

# Maryland Department of Agriculture



## **CONSERVATION BUFFER INITIATIVE APPLICATION TRAINING MANUAL**

January 29, 2024

# Conservation Buffer Initiative Manual

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## 1. INTRODUCTION AND OVERVIEW

### Background:

The Conservation Buffer Initiative (CBI) is a voluntary program designed to incentivize the planting of streamside grass or forest buffers (Best Management Practices) or “BMPs” to improve water quality in the Chesapeake Bay Watershed. Agricultural practices have the potential to cause surface water and groundwater pollution from soil erosion, organic material, nutrients, pesticides, and other agricultural chemicals. A variety of federal, state, and local financial assistance programs are available to agricultural producers to implement specific BMPs to mitigate potential impacts of agricultural non-point source (NPS) pollution (i.e. nitrogen, phosphorus or sediment). Maryland Department of Agriculture (“MDA”) continues to engage with agricultural producers throughout the state regarding about how to encourage the adoption of conservation on farmland. Feedback received thus far has suggested that some programs currently available from USDA and Maryland Agricultural Water Quality Cost-Share (“MACS”) programs may be too strict for some to participate. As a result, MDA explored the development of an alternative buffer program (Conservation Buffer Initiative) that offers increased flexibility in terms of management and payment structure. The purpose of this manual is to serve as a reference guide by field staff as they assist farmers in implementing conservation buffer BMPs.

### Program Overview:

The Conservation Buffer Initiative Program provides grant funds from the Chesapeake and Atlantic Coastal Bays Trust Fund and the Environmental Protection Agency to provide grant assistance to agricultural producers and landowners for the implementation BMPs to improve water quality by reducing nutrient loads near streams or other water courses adjacent to pasture, cropland, highly erodible land (HEL) or hydric soil. There are set costs for specific BMPs in this program as opposed to the traditional flat-rate fee structure associated with the MACS Program. As Soil Conservation Districts (SCDs) are recognized as the local resource for providing technical assistance to the agricultural community, they are the primary point of contact regarding the implementation of this program. The SCD staff can assist with recommending appropriate BMPs, may design and supervise construction of various practices, and develop maintenance plans. In addition to conducting field visits to determine eligibility and assess the size and type of buffer, SCDs also assistance applicants in applying for financial assistance programs. Specific to CBI, SCD staff are responsible for compiling all the information needed to process an application including a map, nutrient management plan certification documentation, good standing status with MACS, MDA SCDs, MALPF etc. and other required documents as applicable such as a certificate of resolution form, sole proprietorship form or power of attorney form. The SCD staff will obtain applicant signatures for the cost-share Agreement and assist in submitting the Claim for Payment form if applicable.

### Program Features:

- Flexible management options for buffer area.
- Broader land eligibility requirements.
- Shorter contract length (5 or 10 years).
- Buffer is not required to meet NRCS or MACS standards, but it MUST meet Resource Improvement criteria.
- Fencing is not required to meet NRCS or MACS standards, but it MUST meet Resource Improvement criteria for livestock access control. Must have proper fencing material.
- 75% of the implementation payment is made upfront or 100% for existing only applications.
- Sign-Up Incentive payment of \$1,000/acre for Forested Buffers (to help support Maryland’s effort to plant 5 million trees by 2030).
- Annual maintenance payments (years 1 – 5) for Forested Buffers.

- The verification team will inspect existing buffers along with the new and improved buffers.

**Process and Schedule:**

Application window: January 29, 2024, to March 8, 2024 (6 weeks)

- Application online pdf fillable
- Application will be completed by applicant, with the assistance of SCD Staff. SCD will submit to the complete application package to MDA, which including map depicting buffer location and estimated acres and valid NM certification form and any other applicable forms (certificate of resolution, sole proprietorship or power of attorney) by the deadline. Please include the tax id for each buffer area.
- Maintenance payments are optional. If applicant selects this option, please note on application.
- Application will be reviewed by MDA staff and if approved, an approval letter will be sent out (target approval letter date of approximately 5 weeks after end of application window).
- If demand for funds exceeds allotted funding, a ranking process will be implemented, and the applicant may not be approved for all the acres they applied for.
- Cost-share Agreement will be sent to SCD staff to assist with applicant signatures.
- SCD staff will submit signed Agreement to MDA staff.
- SCD staff will assist applicants with Claim for Payment form and submit to MDA staff if applicable.
- District field visits in March and April.
- Payment schedule:75% upon executed agreement.
- 25% upon completion – must be completed by June 30, 2025.
- Limited extensions, submitted in writing, in advance of the agreement expiration, if there are clear extenuating circumstances that prohibit project completion.
- Verification Team site review and verification of adherence to program rules at contract conclusion.

**2. ELIGIBILITY**

**Eligible lands:**

There are two ways that land can be eligible for the CBI program. Each application must meet one of these two categories to qualify.

Lands that have an established cropping history<sup>1</sup> in pasture, commodity crops, hay or have been historically enrolled in a conservation program for at least one year out of the last five years, and are adjacent to watercourses<sup>2</sup> or field ditches<sup>3</sup>, are eligible to apply. Field ditches are not eligible to establish woody conservation buffers. Projects must be located on a farm as described in (Md. Code, AG § 8-701)."Project" means a project to prevent or control agriculturally related nonpoint source water pollution by establishing best management practices on a farm.

- Use best available resources to determine cropping history.
- Definitions for watercourses and field ditches are consistent with COMAR for nutrient management purposes.
- Field ditches are not eligible to establish woody conservation buffers.

Alternatively, agricultural land without cropping history, adjacent to watercourses or field ditches may also apply, but must be designated as Highly Erodible Land (HEL) or hydric soils. The HEL determination will be based on FSA records and use available soils data to determine if hydric soils are at least 50% dominant in the buffer area.

- Highly Erodible Land (HEL) determination based on FSA records
- Hydric soils based on soils data (> 50% in buffer area)

### **Ineligible lands:**

There are some situations that will cause eligible lands to still be denied. These situations are listed below.

- Existing buffers or agricultural lands that are actively enrolled in state (MACS) or federal programs (e.g. CRP, CREP, EQIP, etc.) or mandated by an easement, are not eligible to apply.
- Applicants who are ineligible to participate in USDA or MACS programs due to deceptive, non-conformance are also ineligible to participate in the MDA Conservation Buffer Initiative.

### **Eligible applicants:**

Once the land has been determined to be eligible there are still ways that the applicant can be denied. All farmers and landowners who are responsible for the management of eligible lands may apply. Farmers leasing lands must certify an active lease for the term of the buffer or provide an agreement from the landowner. Applicants who are ineligible to participate in USDA or MACS programs due to deceptive, non-conformance are also ineligible to participate in the MDA Conservation Buffer Initiative.

Farmers and landowners must currently be in good standing with the MDA Nutrient Management Program, the MACS Program, and the Maryland Agricultural Land Preservation Foundation Program, if applicable, to participate.

Lands formerly under conservation program contracts (state or federal) are eligible to enroll, including applicants deemed ineligible for federal program re-enrollment (e.g. woody vegetation in herbaceous buffers); however, the state reserves the option to deny the application if reasonable maintenance did not occur during the active contract period. This decision would be made in consultation with the local Soil Conservation District (“SCD”).

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1. Cropping history to determine eligibility may be obtained through FSA, nutrient management history, or available spatial imagery.
  2. Watercourses include perennial or intermittent waterways. Per COMAR 15.20.07.02, an intermittent stream means a stream or the reach of a stream that is below the local water table for at least some part of the year and obtains its flow from both surface runoff and ground water discharge. Watercourses do not include ephemeral streams (defined as streams which flow only in direct response to precipitation in the immediate watershed and which have a channel bottom that is always above the local water table).
  3. Field ditches are defined, per COMAR 15.20.07.02, as channelized waterways, that as provide in the USDA-NRCS National Cooperative Soil Survey, are not within a) a floodplain soil mapping unit; b) a hydric soil unit and mapped as a narrow, elongated feature in a floodplain position; or c) a soil mapping unit that has a “B” slope class or steeper.

**An application may be disapproved for any of the following reasons:**

- The application is incomplete or does not comply with program regulations or policies or does not meet eligibility requirements.
- The applicant's land is not a farm or is not used for agricultural purposes.
- A critical condition does not exist on the farm.
- Cost-sharing funds are requested to re-establish an agricultural practice which has deteriorated due to the negligence or mismanagement of the applicant.
- The application is for a project that is already under construction.
- The applicant is not in good standing with the MACS program.
- Funds have been fully committed.

**Cost-Share Agreement:**

- To establish, construct or install one or more BMPs consistent with the content of the application and in accordance with SCD technical specifications;
- To maintain the BMP in accordance with an operation and maintenance plan for its expected life span as described on the application and signed agreement.
- To use the BMP for its designed purpose;
- To alert SCD staff beforehand in writing of any change in the operation including, but not limited to, property transfers;
- To bind any successor in title for the life of the project as specified in the Agreement;
- To provide any required funds for the project;
- To grant MDA, if it requests, a security interest in any equipment, structures, or similar items purchased with State cost-sharing funds; and
- Any other requirements as specified in the signed Agreement.

