

MARYLAND DEPARTMENT OF AGRICULTURE

2023 Small Acreage 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 2023 Small Acreage Cover Crop Program for improving the health, yield, and profitability of the soil; increasing the biological activity of the soil; reducing the leaching of excess crop nutrients into ground water; and immobilizing unused nitrogen from the root zone; and to reduce soil erosion.

The Operator Agrees:

1. A. To plant annual cover crops on the land that the Operator is farming following the harvest of vegetables, herbs, flowers, corn, sorghum, soybeans, hemp, millet or tobacco as the immediately preceding crop.

B. Except for broadcast and non-incorporated planting methods, to follow the seed company's recommended seeding rates; for broadcast and non-incorporated planting methods, to increase the recommended seeding rate by 25 percent.

C. To provide an aerial photograph or sketch of the area to be planted in cover crops on the farm property.
2. To follow the recommendations for nutrient application through soil testing, lab recommendations, University of Maryland Extension, or a certified nutrient management plan, as a condition of eligibility for filing a claim for cover crop costs under this Agreement.
3. To complete an application form requesting less than 10 acres of cover crop implementation.
4. To comply with the following requirements pertaining to commercial seed: All commercial seed purchased by the Operator for cover crops shall be **tested and properly labeled in accordance with Maryland Seed Law and Regulations**. All seed shall be free of prohibited noxious weed seed, have a minimum germination rate of 80%, and have no more than 16 restricted noxious weed seeds per pound. The Operator shall submit the following seed tag information to the Department: seed type, state of origin, test date, germination, and noxious weed count and purity results. The seed test shall not be more than **9 months old** at the time of planting. **Commercial seed labeled as "cover crop" shall meet the germination and noxious weed requirements of the program.**
5. To establish the cover crop, to use (or direct a hired contractor to use) one of the following APPROVED PLANTING METHODS to ensure **good seed to soil contact by using the best planting method possible**:
 - A. **No-till**: utilize a **no-till drill in undisturbed ground**.
 - B. **Conventional**: prepare seedbed using primary tillage (plow, chisel) or secondary tillage (disking) then seed with a conventional drill.
 - C. **Broadcasting/Light tillage**: broadcast seeding followed by light disking or other approved methods to ensure seed to soil contact. Note: The date recorded as the planting date for this method is the date of seed incorporation.
 - D. **Broadcast/stalk chopping (BCSC)**: broadcasting of seed followed by stalk chopping (corn or sorghum). Increase the seeding rate by 25 percent for this planting method. This planting method must occur on or before October 15.
 - E. **Broadcast/cultipacker (BCCP)**: broadcasting of seed followed by a cultipacker (corn or sorghum). Increase the seeding rate by 25 percent for this planting method. This planting method shall occur on or before October 15.
 - F. **Broadcast/No tillage**: when broadcast seeding without follow up tillage, increase the recommended seeding rate by 25 percent.

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6. To properly maintain the cover crop for the duration of this cover crop Agreement.
7. Small Acreage Cover Crop Program will focus on two implementation periods, summer (3/1 – 8/31) and winter (8/1 – 11/15). A claim for payment can be submitted after the cover crop has been planted during each period and verified by the Department.
8. **Except as otherwise provided in this paragraph, to use cover crop mixes consisting of a minimum of three seed varieties (one must be a cereal grain). If a single seed variety is planned as the cover crop, to use one of the following:**

A. Winter Cover Crop:

- * **Canola/Rape (Brassica)**
- * **Forage Radish**
- * **Oats**
- * **Barley**
- * **Rye**
- * **Triticale**
- * **Wheat/Spelts**
- * **Annual Ryegrass**

B. Summer Cover Crop

- * **Buckwheat**
- * **Sudangrass**
- * **Cowpea**
- * **Other single seed exceptions will be approved on a case-by-case basis**

