

**2023/2024 Winter Cover Crop
Program Requirements and Agreement**

Applicant (Operator) whose application is approved by the Department agrees to the following terms and conditions to be eligible to participate in the 2023/2024 Winter Cover Crop Program for nutrient management. They shall plant cover crop to reduce the leaching of excess crop nutrients into ground water during the fall and winter months, to immobilize unused nitrogen from the root zone and to reduce erosion. The species selected may also reduce compaction and improve soil health.

The Operator Agrees:

1. A. To plant annual cover crops as provided in Chart 1B below on the Operator’s farm in early fall which follows the harvest of corn, sorghum, soybeans, vegetables, hemp, millet or tobacco as the immediately preceding crop.
- B. Chart

Approved Cover Crop Varieties	Seeding Rate Per Acre in lbs.		Base Payment for Traditional Cover Crop Only	Statewide Planting Period for the Traditional Cover Crop Program ¹	Aerial Planting Deadlines	BCSC and BCCP Planting Deadlines
	Aerial ³ and BCSC and BCCP seeding rates	Incorporated seeding rates ⁴				
Canola/Rape(Brassica)	10	6	\$40.00 ²	08/01-10/01	10/01	10/01
Forage Radish	12.5	7.5	\$55.00	08/01-10/01	10/01	10/01
Oats	120	72	\$55.00	08/01-10/01	10/01	10/01
Barley	150	90	\$55.00	08/01-10/15	10/10	10/15
Rye	140	84	\$75.00	08/01-11/15	10/10	10/15
Triticale	140	84	\$75.00	08/01-11/15	10/10	10/15
Wheat/Spelts	150	90	\$50.00 ⁵	08/01-11/15	10/10	10/15
Ryegrass	25	15	\$55.00	08/01-10/15	10/10	10/15
Clover(as part of mix)	25	15	\$75.00	08/01-10/01	10/01	10/01
Hairy Vetch(as part of mix)	31.25	20	\$75.00	08/01-10/01	10/01	10/01
Winter Peas(as part of mix)	75	45	\$75.00	08/01-10/01	10/01	10/01

1. Seeding may begin on 08/01/2023 for all planting options.
 2. Please note that the base payment for planting canola/rape as a single species is \$40.00, no reduction in payment when it is part of a mix.
 3. This seeding rate for aerial and non-incorporated planting methods has been calculated at a rate that is a 25% increase to the standard seeding rate.
 4. The seeding rate listed above represents the seeding rate for all incorporated planting methods and has been calculated at 25% less than the rates used in previous years.
 5. Please note that the base payment for planting Wheat as a single species is \$50.00, no reduction in payment when it is part of a mix.
2. To be in strict compliance with all nutrient management requirements. This includes the submission of the current AIR , having a current Nutrient Management Plan and not be subject to any enforcement action by the Department related to non-compliance. The applicant agrees to submit the Nutrient Management Plan Certification form at the time of application. The form shall include the name for which the plan was prepared, the name and signature of the plan writer, the name and signature of the applicant(operator) as well as the name and signature of the landowner if the landowner is applying. The form shall have a beginning and ending date and include the number of acres covered under that plan. **No applications will be accepted without this form.** The applicant agrees to remain in compliance with Nutrient Management for the duration of the project. Failure to do so may result in denial of payment or repayment of funds received.
 3. To be in good standing with all other divisions of the Maryland Department of Agriculture (MDA) including but not limited to Maryland Agriculture Water Quality Cost-Share program (MACS) and Maryland Agriculture Land Preservation Foundation (MALPF), as a condition of eligibility for filing a claim for cover crop costs under this Agreement;
 4. To complete an application form requesting a minimum of 10 acres of cover crop cost-share and no more than 500 acres of the Delayed Termination incentive.
 5. Except for animal wastes as described in paragraphs #7 and #8 below, nutrients from any nutrient source shall not be applied by the Operator to any acres enrolled in the 2023/2024 Winter Cover Crop Program before March 1, 2024. However, Potash and Lime may be applied by the Operator to acres enrolled in the cover crop program;