**Extensions:**

An approved practice must be completed within one year from the date the Agreement is executed. Agreement extensions must be obtained in advance if construction cannot be completed within one year. The Program can allow only one extension of six months if there are clear, extenuating circumstances that prohibit project completion. To obtain an extension, the SCD Manager should submit a request in writing, in advance of the agreement expiration, outlining the situation that has prevented completion, noting the stage of construction, and estimating the new target completion date. If the project is not completed within the six-month extension period, the agreement will be cancelled. Both the applicant and SCD will receive notice of an Agreement cancellation. Please refer to the Agreement language for details concerning cancellations.

**Project Start-Up:**

Only after all parties execute the cost-sharing Agreement and the applicant receives final approval from MDA, shall an applicant begin the project. The applicant is responsible for all steps in completing the project, including but not limited to obtaining any necessary permits, materials, equipment, and services of contractors.

### 3. Technical Guidance

#### Practices:

There are three practices being offered for Watercourse Access Control including Grass Buffers on Watercourses and Forest Buffers on Watercourses – consistent with the Resource Improvement (“RI”) protocol adopted by MDA in 2015 (These protocols are described in the Appendix at the end of this document).

1. **Watercourse Access Control Area** – Establishes (installs) a new Access Control Area or provides improvement on an existing Access Control Area between an adjacent watercourse and an active livestock pasture. This practice includes additional funding to establish livestock exclusion fencing. The fencing does **not** have to meet USDA or MACS practice standards but must adequately provide exclusion and must include fencing insulators if applicable. Plantings in the conservation buffer, between the fence and the watercourse, may be grass or woody. The buffer areas may be harvested for hay twice a year. Buffers may range in width from 10’ – 100’ but must be at least 35’ if establishing woody vegetation. No grazing is allowed within the access control area. See Appendix 1 and 2 for additional information, including a checklist.



Image A: Watercourse Access Control sketch (RI-4a,5,6)

2. **Grass Buffers on Watercourses** – Establishes a new buffer or improved buffer area between an adjacent watercourse or field ditch and an eligible cropland field. Buffers are herbaceous and may range in width from 10’ – 100’. See Appendix 3 and 4 for additional information and checklist.

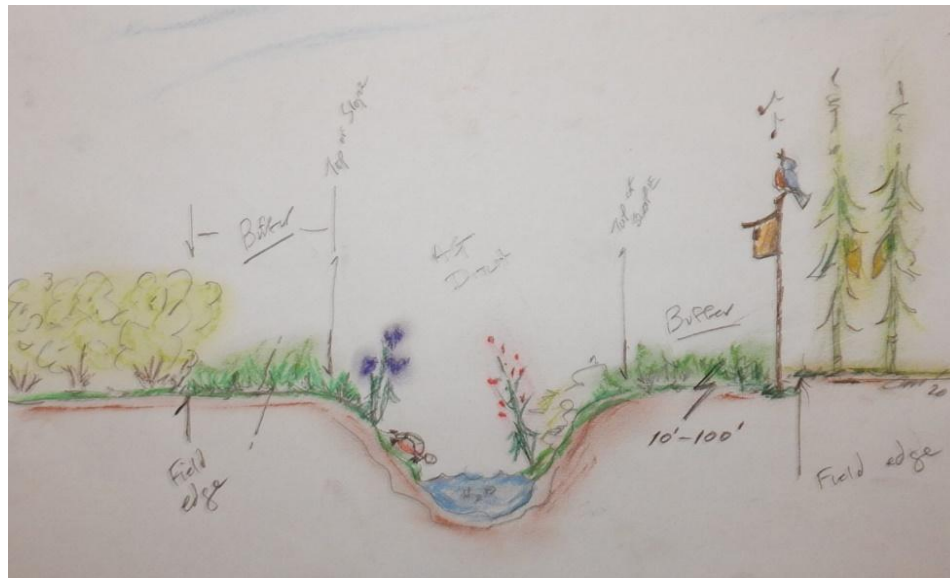


Image B: Grass Nutrient Exclusion Area sketch (RI-7, 8)

3. **Forest Buffers on Watercourses** – Establishes a new buffer or improved buffer area between an adjacent watercourse and an agricultural field. Buffers are woody (trees and shrubs) and may range in width from 35’ – 100’. Field ditches are not eligible for the forest buffer option. See Appendix 5 and 6 for additional information and checklist.

**Implementation Options Chart:**

Implementation options for the available practices are new establishment, improvement, or existing conservation buffers and are explained in detail later in this section. There are different widths for the practices so there are two different practice codes depending on the width of the buffer so that affects the payment rate. Payment rates and agreement terms for each practice are summarized in Table 1, and definitions for each implementation option are below.

Practice Name	RI Practice Code	Adjacent Land Use	Payment (new or improved)	Payment (Existing)	Agreement Term (yrs)
Watercourse Access Control-Narrow Grass <sup>1</sup> 10'-34' Width	RI-4a	Pasture	\$1,500/ac	none	5
Watercourse Access Control-Grass <sup>1</sup> 35'+ Width (100' max)	RI-5	Pasture	\$2,500/ac	none	5
Watercourse Access Control-Trees <sup>1</sup> 35'+ Width (100' max)	RI-6	Pasture	\$4,500/ac + \$1,000/ac bonus	none	10
Grass Buffer on Watercourse - Narrow 10'-34' Width	RI-7	Cropland	\$1,000/ac	\$500/ac	5
Grass Buffer on Watercourse 35'+ Width Buffer (100' max)	RI-8	Cropland	\$2,000/ac	\$500/ac	5
Forest Buffer on Watercourse 35'+ Width (100' max)	RI-10	Cropland	\$4,000/ac + \$1,000/ac bonus	none	10

<sup>1</sup> These practices require livestock exclusion fencing due to the proximity of pasture.



**Maintenance:** Annual payments for maintenance activities in forest buffers (RI-6 & RI-10) are available for the first 5 years of the contract, starting 1 year after establishment. Maintenance is required of ALL buffers (see “Management” section of this guide); however, the election to track and submit annual maintenance activities and costs in return for a payment is optional.

<b>Annual Optional Maintenance Payments for Forest Buffers (RI-6 &amp; RI-10)</b>	
<b>Maintenance Activity</b>	<b>Maximum Rate</b>
Mowing	\$160/acre
Spot Spraying	\$150/acre
Tree Shelter Maintenance	\$20/acre
<i>Maximum Payment per Acre: \$330/acre</i>	

**Implementation Options for practices:**

1. **New** – Establishes (installs) a new conservation buffer area on eligible lands.
2. **Improved** – 1) Expansion of an existing buffer (minimum 10’ expansion), or 2) transition from an herbaceous (grass) buffer to a woody buffer (trees / shrubs) on eligible lands.
3. **Existing** – Enroll an existing grass buffer which meets eligible land criteria and the Resource Improvement criteria.

**Note on Livestock Exclusion Fencing:** Consideration should be given to the type of livestock being excluded from the buffer area when identifying the appropriate fence selection. Materials used should be able to withstand the elements for the duration of the contract. Fiberglass, wood or metal posts along with high tensile, barbed or woven wire are considered acceptable options. Step-in posts and flexible fencing such as polywire or tape are not considered appropriate due to the ongoing maintenance requirement to ensure the effectiveness of animal exclusion. The fence must also have proper fencing insulators or anchors.

**4. PLANTING GUIDANCE:**

**Types of planting:**

- **Herbaceous (grass):** Allowed on all eligible lands adjacent to watercourses or field ditches. Herbaceous plantings must include at least one grass and one legume (see Appendix 7 for species selection). The USDA, Maryland Conservation Planting Guide, Jan. 2017, may be used as a reference for seed & plant selections. Specific mixes are not required. Tall Fescue is permitted. In buffer areas, adjacent to livestock, where tall fescue is planned, endophyte friendly cultivars are strongly recommended. [https://efotg.sc.egov.usda.gov/references/Delete/2017-1-21/MD\\_Cons\\_Planting\\_Guide\\_1\\_13\\_17\\_2-sided-print.pdf](https://efotg.sc.egov.usda.gov/references/Delete/2017-1-21/MD_Cons_Planting_Guide_1_13_17_2-sided-print.pdf)
- **Forest (woody trees and / or shrubs):** Allowed on eligible lands adjacent to watercourses. Forest buffers are not permitted on agricultural field ditches. Species guidance to follow DNR – Forestry recommendations. The USDA, Maryland Conservation Planting Guide, Jan. 2017, may be used as a reference. No specific species are required. Invasive species are not permitted. Chemical control (spot spraying) of noxious or undesirable woody vegetation, to encourage diversity, and reduce dominance, is highly recommended.