9. To certify compliance with the Small Acreage Cover Crop Program as follows:
 - A. Within one week of planting the cover crop, the Operator shall certify planting information with MDA that the Operator has complied with all eligibility requirements of the Small Acreage Cover Crop Program.
 - B. The Operator shall submit, as part of the claim for payment, the following to MDA:
 - (1) Seed tags for purchased seed; and
 - (2) **Original receipts for purchases/services to establish the cover crop. Note: Cost-sharing payments will be capped at \$1,500 for the 2023 program period. Payment of invoices for manual labor will be capped at a rate of \$12.50 per hour (<https://www.dlir.state.md.us/labor/wages/wagehrfacts.shtml>).**
 - C. To allow MDA personnel to conduct random Spot-Checks to verify compliance with program guidelines and to agree to the following:
 - (1) The Operator agrees that if the Conservation Grants office determines that an Operator has failed to provide required documentation, then any Small Acreage Cover Crop Program Agreement(s) for the area in question will be cancelled by the Conservation Grants Administrator and any claims for payment denied.
 - (2) The Operator agrees that if, as a result of a spot-check, MDA determines an Operator has submitted false, misleading or inaccurate information, or if the cover crop does not meet program requirements (planting deadline, planting method, crop type, etc.), the Operator's cover crop agreement is null and void and shall be cancelled by the Conservation Grants Administrator and any claim for payment denied.

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(3) An Operator whose agreement has been cancelled by the Conservation Grants Administrator has the right to appeal that decision to the Secretary of Agriculture. All decisions by the Secretary are final. The applicant may also be placed on probation for one year. During probation the Operator shall be ineligible to participate in any Conservation Grants Program.

10. The Operator agrees that the following requirements apply to the Operator's cover crop, inspection, certification and claim for payment.
- A. Spring termination may not occur before **March 1, 2024**, unless the operator plans to plant an early season vegetable crop. Termination may occur as early as **February 15, 2024**, when planting early vegetable crops; however, it is expected that the vegetable crop will be planted within 2 weeks of the cover crop being terminated.
 - B. Termination of cover crop during the growing season can be scheduled based on the cropping rotation; however, it is expected that the following crop will be planted within 2 weeks of the cover crop being terminated.
 - C. Options for termination by the Operator include plowing under, rolling/crimping, green chopping (for on-farm use only), tarping, green planting method, terminating by using a burn-down herbicide, or combination of these with mowing. Grazing of a cover crop does not qualify as an acceptable termination method.
 - D. Within two weeks after the Operator's termination of the cover crop, the Operator shall certify to MDA that the cover crop has been destroyed. Completion of the cover crop termination will be confirmed by MDA, which will provide eligibility of the operator in the following year's program.
 - E. **The Operator shall submit copies of the operator's Nutrient Management Plan Certification or Nutrient Management Plan Waiver. No Payment will be issued by MDA until these documents are on file with MDA.**

11. **To comply with all of the following general requirements and conditions of MDA's Small Acreage Cover Crop Program:**

- A. I agree to allow reasonable access by MDA staff for Spot Checks for verifying program guidelines have been followed including stand establishment; kill down, etc.
- B. I agree that I will follow the nutrient application recommendations throughout the life of the cover crop contract based on the information in paragraph 2.
- C. I have read, understand and agree with the terms and conditions set forth in this agreement in regards to establishing and maintaining the cover crop for the 2023 Small Acreage Cover Crop Program.
- D. I agree that MDA may deny paying any claims for payment under MDA's Small Acreage Cover Crop Program if the Operator is in violation of any requirement or condition under the program, or if any claim for payment is based on false, misleading or fraudulent information.
- E. **I understand this document may be executed in multiple counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. Signatures, including notary signatures, provided by electronic means including, by way of example and not of limitation, facsimile, Adobe, PDF, and sent by electronic mail, or via an electronic signature program, shall be deemed to be original.**

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- F. I understand that if I am leasing the land and 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 crop and received payment, I will have to repay Maryland Department of Agriculture any funds received.

I have read the above provisions and, by my signature below, agree that I shall comply with them.

Applicant/Operator

Date

Print Name