6. If manure utilization was part of the fertilization method for the previous Crop and manure was applied in the spring, the Operator agrees to report these acres to the Department/SCD on the fall/spring certification form. On farm generation is not required for spring utilization of manure. Manure use acreage shall be consistent with and documented on the Annual Implementation Report (AIR) for the operation;
7. Fall application (September 10 thru December 15) by the Operator of **non-poultry** manure to enrolled acreage is prohibited unless the following conditions are met:
 - A. The application of manure is managed in accordance with a certified Nutrient Management Plan(NMP) and is in accordance with the current Nutrient Management(NM) regulations and **produced on farm**;
 - B. No other vegetative acres are available on the farm;
 - C. The acreage that received manure shall be indicated on the Operator's submitted cover crop fall certification to the Department. The application occurred **prior to planting** the cover crop, so as not to destroy the growing cover crop.
8. Fall application (September 10 thru December 15) of **poultry** manure is prohibited unless the following conditions are met:
 - A. The application of manure is managed in accordance with a certified NMP and is in accordance with the current NM regulations and **produced on farm**;
 - B. A whole house clean out has occurred.
 - C. No other vegetative acres are available.
 - D. The acreage that received manure must be indicated on the submitted cover crop fall certification. The application occurred **prior to planting** the cover crop, so as not to destroy the growing cover crop.
9. 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 following information shall be on the seed tags being submitted to the Department by the Operator: 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.**
10. If an Operator elects to use home grown seed, a representative sample must be submitted to **Maryland State Seed Testing Laboratory by October 1, 2023**, to be tested for **germination and noxious weeds before it is planted as a cover crop. Please be advised: If seed test results are not received by the Operator before planting to ensure seed meets standards of the program, the Operator risks these acres not being eligible by the Department for the program.** Please see the Seed Sampling Guidelines Handout for additional information. (Seed testing by Pennsylvania and Delaware Seed Testing Laboratories are **not** permitted for this program.) All seed shall be free of prohibited noxious weed seed, have a minimum germination rate of at least 80%, and have no more than 16 restricted noxious weed seeds per pound. The seed test shall be no more than **9 months old** at the time of planting. **Seed that has a germination of 65% to 79% may be used however those acres will be subject to a performance based spot check. If those acres do not meet certain density standards they will not be eligible for payment. Guidelines regarding increased seeding rates will be available at the local SCD offices.**
11. To establish the cover crop, the Operator or hired contractor shall 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**: utilizing a **no-till drill in undisturbed ground; the seeding rate for this planting method is shown in the chart above labeled incorporated seeding rate.**
 - B. **Conventional**: prepare seedbed using primary tillage (plow, chisel) or secondary tillage (disking) then seeding with a conventional drill; **the seeding rate for this planting method is shown in the chart above labeled incorporated seeding rate.**
 - C. **Broadcasting/Light tillage**: broadcast seeding followed by light disking or other approved methods to ensure seed to soil contact. The date recorded as the planting date for this method is the date of seed incorporation. Approved incorporation methods eligible for this option include vertical tillage equipment and certain light tillage equipment such a Phillips Harrow. **The seeding rate for this planting method is shown in the chart above labeled incorporated seeding rate. Please contact the local SCD with any questions regarding tillage equipment before planting.**
 - D. **Aerial Seeding**: seeding into a standing approved previous crop (such as corn, soybeans or sorghum) **All aerial seeding methods must use the aerial seeding rate shown in the chart above and the seeding shall be completed on or before October 10, 2023. Drones are now an approved aerial seeding method and must follow the aerial seeding guidelines.**
 - E. **Broadcast/stalk chopping (BCSC)**: broadcasting of seed followed by stalk chopping (corn or sorghum). **The seeding rate for this planting method is the aerial seeding rate shown in the chart above. This planting method must occur on or before October 15, 2023.**

F. **Broadcast/cultipacker (BCCP):** broadcasting of seed followed by a cultipacker (**corn or sorghum**). **The seeding rate for this planting method is the aerial seeding rate shown in the chart above. This planting method shall occur on or before October 15, 2023.**

12. If an applicant elects to plant cover crop between November 6 and November 15 they may be eligible for a payment of \$45/acre. However, they are not eligible for incentives based on kill down date. These acres must be planted using one of the incorporated planting methods and will be limited to planting only the following species Wheat, Rye and Triticale. These acres must not be terminated prior to May 1, 2024. If terminated prior to May 1 no payment will be issued. These acres will be reported as “Late Planted Cover Crop”. These acres are eligible for the Rye and Triticale incentives.

13. The cover crop shall be properly maintained by the Operator for the duration of this cover crop Agreement.

14. Grazing or “green chopping” for livestock forage is allowed after the fall crop is well established, but only for the applicant’s own use. **It may not be sold.**

15. **The use of unapproved cover crop mixes is prohibited;** however, the use of approved cover crop species in plant mixes are allowed as follows: **Applicants can mix Canola/Rape, Forage Radish and/or one of the listed Legume varieties in chart 1B with the following approved cover crop species: Wheat, Rye, Triticale, Oats, Barley and Ryegrass. When using 2 species the rate would be 50/50, when using 3 species a 50/25/25 mix can be used with the cereal grain representing the 50.** However, if a mix is used the crop with the earliest planting date will determine the planting date deadline. If planting a mix including Canola/Rape, Forage Radish and/or a legume the mix must be planted by 10/01. Applicants may also mix any of the cereal grains together. Again the species with the earliest planting date will determine the planting deadline. Seeding rate charts are available at your local SCD office and are shown in Chart 1B above.