## Management:

- Enrolled herbaceous lands must be mowed or chemically controlled at least once a year (but not more than two times per year) to reduce woody growth, maintaining a minimum of 6” of live cover.
- Mowing is not required in enrolled forest buffers, but when performed, should be in consultation with the local SCD and Department of Natural Resources (“DNR”) Forester.
- Chemical control (spot spraying) may occur more often, as needed, at the discretion of the participant.
- Mowing should be avoided, but is not prohibited, during the primary nesting season (April 15 to August 15).
- A hay crop may be harvested twice a year. A hay harvest operation would be considered a “mowing” occurrence.
- Manual harvesting of nuts, berries, fruits and forage is allowed, but nutrient application is prohibited in conservation buffer areas.
- All lands must control invasive and noxious plant material, as required by state law, at the owner’s expense.
- Nutrient applications and livestock grazing in the enrolled areas are prohibited.
- If a weather event or natural disaster causes damage to the conservation buffer, a site visit from the local SCD will need to be coordinated. Upon assessment of the damage and feasibility of repair, the State has the sole discretion to cancel the agreement with no penalty to the applicant. Alternatively, required repairs to the conservation buffer will be at the applicant’s expense.

## 5. Forms & Instructions

Application Form

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:fc7535e0-088e-4d88-8092-5815366bdd5>

Agreement

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:741560a0-286d-4efc-92fc-c7e48a6b0de6>

Claim for Payment Form

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:4413015a-494a-4880-9b5c-ef5da000854a>

Links to Certificate of Sole Proprietorship Form

[https://mda.maryland.gov/resource\\_conservation/counties/25\\_Certificate\\_of\\_Resolution\\_FINAL.pdf](https://mda.maryland.gov/resource_conservation/counties/25_Certificate_of_Resolution_FINAL.pdf)

## Application

To apply to the program, participants must go to the local soil district for help and determination of land. Once the soil district determines that the land and the applicant is eligible, then they will help the applicant fill out the application and collect all supporting documentation. Completed application will need the following supporting documentation:

NMP Certification form

Maps of area and proposed buffer and tax id of each buffer area

Certificate of Resolution, Special Power of Attorney, or Certificate of Sole Proprietorship (if needed)

Once MDA staff receives all the documentation, they will start verifying that the participant is in good standing with Nutrient Management (NM) and the Maryland Agricultural Water Quality Cost-Share Program (MACS). MDA staff will total all the approved application if it is greater than the budget amount. MDA staff will rank the application if needed. Once all the applications have been ranked, then those applications will be sent Agreements with approval letters. Tree buffers get a bonus incentive payment so those agreements will have a Bonus Incentive Form and a W-9.

**No conservation plan updates should be completed until the applicant has been notified of acceptance and made aware of the accepted areas through an executed MDA Agreement.** Please note it is possible that an applicant may only be accepted for a portion of the requested conservation buffer area.

Applications will require an estimate of enrolling acreage. SCD staff may support operators with preliminary planning, identifying proposed areas, and estimating acreage using traditional conservation planning tools. Measurements should be calculated from the top of the bank, not the watercourse centerline. The sloped banks are considered part of the watercourse. Fencing measurements should be in linear feet not acres.

Upon application approval, formal planning may be conducted in Conservation Desktop ("CD"). SCDs are encouraged to map the location of the conservation buffers in appropriate CD tools for inclusion on the conservation plan map. SCDs **must** report correct RI codes in MDA – Conservation Tracker, once the enrolled area has been certified. The completed checklist (Appendix 2, 4, or 6) **must** also be included in the conservation plan file.

For applicants enrolling an existing grass buffer, no planning in CD is necessary. Rather, use CD to record the area or extent of the conservation buffer if not already included for the operation. Complete the appropriate checklist (Appendix 2, 4, or 6) and include with the conservation plan folder. Ensure the conservation buffer is reported in MDA – Conservation Tracker.

## Agreements

The local Soil District will receive the agreement and a copy of the application. The agreement will be partially filled out and will need participants', landowners', and Soil District employees' signatures. If a Bonus Incentive Form and W-9 was sent with the agreement, then those will need to be filled out. All the aforementioned forms will need to be sent to MDA for final signatures. Once the agreement is finalized, then MDA can send the participants the required payment.

**Agreements will need to be signed on the landowner page regardless if the landowner is the applicant or not.** All landowners must sign the landowner page for the agreement to be approved and to receive the first payment. (this will be just like the MACS Agreements)

**NOTE:** It is critical that the farmer notify Farm Service Administration (“FSA”) and their Nutrient Management Advisor of the intended buffer areas before plans are written for crop insurance, USDA programs and nutrient management for the upcoming crop year. FSA may need to modify the CLU layer and they may identify the buffer areas as “wildlife.” It is critical these buffer areas do not lose their agricultural eligibility to be tilled after the program expires. Because these buffers are not in a USDA program, they do not have the same protections from “swampbuster” wetland regulations. Buffers adjacent to wetlands, or residing inside mapped wetlands, whose term exceeds 5 years, are at risk of becoming designated as wetlands and may lose tillage eligibility.

### **Claims Form**

The claim is filled out after the buffer has been established and verified to meet the RI Requirements. The Soil District will receive an RI form from the verifier. The claim and a copy of the RI sheet will be sent to MDA staff. Then MDA staff will verify that the buffer was added to the Conservation Tracker before they will send the final payment.

### **Forest Buffer Maintenance Form**

This form is the same as the claim form. A completed form with invoices of the maintenance performed will need to be sent to MDA staff for review. Once reviewed, then MDA staff will send the participant a maintenance payment.

## **6. RANKING**

If applications exceed available program budgets, applications may be ranked. Ranking has many criteria which includes:

1. Inside Chesapeake Bay watershed
2. Inside EPA target watersheds or the Critical Area (use parcel number to map)
3. Forest buffer (and remainder of same application)
4. Greatest acreage of new grass buffers (and remainder of same application)

Applications that fit most of the criteria will get the highest priority. We will then go down the ranking list until the budget is completely utilized.

## **7. Verification & Reporting**

The Maryland Verification Team will conduct all verification of New, Improved, and Existing buffers and complete the corresponding RI sheet for the buffers in the application. The Verifiers will provide the Soil District will the completed and signed RI form. A copy of this form will need to be sent to MDA with the claim.

The Soil District will also have to add the buffers to the Conservation Tracker on the Property Account ID on the Agreement along with the agreement number. The MDA employees will be checking the Conservation Tracker before they can send payments.

## **8. Payments**

The applicant will receive 75% of the estimated payment once the application has been approved by MDA. If there are forested buffer practices (RI-6 or RI-10) on the application, they will receive an additional bonus payment of \$1,000 per acre for a planned “establishment” or “improvement” of a forested riparian buffer. With “improved” forest buffers, the acreage eligible for the bonus payment is limited to the expansion area; that is, the area that will be newly planted with trees. The participant will sign a separate “Sign-Up Incentive Payment” form and will receive the bonus payment once the agreement has been signed.

After a buffer has been fully installed or, in the case of existing grass buffers documented, and has been certified by the SCD, then a Claim for Payment is completed and the remaining 25% of the implementation funds will be disbursed.

The applicant is eligible to receive their first annual maintenance payment on forest buffers approximately one year after establishment. They will submit a log of maintenance performed on the buffer throughout the year, and fill out a Claim for Payment, attaching receipts or invoices for the work. These annual payments will be based on the actual costs (as documented by invoices/receipts) for each maintenance activity, up to a maximum rate as indicated in the table in Section II. The total maintenance payment for all three activities cannot exceed \$330/acre. The SCD may be called on to do a field visit to check that maintenance has been performed.

Method of Payment is usually made by check directly to the applicant but may be made to an additional payee (a vendor, contractor or lending institution) if requested during the Application or Agreement process.

## 9. Frequently Asked Questions

1. **Will this pilot pay for fencing or is MACS paying for the fencing?** No MACS funding. The buffer options adjacent to pasture provide an additional \$500 per acre for livestock exclusion fencing. The fencing would not need to meet NRCS standards but will qualify for WIP credit and NM compliance.
2. **If a farmer has set aside a grass strip at his/her expense for years, will this area still be eligible for this program?** Yes. If willing to "improve" (expand the buffer or transition to a woody buffer), they could qualify for \$1000-2000/acre. If unwilling or unable to "improve" they could get \$500/acre for the existing buffer. Both scenarios would be based on ranking applications should demand exceed funds.
3. **If a farmer/landowner has an agreement cancelled, can they apply in the program in the future?** Yes, assuming they are in good standing with MACS, etc. We would also consult with the SCD to ensure the participant would be a good fit for the program. The state reserves the option to deny the application if reasonable maintenance did not occur during the active contract period.
4. **It states that the farmer should notify FSA on the installed buffers. Shouldn't the district notify FSA of the buffers?** The SCD may provide the measurements and/or map of the buffer area, but it is the responsibility of the participant to alert FSA as it could impact FSA program eligibility and insurance coverage.
5. **Providing there is a watercourse within a wooded area, would the edge of fields along the woods be eligible?** The adjacent land use for the buffer will need to be pasture or cropland. If an existing buffer is present they would have to "improve" the buffer to qualify.
6. **Why is the payment for strips along pasture more than along cropland?** The extra \$500 is for fencing.
7. **Is Giant Miscanthus allowed in grass buffers?** No, giant miscanthus is still considered invasive by NRCS, but additional research is underway.
8. **Will recordation be required of agreement?** No.
9. **Is livestock grazing allowed in the buffer area?** No.
10. **Is starter fertilizer allowed in the buffer area?** No.
11. **Can multifunctional/edible plantings be included in the buffer?** Yes, in consultation with the DNR forester (or appropriate experts), buffers may include edible plantings (nuts, berries, fruit, etc.) or plantings for floral

design. However, harvesting of any products is limited to manual harvesting, and nutrient application is prohibited in the conservation buffer area. It is recommended that multifunctional/edible plantings not be installed within 15' of the watercourse.

