

**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 include excluding livestock from areas that are to be protected from grazing or browsing, excluding livestock in an area, or controlling 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. Soil loss considerations should be based only on areas directly affected by livestock intrusion. Do not evaluate soil loss according to the entire watershed.
2. A minimum of *fifteen (15)* animal units must regularly use or occupy the area being addressed. Operations with *eight (8)* to *fourteen (14)* animal units may be eligible based on the animal unit cost-effectiveness (reference Section III, page 13, 44.b).
3. Cost-share grants for fencing will be provided up to the flat rate that is established for each county in cooperation with the SCDs. Flat rates will be used for any type of fence, meeting NRCS Standards and Specifications, that is installed, with additional costs to be paid by the applicant.
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 (Code 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), Heavy Use Area Protection (561), and Wastewater Treatment Strip (635) if it is considered *essential* for the proper functioning of the practice and to protect people or livestock.

6. Cost-sharing *is not authorized* for:
 - a. Temporary fences and fences that are essentially for pasture management and not for water quality protection and improvement.
 - 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 Poultry-Growing Operation form or Certificate of Imminent Start-up or Expansion of a Livestock Operation 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. 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 based on the total new animal capacity on the farm. The SCD must document the animal capacity increase on the Certificate of Imminent Start-up or Expansion of a Poultry-Growing Operation form or Certificate of Imminent Start-up or Expansion of a Livestock Operation form and submit this form with the MACS Water Quality Project form. The MACS Claim for Payment will **not** be processed by the department until the SCD certifies in writing that the expansion has occurred **and** that the additional or new animals have been placed on the farm.
9. NRCS Standards and Specification for Fencing (Code 382) shall be followed when applying this practice.
10. 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 87.5%. All other repairs and upkeep shall be the responsibility of the landowner.

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 fence and stream bank, consideration must be given to 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 considerations shall be given when designing the practice.

COST-SHARE RATE

The State cost-share payment will not exceed 87.5% of the total eligible cost, not to exceed \$35,000 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 further 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.state.md.us) 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. For sediment control practices, indicate the drainage area and the direction of flow.
4. A plan view sketch graphically demonstrating the location, layout and details of the proposed BMP.