16. The Operator is eligible for incentive payments as determined by the Department, the **MACS INCENTIVE OPTIONS requirements for Traditional Cover Crop** for planting methods and planting dates are as follows:

Traditional Cover Crop Payment Options	No-Till	Conventional	Broadcast w/light tillage/ Minimum Tillage or Vertical Tillage	Aerial	Broadcast Stalk Chop and Broadcast Cultipacker
Base Payment	\$55/ac	\$55/ac	\$55/ac	\$55/ac	\$55/ac
<i>Plant on or before October 10, add:</i>	\$15/acre	\$15/acre	\$15/acre	\$0	\$0
<i>Plant between October 11 and November 5, add</i>	\$5	\$5	\$5	\$0	\$0
<i>Aerial seeding into standing corn planted on or before 9/10</i>	\$0	\$0	\$0	\$10/acre	\$0
<i>Plant Rye, Triticale or a multi species cover crop add:</i>	\$20/ac	\$20/ac	\$20/ac	\$20/ac	\$20/ac
<i>Incentive for Delayed Termination after 5/1</i>	\$15/ac	\$15/ac	\$15/ac	\$15/ac	\$15/ac
MAXIMUM PAYMENT AMOUNT	\$105/ac	\$105/ac	\$105/ac	\$100/ac	\$90/ac
<i>Late planted cover crop Incorporated acres 11/6 thru 11/15 FLAT RATE</i>	\$45	\$45	\$45	\$0	\$0

17. The Operator agrees to certify compliance with the Cover Crop Program as follows:

A. Within **one week of planting** the cover crop but no later than the dates listed in the chart below, the Operator shall certify planting information with the local Soil Conservation District and that the Operator is in compliance with all eligibility requirements of the Cover Crop Program.

MACS INCENTIVE FOR 9/10AERIAL PLANTING DEADLINE ¹	MACS INCENTIVE FOR 10/10 INCORPORATED PLANTING DEADLINE ²	MACS BASE PAYMENT PLANTING DEADLINE 11/05	MACS REDUCED PAYMENT FOR LATE PLANTED COVER CROP 11/6 THRU 11/15
Certification Deadline 9/18	Certification Deadline 10/17	Certification Deadline 11/13	Certification Deadline 11/22

¹MACS early Aerial planting bonus- planting must occur on or before September 10, 2023.

²MACS incorporated planting bonus- planting must occur on or before October 10, 2023

- B. The Operator shall submit the following to the local SCD with the fall certification form:
 1. Seed tags for purchased seed and seed tests for home grown seed. **The seed tags need to be signed by the Operator and any seed tests not in the Operator’s name shall also be signed.**
 2. All Custom planted acres including Aerial and Aerial Ground will require an FSA map designating which fields were planted signed and dated by the applicator.
 3. The **applicant** will also need to provide **signed** documentation, for all aerial or aerial ground seeded acres, certifying previous crop, crop planted, seeding rate and planting date, a template is available at the local SCD offices.
 4. **All certification documentation must be submitted to your local SCD at the conclusion of fall certification but no later than December 1, 2023.**

- C. The Operator shall allow SCD personnel or MDA personnel to conduct random Spot-Checks to verify compliance with program guidelines as follows: If there are multiple farms and or fields fall certified, SCD personnel will be allowed to check an average of **20% of the farm/fields certified. If the Operator has farm/fields in different planting tiers, 20% of the farm/fields from each tier shall be checked. Refer to the chart below. (Per the CBTF MOU the fall spot check must represent 20% of the total acres planted on each agreement).** At least one farm/field for each applicant will be spot checked by SCD personnel. These locations will be determined randomly by the SCD’s. SCD’s will submit completed forms for receipt by the MACS office no later than **December 19, 2023.**

First Planting Tier to be inspected	Early Aerial Incentive (plant by 9/10 into standing corn)
Second Planting Tier to be inspected	Any acres planted by 10/10 (excluding early aerial)
Third Planting Tier to be inspected	Acres planted between 10/11 and 11/5
Fourth Planting Tier to be inspected	Acres planted between 11/6 and 11/12