12. **What can funds be used for, e.g. fence, seed, trees and shrubs, and labor?** All of the above. A representative of MDA will complete a site visit to verify installation and compliance with the RI checklist. Receipts for buffer establishment or improvement costs will not be submitted unless concerns arise.
13. **What maintenance activities are eligible for the Optional Annual Maintenance Payments?** Only maintenance on forested buffers is eligible. Minimum required maintenance activities are specified in Article I of the Agreement. In addition, the District may provide more specific and targeted maintenance recommendations in a plan for the forested buffer. The \$330/acre/year payment is meant to offset costs associated with: mowing; herbicide spot spraying; and tree shelter repair, replacement, or removal.
14. **How will the Optional Annual Maintenance payments be documented and processed?** The Applicant will be asked to keep a log of maintenance performed throughout the year, and to submit a claim for payment and provide invoices annually to the Department if they wish to receive the optional payment. They may receive up to 5 payments during the first 5 years of the contract.
15. **Can producers rely on natural regeneration to occur behind the fence, rather than plant a buffer?** No. Funds are for the installation/planting of the buffer.
16. **Is there a compliance concern if unintended woody vegetation occurs within an herbaceous buffer?** If the operator followed the planting plan and managed per the agreement, unintended woody vegetation will not be considered a compliance issue.
17. **When is the NM Compliance Form required?** The form should be submitted at time of application and should reflect a current NMP. If the end date of the most current NMP has passed and the applicant is in the process of getting a new NMP, then the form may be submitted when the contract is signed.
18. **What happens if landowner cancels early or sells land before contact is over?** During the life of the conservation buffer, the applicant agrees to notify the Department of any changes in the operation that would impact the buffer, including providing a signed statement from a new owner or operator binding them to the terms of the agreement. Failure to agree or fulfill terms will require all funding to be returned to the Department. See Agreement sections H-J of Article I for additional details.
19. **Where is the funding coming from for this program?** Funding is from the Chesapeake and Atlantic Coastal Bays Trust Fund and the US Environmental Protection Agency.
20. **Is there a funding limit per person?** No.
21. **How will forest buffers be certified after installation since full canopy cover will not be present?** At time of verification, site conditions, plant composition, and planting density will be evaluated to determine if the dominant vegetation will likely be planted trees and shrubs at greater than 50% cover upon maturity. See Resource Improvement checklist item 6 in Appendix.
22. **Who is authorized to sign for the SCDs on the designated forms?** District managers have provided a list of qualified staff to certify program eligibility on the Application (see line 17 in the Workbook). All other SCD signatures on the Application, Agreement, and Claim for Payment will be limited to the District Manager or their designee.

**10. Appendix** (Resource Improvement (RI) Information Sheets & Checklists)

**APPENDIX 1: RI-4a, 5, 6: WATERCOURSE ACCESS CONTROL - ADJACENT TO PASTURE**

**Reported Units: Feet Length, Feet Width; Animal Type and Animal Units Excluded**

RI Code	RI BMP Name	Additional Practice Information
RI-4a	Watercourse Access Control Narrow Grass	10'-34' Width Exclusion Area, Natural Grass or planted <b>(Adjacent to Pasture)</b>
<del>RI-4b</del>	<del>Watercourse Access Control Narrow Trees</del>	<del>10' 34' Width Exclusion Area, Native Trees or planted</del>
RI-5	Watercourse Access Control Grass	35'+ Width Exclusion Area, Natural or planted Grass <b>(Adjacent to Pasture)</b>
RI-6	Watercourse Access Control Trees	35'+ Width Exclusion Area, Natural or planted Trees <b>(Adjacent to Pasture)</b>

**DEFINITION**

A constructed barrier for livestock. A field border will be present of either herbaceous materials or trees between the watercourse and the barrier or fence. The RI grass or tree exclusion area width behind the barrier will be either 10 to 34 feet, or 35 feet or greater.

**PURPOSES**

This practice is to prevent, restrict, or control access of livestock into surface water or environmentally sensitive areas.

**CONDITIONS WHERE PRACTICE APPLIES**

This practice may be applied on any area adjacent to surface water or environmentally sensitive areas where the control of livestock is needed.

**CRITERIA/OPERATION**

The barrier shall be appropriately installed and maintained sufficiently to control or restrict the access of livestock.

The minimum buffered width between barrier and surface water and or environmentally sensitive area shall be no less than 10 feet measured horizontally on a line perpendicular to the water body, beginning at the top of bank. In order to adequately address water quality, the buffer width may need to be expanded to include important resource features such as wetlands, steep slopes, areas that are occasionally or seasonally flooded, or critical habitats. Vegetation in the buffer between the barrier and surface water should be of a density to help reduce sediment, organic material, nutrients, pesticides and other pollutants in surface runoff.

Fencing materials, if used, shall be of high quality and durability, and constructed to meet the intended purpose of the practice. Fencing insulators should be included if applicable.

**SUPPORTING DATA AND DOCUMENTATION**

Complete the accompanying checklist including a brief description of the RI. Document location on the conservation plan map or equivalent.

**RE-VERIFICATION**

Re-verification of the barrier is required at least every 5 years for practices meeting RI specifications.

**APPENDIX 2: RI-4a, 5, 6: Watercourse Access Control Visual Indicator Checklist**

<b>Cooperator Name, Address, and Phone #</b>	<b>FSA Farm / Tract</b>	<b>SCD</b>		<b>Reason for Visit</b> <input type="checkbox"/> Initial Inspection <input type="checkbox"/> MACS Spotcheck/Q.A.R <input type="checkbox"/> Nutrient Trading <input type="checkbox"/> Certainty <input type="checkbox"/> FSCAP <input type="checkbox"/> Landowner Request <input type="checkbox"/> Other _____	
	<b>Parcel ID#</b>	<b>MDA Plan ID#</b>			
	<b>Field Number:</b>				
<b>RI-4 Installation Date:</b>					
<b>RI-4a, 5, 6 Reportable Units: length feet; width feet; animal type and animal units excluded</b>					
	<b>RI-4a: 10'-34' – Narrow-Width Access Control, Natural Grass or planted</b> Length Feet: _____ Width Feet: _____ Animal Type: _____ AU: _____				
	<b>RI-4b: 10' 34' – Narrow Width Access Control, Native Trees or planted</b> Length Feet: _____ Width Feet: _____ Animal Type: _____ AU: _____				
	<b>RI-5: 35'+ Width Access Control, Natural or planted Grass</b> Length Feet: _____ Width Feet: _____ Animal Type: _____ AU: _____				
	<b>RI-6: 35'+ Width Access Control, Natural or planted Trees</b> Length Feet: _____ Width Feet: _____ Animal Type: _____ AU: _____				
		<b>Y</b>	<b>N</b>	<b>N/A</b>	<b>Supporting Data &amp; Documentation:</b>
	<b>RI-4a,5,6 Visual Indicators</b>				
<b>1</b>	Access control area is next to a water surface or environmentally sensitive area.				Visual Observation
<b>2</b>	Livestock concentration and grazing are minimized in riparian (wetland, stream) areas				Visual Observation
<b>3</b>	If fencing is used then there is a 10' minimum setback from the top of bank of watercourse				Estimate by paces
<b>4</b>	Areas around fence are stabilized				Visual Observation
<b>5</b>	Vegetation in buffer between the barrier and surface water should be of a density to help reduce sediment, organic material, nutrients, pesticides and other pollutants in surface runoff.				Visual Observation
<b>6</b>	Exclusion method is determined to be critical to confinement/exclusion from environmental area and controls the intended animals				Owner interview Visual Observation
	<b>Does the practice meet the RI-4a,5,6 Visual Indicators (Circle Y or N)*</b>	<b>Y</b>	<b>N</b>		

\*All Visual Indicators must either have a Y or NA marked. If an N is marked on the checklist, the RI may not be reported until the deficiency is addressed.

