be based on the flat rate that has been established for each county.
 - For non-stream exclusion perimeter fencing and interior fencing the grant amount will be based on 50% of the NRCS flat rate. For fencing to be installed to protect a proposed BMP practice, the cost-share amount will be based on the 87.5% rate of the regional flat rate.
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4. Cost-sharing ***is authorized*** for the establishment of permanent vegetative cover as buffer strips along banks according to criteria for Filter Strips (Code 393) or Critical Area Planting (Code 342).
5. Permanent fencing may be included as a cost-shareable component by the SCDs for Stream Crossing (Code 728), Waste Storage Structure (313), Animal Waste Treatment Lagoon (Code 359), Diversion (362), Sediment Control Pond (378), Grade Stabilization Structure (410), Grassed Waterway (412), Lined Waterway or Outlet (468), Pasture Management (512), Heavy Use Area Protection (561), Watering Facility (614) and Wastewater Treatment Strip (635) if it is considered ***essential*** for the proper functioning of the practice and to protect people or livestock. The NRCS flat rates are to be used anytime these practices are proposed in conjunction with a grazing plan.
6. Cost-sharing ***is not authorized*** for:
 - a. Temporary fences. These fences are to be paid for by the applicant.
 - b. Gates of any type.
 - c. Electrical components, such as power supply and energizers.
7. If the applicant is certain to increase her or his 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 approved for manure storage capacity 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 Livestock Operation (SECTION III, #19) form and submit this form with the MACS Water Quality Project form. The department will not process the MACS Claim for Payment until the SCD certifies that the expansion has occurred ***and*** that the additional or new animals have been placed on the farm.
8. NRCS Standards and Specification for Fencing (Code 382) shall be followed when applying this practice.
9. This practice must be properly maintained for a minimum of ten (10) years. The applicant agrees to provide all equipment, materials, and labor to meet this requirement. Funding for damages caused by an act of nature may be provided when the *cost of those repairs exceeds* \$1,000 or at least 15% of the *original eligible cost* from the original Claim for Payment. Funding for those damages may be provided a maximum of twice during the maintenance life of the fence at the cost-share rate of 100%. All other repairs and upkeep shall be the responsibility of the landowner.
10. 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).

EROSION PROTECTION

If soil and climatic conditions permit, a protective cover of vegetation shall be established on all disturbed earth surfaces. In areas where vegetation shall not survive, non-vegetative means such as gravel, or lining such as a permanent 3-dimensional inert plastic grid confinement system may be used. Refer to NRCS Standard for Critical Area Planting (Code 342).

SPECIAL CONSIDERATIONS

In determining the distance between the fence and the stream bank, consideration must be given to the physiography of landscape and stream characteristics, flood levels and frequencies, NRCS standards and specifications, and State laws and regulations, including Public Drainage Association maintenance rights-of-way. Also, wildlife and environmental shall be considered when designing the practice.

COST-SHARE RATE

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

The State cost-share payment will not exceed 87.5% of the total eligible cost for fencing to protect a practice, not to exceed \$150,000 per project.

The State cost-share payment will not exceed 50% of the total eligible cost for non-stream exclusion perimeter and/or interior fencing, 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 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.
4. A plan view sketch graphically demonstrating the location, layout and details of the proposed BMP, existing practices, and waters of the State (streams, ponds, wetlands).
5. Certificate of Imminent Start-up or Expansion of a Livestock Operation form (SECTION III #19) if applicable.
6. Nutrient Management Plan Certification Form shall be submitted with the Application (SECTION III, #30).
7. An approved and complete Grazing Management Plan when applying for non-stream exclusion perimeter fencing and/or interior fencing are part of a rotational grazing system.