1. The Operator agrees after review by the SCD or the MACS office if it is determined that an Operator has failed to provide required documentations as provided in paragraph 17B, then any MACS Cover Crop Agreement(s) for the acreage in question will be cancelled by the Administrator and any claims for payment denied.
2. The Operator agrees that if, as a result of a spot-check, and the SCD or MDA determines an Operator has submitted false, misleading or inaccurate information on the Operator’s Fall/Spring Certification form, or if the cover crop does not meet program requirements (planting deadline, planting method, crop type, etc.), **all cover crop agreements** for that applicant are null and void and shall be cancelled by the Administrator and any claim for payment denied..
3. **An Operator whose agreement has been denied by the Cover Crop 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 MACS Program.**

- D. After all acres have been reported the applicant may request a print out showing acres certified or they can ask that the information be emailed to them. Please verify acres are correct, once the **fall certification process is complete acres cannot be changed.** The fall certification information carries over to the spring. It is the responsibility of the applicant to verify his acres are complete before signing off on his fall certification.

- E. If an optional partial payment of **\$35.00** per acre is requested by the Operator for acres fall certified and after that partial payment is made by the Department, it is determined that the amount paid exceeds the final eligible payment due after spring certification, the Operator agrees to reimburse the Department for any over payment.

- 18. The Operator agrees that the following requirements apply to the Operator’s cover crop, inspection, the fall/spring certification and the Operator’s 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. Options for end of winter management by the Operator include green chopping (for on-farm use only), plowing under, rolling/crimping or terminating by using a burn-down herbicide. Grazing of a cover crop does not qualify as an acceptable spring termination method.
- C. As required by the MOU with CBTF a random spring spot check of 10% of the acres in each County will be completed. This spot check may be completed by MDA, District or other personnel as deemed appropriate by MDA. This spot check will occur prior to final payment being issued. Additional spot checks may be requested by MDA.

- D. Cover crops that may winter kill such as Forage Radish and Spring Oats are not eligible for the delayed termination incentive.**
- E. Planting green may not occur prior to May 1, 2024, if the applicant wishes to receive the delayed termination incentive.** However, if the applicant wants to plant green prior **May 1, 2024**, they may do so and they would be eligible for the regular cover crop payment once the cover crop is reported as terminated.
- F. Within two weeks after the Operator's termination of the cover crop, but no later than June 3, 2024, the Operator shall certify to the SCD that the cover crop has been destroyed. The SCD will enter the appropriate information into the Spring Certification section of the application. The final cost-share payment by MDA will be determined by the number of qualified acres which have met all of the program requirements, less any fall payments received and not to exceed the approval amount on the Operator's original application.**
- G. The Operator's Spring Certification/Claim submission shall be received by MDA's MACS office no later than June 14, 2024, or payment will be denied.**
- H. At the time of Spring Certification, the Operator shall have submitted the Operator's Annual Implementation Report (AIR) to the MDA Nutrient Management Program for the previous calendar year in order to meet the nutrient management cross-compliance guidelines. No Spring Payment will be issued by MDA until the AIR is complete and on file with MDA.**

19. The Operator agrees to all of the following general requirements and conditions of MDA's Cover Crop Program :

- A. I agree to allow reasonable access by Soil Conservation District/MDA staff for Spot Checks for the purpose of verifying program guidelines have been followed including stand establishment; kill down, manure application, etc.**
- B. I agree that I will meet and maintain compliance with State nutrient management requirements throughout the life of the cover crop contract as outlined in paragraph 2.**
- C. I agree to reimburse MDA for any over payment in the event any partial payment based on the fall certification exceeds the final eligible payment due after spring certification.**
- D. I understand that any outstanding charges that I may have incurred with the Maryland Seed Testing Laboratory must be satisfied before final payment of the cover crop contract will be made.**
- E. I have read, understand, and agree with policies set forth in the preceding agreement regarding establishing and maintaining the cover crop for the 2023/2024 Winter Cover Crop Program.**
- F. I agree that MDA may deny to pay any claims for payment under MDA's Cover Crop Program, if the Operator is in violation of any requirement or condition under the Cover Crop Program, or if any claim for payment is based on false, misleading or fraudulent information.**
- G. 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.**
- H. I understand that if my lease is terminated during the contract life of this agreement MDA is not required to issue a payment for the cover crop planted. If I no longer have control over the termination of the cover crop and received a fall partial payment I will have to repay Maryland Department of Agriculture any funds received.**
- I. I understand that payment for acres designated as "Delayed Termination" is based on meeting a spot check verification after termination, if they do not meet those criteria they will not be eligible for the additional incentive payment.**
- J. I understand that application of non-farm generated Organic nutrients is prohibited on any cover crop acres, those acres must be removed from the agreement and are not eligible for payment. This includes the application of imported manure on established cover crop acres.**

Applicants Signature

Date