**Who was interviewed to obtain supporting documentation- name(s):** \_\_\_\_\_

**Description of the RI and Additional Notes or Documentation:**



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**Technical Specialist: Name, Position, and Signature**

**Date of Review**

### APPENDIX 3: RI-7, 8: GRASS BUFFER ON WATERCOURSE – ON CROPLAND, HEL OR HYDRIC SOIL

#### Reported Units: Feet Length, Feet Width

RI Code	RI BMP Name	Additional Practice Information
RI-7	<b>Grass Buffer (Narrow) on Watercourse (cropland, highly erodible land, hydric soil)</b>	10'-34' Width Nutrient Exclusion Area
RI-8	<b>Grass Buffer on Watercourse (cropland, highly erodible land, hydric soil)</b>	35'+ Width Buffer

#### DEFINITION

Grasses, grass-like plants, and forbs that are established **on converted cropland** that receive no nutrients and are managed to provide a herbaceous buffer located **adjacent to and up-gradient** from water bodies. This includes areas that function as nutrient exclusion areas or riparian herbaceous buffers along a watercourse.

#### PURPOSES

This practice is to create a buffer, reduce excess amounts of sediment, organic material, nutrients, pesticides and other pollutants in surface runoff and reduce excess nutrients and other chemicals in shallow ground water flow and to increase carbon storage in plant biomass and soils.

#### CONDITIONS WHERE PRACTICE APPLIES

This practice qualifies if applied on cropland on stable areas adjacent to permanent or intermittent streams, ditches and tidal waters. **It may only be reported on cropland without a fence (otherwise see RI-4a,5,6 Watercourse Access Control)**. Exclusion areas will be 10 to 34 feet, or buffers of 35 feet or greater.

#### CRITERIA/OPERATION

To create a grass buffer, reduce excess amounts of sediment, organic material, nutrients, pesticides and other pollutants in surface runoff and reduce excess nutrients and other chemicals in shallow ground water flow.

For areas adjacent to surface water, the minimum width shall be at least 10 feet measured horizontally on a line perpendicular to the water body, beginning at the top of bank or wetland edge. There should be at least 75% perennial grass cover. In order to adequately address water quality, the buffer width may need to be expanded to include important resource features such as wetlands, steep slopes, areas that are occasionally or seasonally flooded, or critical habitats. Plant and animal pest species shall be controlled to the extent feasible to achieve and maintain the intended purpose of the vegetative cover. Noxious weeds shall be controlled as required by State law. Control concentrated flow or mass soil movement up gradient of the exclusion area or buffer to maintain function. Species shall have stiff stems and high stem density near the ground surface.

#### SUPPORTING DATA AND DOCUMENTATION

Complete the accompanying checklist including a brief description of the RI. Document location on the conservation plan map or equivalent.

#### RE-VERIFICATION

Re-verification of the grass exclusion areas or buffers is required at least every 5 years for practices meeting RI specifications.

**APPENDIX 4: RI-7, 8: Grass Buffer on Watercourse Visual Indicator Checklist**

Cooperator Name, Address, and Phone #	FSA Farm / Tract	SCD			Reason for Visit <input type="checkbox"/> Initial Inspection <input type="checkbox"/> MACS Spotcheck/Q.A.R <input type="checkbox"/> Nutrient Trading <input type="checkbox"/> Certainty <input type="checkbox"/> FSCAP <input type="checkbox"/> Landowner Request <input type="checkbox"/> Other _____
	Parcel ID#	MDA Plan ID#			
	Field Number:				
<b>RI-7, 8 Installation Date:</b>					
<b>RI-7, 8 Reportable Units: length feet; width feet</b>					
	<b>RI-7: 10'-34' Width Buffer</b> Length Feet: _____ Width Feet: _____				
	<b>RI-8: 35'+ Width Buffer</b> Length Feet: _____ Width Feet: _____				
		Y	N	N/A	<b>Supporting Data &amp; Documentation:</b>
	<b>RI-7,8 Visual Indicators</b>				
1	Grass area is converted cropland without a fence and is adjacent to surface water.				Owner Interview/ Aerial Imagery
2	Horizontal buffer width ≥ 10', measured perpendicular to top-of-bank intermittent stream, ditch or tidal area				Estimate by paces
3	Width is ≥ 35' if receiving dissolved contaminants (e.g. nutrients, pesticides) N/A for RI 7.				Estimate by paces Visual Observation
4	Overland flow through buffer is maintained as sheet flow				Visual Observation
5	All excessive sheet-rill and concentrated flow are controlled in areas immediately adjacent & up gradient of buffer, before entering				Visual Observation
6	No livestock are present nor have access (If livestock are present refer to RI 4a,5, 6)				Visual Observation Owner Interview
7	Plant species are non-invasive and noxious weeds are controlled, according to state regulation				Visual Observation
8	Plants are compatible in growth rate, tolerant of flooding/saturation and shade				Visual Observation
9	Minimum of 75% perennial grass cover is present				Visual Observation
	<b>Does the practice meet the RI-7,8 Visual Indicators (Circle Y or N)*</b>	Y	N		

\*All Visual Indicators must either have a Y or NA marked. If an N is marked on the checklist, the RI may not be reported until the deficiency is addressed.

**Who was interviewed to obtain supporting documentation- name(s):** \_\_\_\_\_

**Description of the RI and Additional Notes or Documentation:**

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**Technical Specialist: Name, Position, and Signature**

**Date of Review**

## APPENDIX 5: RI 10: FOREST BUFFER ON WATERCOURSE ON CROPLAND, HEL OR HYDRIC SOIL

### Reportable Units: Feet Length, Feet Width

RI Code	RI BMP Name	Additional Practice Information
RI-9	Forest Nutrient Exclusion Area on Watercourse	10' - 34' Width Nutrient Exclusion Area
RI-10	Forest Buffer on Watercourse	35'+ Width Buffer

### DEFINITION

An area predominantly trees and/or shrubs established **on converted cropland** that receives no nutrients and is located adjacent to and up-gradient from streams, ditches or tidal waters.

### PURPOSES

This practice is to create a nutrient exclusion area, reduce excess amounts of sediment, organic material, nutrients, pesticides and other pollutants in surface runoff adjacent to streams.

### CONDITIONS WHERE PRACTICE APPLIES

This practice qualifies if applied on stable areas adjacent to permanent or intermittent streams, ditches or tidal water. **It may only be reported on converted cropland without a fence (otherwise see RI-4 or RI-6 Watercourse Access Control).** Exclusion areas will be 10 to 34 feet, buffers will be 35 feet or greater.

### CRITERIA/OPERATION

To create a forested nutrient exclusion area or buffer, reduce excess amounts of sediment, organic material, nutrients, pesticides and other pollutants in surface runoff.

The minimum width shall be at least 10 feet measured horizontally on a line perpendicular to the water body, beginning at the top of bank or wetland edge. In order to adequately address water quality, the buffer width may need to be expanded to include important resource features such as wetlands, steep slopes, areas that are occasionally or seasonally flooded, or critical habitats. Dominant vegetation (>50% canopy cover) consists of existing or planted trees and/or shrubs. Control concentrated flow or mass soil movement up gradient of the forested nutrient exclusion areas or buffers to maintain function. Manage the dominant canopy to maintain maximum vigor of over story and understory species.

### SUPPORTING DATA AND DOCUMENTATION

Complete the accompanying checklist including a brief description of the RI. Document location on the conservation plan map or equivalent.

### RE-VERIFICATION

Re-verification of the forested nutrient exclusion area/buffers is required at least every 10 years for practices meeting RI specifications.

**APPENDIX 6: RI 10: Forest Buffer on Watercourse Visual Indicator Checklist**

Cooperator Name, Address, and Phone #	FSA Farm / Tract	SCD			<b>Reason for Visit</b> <input type="checkbox"/> Initial Inspection <input type="checkbox"/> MACS Spotcheck/Q.A.R <input type="checkbox"/> Nutrient Trading <input type="checkbox"/> Certainty <input type="checkbox"/> FSCAP <input type="checkbox"/> Landowner Request <input type="checkbox"/> Other _____		
	Parcel ID#	MDA Plan ID#					
	Field Number:						
<b>RI Installation Date:</b>							
<b>RI 10 Reportable Units: length feet; width feet</b>							
<b>RI-9: 10'-34' Width Nutrient Exclusion Area</b>							
Length Feet: _____ Width Feet: _____							
<b>RI-10: 35'+ Width Buffer</b>							
Length Feet: _____ Width Feet: _____							
				Y	N	N/A	<b>Supporting Data &amp; Documentation:</b>
<b>RI-10 Visual Indicators</b>							
1	Forested area is converted cropland without a fence and is adjacent to surface water.						Owner Interview/ Aerial Imagery
2	Dominant vegetation (>50% canopy cover) consists of existing, or planted trees and/or shrubs						Visual Observation
3	Perpendicular distance from top-of-bank of stream, ditch or tidal area ≥ 10' minimum average for width of buffer						Estimate by paces
4	Overland/sheet flow through buffer is maximized (no concentrated flow)						Visual Observation
5	Structural measures are present where vegetation practice is insufficient to control erosion						Visual Observation
6	No livestock are present nor have access (If livestock are present refer to RI 4,5, 6)						
<b>Does the practice meet the RI 10 Visual Indicators (Circle Y or N)*</b>				<b>Y</b>	<b>N</b>		

\*All Visual Indicators must either have a Y or NA marked. If an N is marked on the checklist, the RI may not be reported until the deficiency is addressed.

**Who was interviewed to obtain supporting documentation-**

**name(s):** \_\_\_\_\_ **Description of the RI and Additional Notes or**

**Documentation:**

---

**Technical Specialist: Name, Position, and Signature**

**Date of Review**

## APPENDIX 7: Basic Herbaceous plant material list (not exclusive)

Common name	Scientific name	Recommended Seeding rate lbs. /acre
<b>Warm season</b>		
Switchgrass	<i>Panicum virgatum</i>	10
Coastal Panicgrass	<i>Panicum amarum</i>	10
Indiangrass	<i>Sorghastrum nutans</i>	6
Little Bluestem	<i>Andropogon gerardi</i> 'Aldous' or 'Blaze'	6
Deertongue	<i>Dichanthelium clandestinum</i>	20
Bermudagrass	<i>Cynodon dactylon</i>	Sprigs
<b>Cool season</b>		
Tall Fescue (see note 2)	<i>Schedonorus arundinaceus</i>	60
Creeping Red Fescue	<i>Festuca rubra</i>	30
Sheep Fescue	<i>Festuca ovina</i>	20
Hard Fescue	<i>Festuca brevipilla</i>	20
Perennial Ryegrass	<i>Lolium perenne</i>	10
Canada Wildrye	<i>Elymus canadensis</i>	10
Virginia Wildrye	<i>Elymus virginicus</i>	10
Orchardgrass	<i>Dactylis glomerata</i>	25
<b>Legumes</b>		
Partridge Pea	<i>Chamaecrista fasciculata</i>	1
Round Bush Clover	<i>Lespedeza capitata</i>	2
Wild Indigo	<i>Baptisia tintoria</i>	2
Showy Tick-Trefoil	<i>Desmodium canadense</i>	1
White clover	<i>Trifolium repens</i>	5
Alsike clover	<i>Trifolium hybridum</i>	5
Red Clover	<i>Trifolium pratense</i>	5

### NOTES:

- Seeding rates may vary depending on the species selections, minimum one grass and one legume
- For areas near livestock, the use of endophyte-free or novel endophyte-infected varieties of Tall Fescue are highly recommended
- **This list is not exclusive, mixes may include other species or wildflowers at the discretion of the enrollee, so long as the mix does not contain any invasive species**
- For herbaceous plantings adjacent to deer fencing, contact Luke Macaulay (UM Extension) for additional guidance.



MARYLAND DEPARTMENT OF AGRICULTURE

MARYLAND CONSERVATION BUFFER INITIATIVE APPLICATION				For MDA Use: Agreement #:	
Section I - APPLICANT INFORMATION					CLEAR FORM
SS/FID Number:	Conservation District:	Phone Number:	Email Address		
NAME and ADDRESS (of person or entity to receive check). Include farm/corporate name (if any):				I have a Soil & Water Conservation Plan:	Y <input type="checkbox"/> N <input type="checkbox"/>
Name/Farm Name				I have a current Nutrient Management Plan:	Y <input type="checkbox"/> N <input type="checkbox"/>
Name (c/o)				I plan to start this project by:	
Address				Month:	Year:
City/State/ZIP				Month:	Year:
County				Month:	Year:
Property Account ID					
<p><small>Public Information Notice – The principle purpose of this application is to identify whom the agency intends to give State funds. If you fail to provide the requested information, MDA may not provide you with funds. You have the right to inspect, amend, or correct personal information collected by the agency. Much of the personal information collected by the agency is available for public inspection. This information is not routinely shared with state, federal, or local government.</small></p> <p><small>Certification - I request financial assistance under this program to support the state's water quality goals. I have read the program guidelines and understand the steps involved for approval. I understand I am not guaranteed funds until I have received a copy of my signed and dated agreement from the Maryland Department of Agriculture. I also understand in the event that demand of funds for this program exceeds allotted funding, a ranking process will be implemented to select funded acres and I may not be approved for all acreage I applied for. In order to receive payments for implementation of this practice, I agree to be in compliance with the state's nutrient management requirements (MD Agric. Code Ann. §§8-801-8-806 and COMAR 15.20.06-08).</small></p>					
Signature (Tenant, if applicable)		Date	Signature (Landowner)		Date
SECTION II - TECHNICAL REPORT					
<p><b>Include w/ Application:</b>    1) Map depicting buffer location and estimated acres, and                  2) Nutrient Management Certification Form</p>					
STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
Practice Code	Establish, Improve, or Existing?	Buffer Farm & Tract No.	Estimated Buffer Acres	Payment Rate	Payment (Acres x Rate)
▼	▼				
▼	▼				
▼	▼				
▼	▼				
<p><b>OPTIONAL:</b> Annual maintenance payments for Forest Buffers (trees) for first 5 years of contract. Maximum of 5 payments spaced roughly a year apart, starting 1 year after establishment. Claims submitted after maintenance is performed.</p> <p><b>NOTE:</b> Maintenance is required on ALL conservation buffers, as stated in the Agreement. However, the election to track and submit annual maintenance activities and costs on forest buffers in return for a payment is optional.</p>				\$330/yr (max.) x 5 yrs	
<b>Estimate of Funding EXCLUDING optional maintenance payments:</b>					
Practice Code	Practice Description	Payment (Establish or Improve)		Payment (Existing)	
RI-4a	Grass: 10-34 ft Buffer Adjacent to Pasture, with Livestock Exclusion	\$1,500/ac		none	
RI-5	Grass: 35+ ft Buffer Adjacent to Pasture, with Livestock Exclusion	\$2,500/ac		none	
RI-6	Trees: 35+ ft Buffer Adjacent to Pasture, with Livestock Exclusion	\$4,500/ac		none	
RI-7	Grass: 10-34 ft Buffer on Cropland/HEL or Hydric Soil	\$1,000/ac		\$500/ac	
RI-8	Grass: 35+ ft Buffer on Cropland/HEL or Hydric Soil	\$2,000/ac		\$500/ac	
RI-10	Trees: 35+ ft Buffer on Cropland/HEL or Hydric Soil	\$4,000/ac		none	
RI-6 / RI-10	Annual maintenance activities & max. rates: (Total per acre payment may not exceed \$330)	Mowing	\$160/ac		
		Spot Spraying	\$150/ac		
		Tree shelter maintenance	\$20/ac		

January 2024

MARYLAND DEPARTMENT OF AGRICULTURE

SECTION III - DETERMINATION OF ELIGIBILITY		
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 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.		
SCD has reviewed this application and finds the project to be eligible and consistent with MDA Conservation Buffer Initiative requirements. The designated staff certifies the project can meet MDA RI Improvement standards and specifications, and addresses a water quality concern.	Signature (Authorized SCD Representative):	Date:
	Signature (SCD Manager):	Date:
Where applicable, MD-DNR has reviewed this application and finds the project site acceptable.	Signature (MDDNR rep, if applicable):	Date:
The Maryland Department of Agriculture has determined that this application (is) (is not) eligible for funding for the estimated amount shown above.	Signature (MDA Representative):	Date:
For MDA Use: <b>SECTION IV - APPLICATION APPROVAL</b>		
The Maryland Department of Agriculture certifies this application for conservation buffer(s) is in order and is approved.	Fund Source:	Approval Amount:
		\$
Signature (MDA Representative):	Date:	

Applications may be mailed to:

Maryland Department of Agriculture  
 Attn: Conservation Buffer Initiative  
 50 Harry S. Truman Pkwy, Room 207  
 Annapolis, MD 21401

Applications must be received by 11:59 EST on March 8, 2024 to be considered.

MARYLAND DEPARTMENT OF AGRICULTURE

MARYLAND CONSERVATION BUFFER INITIATIVE  
Claim for Payment

CLEAR

To be completed with the assistance of the Soil Conservation District

SS/RID Number:	Conservation District:	Phone Number:	AGREEMENT NUMBER
NAME and ADDRESS (of check recipient):		Payment Type (check one)	
Name/Farm Name		Final Implementation Payment:	<input type="checkbox"/>
Name (c/o)		Annual Maintenance Payment for Forested Buffer:	<input type="checkbox"/>
Address		Completion Date:	<input type="text"/>
City/State/ZIP			
County			

FINAL IMPLEMENTATION

Practice Code	Establishment, Improvement, or Existing	Total Acres	Payment Rate	Payment
<input type="text"/>	<input type="text"/>			
<input type="text"/>	<input type="text"/>			
<input type="text"/>	<input type="text"/>			
<input type="text"/>	<input type="text"/>			
Previous Payment:				
Remaining Payment for Implementation (if negative, participant owes MDA this amount):				

MAINTENANCE (On Forest Buffers only)

Practice Code (RI-6 or RI-10)	Maintenance Activity	Acres	Payment
<input type="text"/>	<input type="text"/>		
<input type="text"/>	<input type="text"/>		
<input type="text"/>	<input type="text"/>		
<input type="text"/>	<input type="text"/>		
Total Payment for Maintenance:			

Attach invoices/receipts for the maintenance work performed. Payment for each activity is based on actual costs, not to exceed the maximum rates in table below.

I certify that this Claim for Payment represents a true and accurate accounting of practice(s) completed as per my Agreement. I hereby request funding.

Signature of Applicant	Date
<input type="text"/>	<input type="text"/>

Practice Code	Practice Description	One-time Payment (Establish or Improve)	One-time Payment (Existing)
RI-4a	Grass: 10-34 ft. Buffer Adjacent to Pasture, w/ Livestock Excl.	\$1,500/ac	none
RI-5	Grass: 35+ ft. Buffer Adjacent to Pasture, w/ Livestock Excl.	\$2,500/ac	none
RI-6	Trees: 35+ ft. Buffer Adjacent to Pasture, w/ Livestock Excl.	\$4,500/ac	none
RI-7	Grass: 10-34 ft. Buffer on Cropland/HEL or Hydric Soil	\$1,000/ac	\$500/ac
RI-8	Grass: 35+ ft. Buffer on Cropland/HEL or Hydric Soil	\$2,000/ac	\$500/ac
RI-10	Trees: 35+ ft. Buffer on Cropland/HEL or Hydric Soil	\$4,000/ac	none
RI-6 / RI-10	Annual maintenance activities & max. rates: (Total per acre payment may not exceed \$330)	Mowing Spot Spraying Tree shelter maintenance	\$160/ac \$150/ac \$20/ac

MARYLAND DEPARTMENT OF AGRICULTURE

For SCD Use		PERFORMANCE REPORT	
The practice[s] shown above has/have been certified by a MDA representative to meet program requirements and to satisfy the Agreement indicated at top.			
The [redacted] Soil Conservation District also certifies they have reviewed this Claim for Payment and approve the amounts indicated above.			
Signature (SCD Manager)		Date	
For MDA Use		APPROVAL FOR PAYMENT	
Note reasons for any payment adjustment; for example, actual acres planted differed from estimated acres. If participant owes money to MDA, explain why, and indicate amount owed.			
\$	Final Payment	Signature (MDA Representative):	Date:
\$	Amount Owed to MDA		
THE MARYLAND DEPARTMENT OF AGRICULTURE RECOMMENDS PAYMENT IN THE AMOUNT SHOWN AT RIGHT			Payment
			\$
Signature (MDA Representative):		Date:	

January 2024

Maryland Conservation Buffer Initiative  
AGREEMENT

Agreement #: \_\_\_\_\_

THIS AGREEMENT dated \_\_\_\_\_, is between the MARYLAND DEPARTMENT OF AGRICULTURE ("Department"), the \_\_\_\_\_ SOIL CONSERVATION DISTRICT ("District"), and the "Applicant", \_\_\_\_\_ who has applied for funds under the Department's Conservation Buffer Initiative to install, improve, and maintain a conservation buffer at the property listed below and, when applicable, the "Landowner(s)" as named on Page 6 of this Agreement, who shall sign this Agreement if the Applicant is not the owner of the land on which the conservation buffer is to be located:

\_\_\_\_\_  
\_\_\_\_\_

Property Account ID: \_\_\_\_\_

This conservation buffer is being installed, improved, or retained to address nutrient and erosion concerns on the land listed above in support of the state's Watershed Implementation Plan. The Applicant's Maryland Conservation Buffer Initiative Application ("Application"), which bears the above agreement number, as well as the Applicant's name and signature, is incorporated herein and made part of this Agreement.

The conservation buffer is to be maintained and used as provided under this Agreement for \_\_\_\_\_ years, beginning on the "Completion Date" indicated on the "Claim for Payment" form.

WHEREAS, the Department is authorized to make state funds available to eligible applicants for conservation buffers and to promote statewide programs for the control of agriculturally related nonpoint sources of water pollution; and

WHEREAS, the above soil conservation district has reviewed and approved the technical specifications for the project on the above-referenced property;

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

Maryland Department of Agriculture  
Conservation Grants Office

ARTICLE I – APPLICANT’S DUTIES AND RESPONSIBILITIES

The Applicant agrees:

- A. To be in strict compliance with all nutrient management requirements (MD Agric. Code Ann. §§ 8-801 et seq. and COMAR 15.20.06-08); and in good standing with all other divisions of the Department including but not limited to Maryland Agriculture Water Quality Cost-Share program (MACS), as a condition of eligibility for filing a claim for conservation buffer establishment, improvement or retention costs under this Agreement;
- B. To establish, improve, or maintain an existing conservation buffer:
  - (1) On the property described above;
  - (2) Consistent with the content of the Application, or as subsequently agreed to by all parties;
  - (3) Using plans or recommendations provided by the District or the MD Department of Natural Resources (MDNR), and as agreed to by the Applicant; and
    - (a) If planting vegetation, follow NRCS recommended planting dates based on hardiness zone for appropriate planting material;
    - (b) If planting vegetation, use native, NRCS-recommended planting material;
  - (4) That meets, at a minimum, the applicable Resource Improvement (RI) Practice criteria adopted in 2015 by the Department; and
  - (5) Within one year from the date of this Agreement, or as agreed to in writing by all parties.
- C. To follow the maintenance and management rules and regulations below:
  - (1) Mow or chemically treat herbaceous buffers at least one time a year, but not more than twice a year, to a minimum height of six inches to control noxious weeds and woody growth;
  - (2) Avoid mowing during the primary nesting season (April 15 to August 15) to protect wildlife [Encouraged, but not required];
  - (3) Inspect at least once a year, and after major storms for damage;
  - (4) Fill in and reseed, following NRCS seeding specifications, any bare or washed out areas;
  - (5) Inspect for insects and diseases, and if an incident threatens stand survival, take corrective action to bring pest under control;
  - (6) Nutrient application is prohibited in the conservation buffer area;
  - (7) No grazing allowed in the conservation buffer area;
  - (8) Manual harvesting of nuts, berries, fruits and forage is allowed;
  - (9) Control invasions of undesirable plants by pulling, mowing, or spraying with a selective herbicide; and
  - (10) Control noxious weeds as required by law.
  - (11) To provide notification to the Department and the District of performed maintenance to forested buffers and to provide documentation, such as invoices, for such maintenance, if the Applicant wishes to receive the optional maintenance payments.
- D. To obtain all permits, material or equipment, or contractors needed to complete the conservation buffer;
- E. To obtain a Department representative’s certification that the project has been completed and meets the applicable standards and specifications, and to complete a “Claim for Payment;”

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Conservation Grants Office

- F. To maintain and manage the conservation buffer for the duration of the agreement period indicated on page 1 of this Agreement, and to do so according to Section C of this Article;
- G. To allow a representative(s) of the Department or the District, upon reasonable notice, to inspect the buffer at any time during the agreement period to see that it is being maintained and managed in accordance with the terms of the Agreement;
- H. During the life of the conservation buffer, to notify the Department and the District of any change in ownership or possession of the farm, or part thereof, where the buffer is located, and to either:
  - (1) Provide the Department with a signed statement from the new owner or operator, binding that person to all the terms of this Agreement for the remainder of the buffer life, or
  - (2) Return to the Department the funds which have been provided under the Agreement;
- I. To notify the Department and the District of any change in agricultural operations during the buffer life which affects the buffer or its use. If the Applicant is a farm tenant and not the owner of the land on which the buffer is situated, the Applicant shall notify the Department if they stop farming the land;
- J. To pay back the Department the full amount of funds received under this Agreement if the Applicant:
  - (1) Fails to establish, enhance, install or maintain the buffer as provided under this Article. However, the Applicant may not be found liable for having either inadequately maintained or destroyed the project if the damages are caused by an act of nature that could not have been reasonably anticipated by the Applicant;
  - (2) Alters, changes, or modifies the buffer in a manner that decreases its effectiveness and purpose, without Departmental approval;
  - (3) Fails to comply with the notification requirements of either Section H or Section I of this Article;
  - (4) Uses the conservation buffer in a manner that is contrary to, inconsistent with, or interferes with the effective purpose of the buffer, or;
  - (5) Has misrepresented the need for the project.

ARTICLE II – THE DISTRICT’S DUTIES AND RESPONSIBILITIES

The District agrees:

- A. To assist the Applicant in the layout and planning of the conservation buffer;
- B. To periodically inspect the conservation buffer during its installation or improvement to determine whether the completed buffer will meet all applicable Resource Improvement (RI) criteria and, if applicable, is following any District or MDNR plans or recommendations provided to the Applicant;
- C. If requested by the Department, to inspect the conservation buffer after installation or improvement, to certify the size and extent, and whether it meets all applicable standards and specifications;
- D. To review the “Claim for Payment” submitted by the Applicant, and to certify whether it properly represents all eligible costs, and to provide, if requested by the Department, itemized invoices or receipts provided by the Applicant; and

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- E. To cooperate with the Department in implementing the Conservation Buffer Initiative and to keep all documents and records and make them available to the Department upon request.

ARTICLE III – THE DEPARTMENT’S DUTIES AND RESPONSIBILITIES:

The Department shall grant payment to the Applicant if:

- A. The District has certified the eligibility of the conservation buffer and an Agreement has been fully executed, at which time 75% of the amount indicated on the Application will be issued;
- B. The District and Department have certified, reviewed, and approved a “Claim for Payment” after buffer establishment, improvement, or documentation of an existing buffer, at which time a final implementation payment will be issued;
- C. The Department has reviewed and approved a “Claim for Payment” for annual maintenance performed on a forested buffer, at which time an annual maintenance payment will be issued; and
- D. The applicant has complied with the terms of this Agreement.

**Note: The grant amount is an estimate only and may be adjusted by the Department based upon the actual installed amounts.**

**Note: The incorporated Application may be subject to a ranking system in the event that demand for funds exceeds approved funding for the Conservation Buffer Initiative.**

ARTICLE IV – GENERAL CONDITIONS

- A. This Agreement is binding on all heirs and assigns of the owner of the property where the project is located.
- B. If the Applicant has been notified by the Department as having violated any of the duties and responsibilities in Article I of this Agreement, the Applicant shall correct or eliminate the violation in accordance with a schedule specified by the Department.
- C. Nothing herein prevents the Department, if it has determined that the Applicant has failed to comply with any term of this Agreement, from initiating legal action to enforce this Agreement, or alternatively, to seek recovery from the Applicant or the landowner of any funds it has paid the Applicant under the Agreement. The burden to prove compliance with the terms of this Agreement rests with the Applicant.
- D. The parties agree that the following named individual shall be contacted if there is any dispute over the terms of this Agreement:

Name: Jason Kepler  
Address: Maryland Department of Agriculture  
Conservation Grants  
50 Harry S. Truman Parkway  
Annapolis, MD 21401  
Phone: (410) 841-5864

- E. This Agreement is the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter other than those contained herein or incorporated herein by reference.





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Applicant(s) Signing Instructions:

1. If the Applicant is a tenant on the farm where this project is to be installed, the landowner is required to sign the following "Agreement of Landowner." This Agreement is not effective unless each landowner signs below.
2. All persons having a legal interest in the farm (generally those persons named in either the latest deed to the property or a will) shall sign the following "Agreement of Landowner." The signature of a person who has been given Power of Attorney by the owner(s) to transact such business on the owner's behalf is acceptable. The Power of Attorney is to be attached to the Agreement.
3. If the farm is owned by a company, corporation, partnership or any other legal entity, the Applicant shall attach a Certificate of Resolution indicating (a) the person authorized to sign on behalf of the entity; and (b) the extent of the authority given to the person by the entity.

Agreement of Landowner

In consideration of the benefit the landowner receives from having the project placed on the land described in the deed referenced on Page One, the landowner by their signature to this Agreement consents to its terms and conditions, and shall be bound by the Agreement to the same extent as the Applicant.

By: \_\_\_\_\_  
Landowner (signature) Date

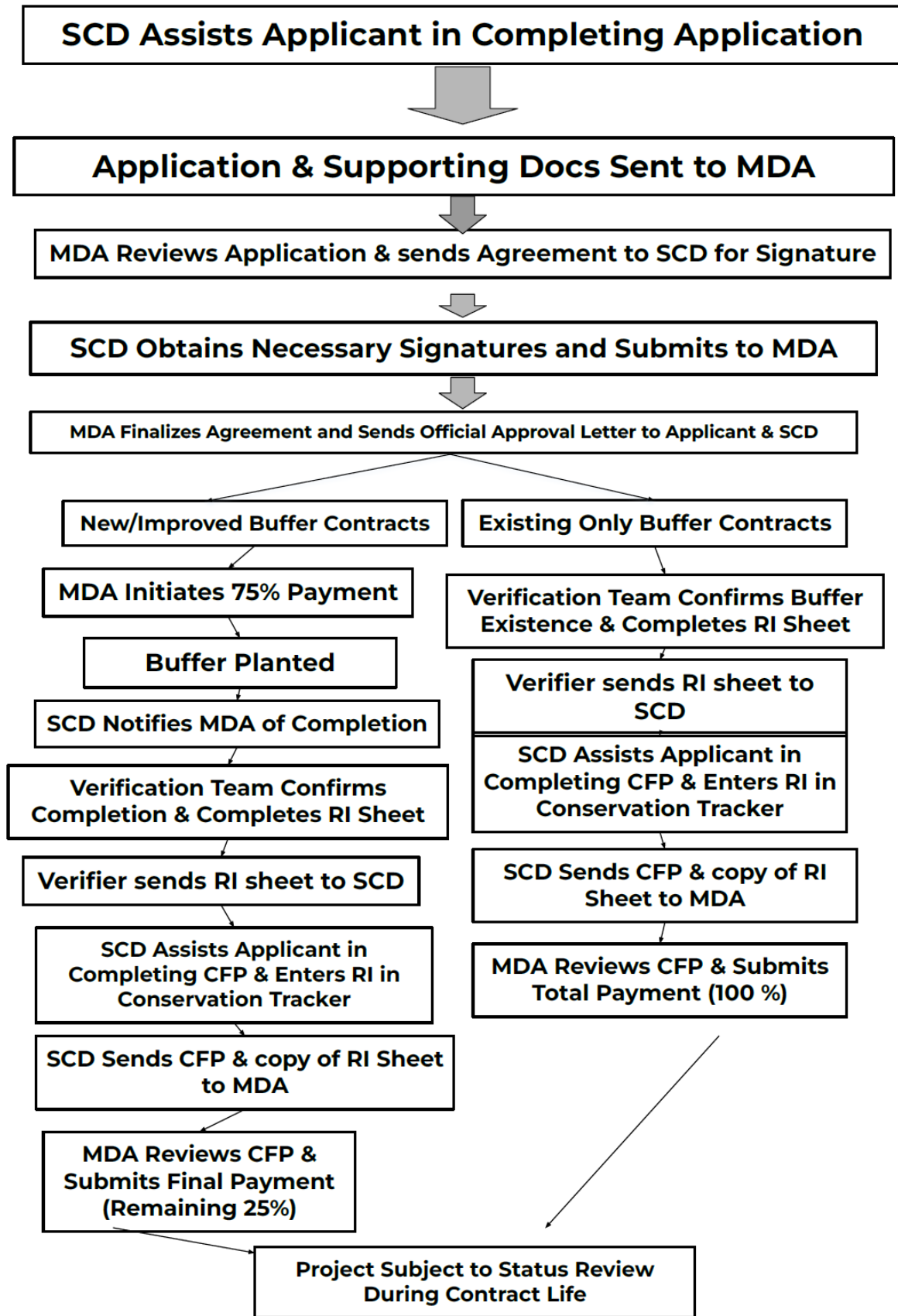
\_\_\_\_\_  
Landowner (PRINT)

By: \_\_\_\_\_  
Landowner (signature) Date

\_\_\_\_\_  
Landowner (PRINT)

By: \_\_\_\_\_  
Landowner (signature) Date

\_\_\_\_\_  
Landowner (PRINT)





Maryland  
Department of Agriculture

Office of Resource Conservation

Conservation Grants

Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Kevin M. Atticks, Secretary  
Steven A. Connelly, Deputy Secretary

Agriculture | Maryland's Leading Industry  
mda.maryland.gov

The Wayne A. Cawley, Jr. Building  
50 Harry S Truman Parkway  
Annapolis, Maryland 21401

410-841-5864 Baltimore/Washington  
410-841-5950 Fax

## Conservation Buffer Initiative Application Check List

**Applicant's Name:** \_\_\_\_\_

**Farm Name:** \_\_\_\_\_

**MPV or Property Tax ID#:** \_\_\_\_\_

**Soil Conservation District:** \_\_\_\_\_

**Submission Date:** \_\_\_\_\_

**Inclusions:**

- Completed application with signatures.
- Map of buffer area
- Nutrient Management Plan Certification Form
- Applicant's COR, POA, or CSP (if applicable)
- Landowner's COR, POA, or CSP (if applicable)



**MARYLAND DEPARTMENT OF AGRICULTURE**

**Office of Resource Conservation**

Conservation Grants Program

Rm 207

50 Harry S. Truman Parkway

Annapolis, MD 21401

**Conservation Buffer Initiative Program Staff:**

**Jason D. Keppler**, Program Manager

Sarel Cousins, Ecosystems Incentives Program Administrator

Amber North-Staves, Program Specialist

Office Secretary

**PHONE: (410-841-5864)**

**FAX: (410) 841-5950**