

Use Exclusion Fencing

Definition/Purpose

Use Exclusion Fencing means a system of permanent fencing (board, barbed, high tensile or electric wire) installed to exclude livestock from streams and critical areas not intended for **regular** grazing to improve water quality. Benefits may include reduced soil erosion, sedimentation, pathogen contamination and pollution from dissolved, particulate, and sediment-attached substances. (DIP)

Policies

1. Livestock exclusion requires permanent fence and the average cost includes **the** cost of all materials, gates, and labor for installation of fencing.
2. A ~~landowner-cooperator~~ may, as part of an **ACSP contract for** stream protection system, **provide fencing at his/her/their own cost. This Use Exclusion Fencing BMP must be included on the ACSP contract regardless of funding.** All fencing installed at the ~~applicant's-cooperator's~~ expense must meet NRCS Standards or technical staff with appropriate JAA ~~can~~ documents the fencing does not meet standard but will serve the intended purpose for the duration of the contract. **A statement confirming fence installation must accompany the RFP. The location of non-cost shared fencing must be indicated on the conservation plan map.**
3. Technical staff shall have the responsibility for determining appropriate setbacks for cost shared fencing in accordance with Agriculture Cost Share Program policy (see Stream Protection Management Measures General Policy for setback requirements and documentation) and NRCS standards as follows:
 - a. Cost shared fencing must be set back a minimum of ten (10) feet from the top of the stream bank **unless other provisions (3.b, 4, 5.b.) apply. Maintenance flexibility may require additional setbacks.**
 - b. **Livestock exclusion in conjunction with heavy use area protection measures (i.e. loafing lots, barns, feeding stations, watering facilities, stock trails), or if** livestock are concentrated in the vicinity of the stream, or if runoff from areas of livestock concentration could reach the stream, then the cost shared fence ~~shall-is~~ **required to have be set back** a minimum **setback** of twenty (20) feet from the top of the stream bank ~~(i.e. heavy use area protection measures, loafing lots, barns, feeding stations, watering facilities, stock trails).~~ The only allowable exception to the 20-foot set back requirement for cost shared fencing is if the tank, heavy use area, etc. is located a minimum of one hundred (100) feet from the top of the stream bank, the **minimum** setback for cost shared fencing shall be ten (10) feet.
 - c. If stream riparian areas have been damaged or destroyed, then fencing should be set back far enough to permit the establishment of woody vegetation on the stream banks.
 - d. If the stream bank or channel erosion is such that there exists the potential for the fence posts to be undermined by the stream during the life of the fence, then setbacks should be increased significantly (field determination).

Agriculture Cost Share Program

- e. For all cost shared BMPs which require fencing, a statement indicating the setback distance from all existing or planned practices or structures to the stream bank must be included in the conservation plan, and distances must be indicated on the plan map (tank, heavy use area, barn etc.). (Note: "Meets set back requirements" is not acceptable. Actual set back distances must be indicated.)
- 4. Heavy use areas which are components of 15A NCAC 02T.1300 certified animal waste management plans must meet additional buffer requirements as included in SB 1217 interagency guidance documents.
- 5. Flash grazing is intended to maintain desired riparian resource conditions by managing the frequency, duration, timing, and intensity of use by flash grazing animals in pasture systems. The goal of this practice is to permit livestock management of riparian areas while maintaining riparian and watershed function, surface water quality, and desired species composition and vigor of plant communities. It is not to be utilized to access additional grazing land when pasture forage is insufficient.
 - a. Flash grazing to manage vegetation within excluded riparian areas is permitted at the discretion of the District board based on local priorities with a site-specific determination by the conservation planner. Field offices unwilling to assist cooperators in achieving success and monitor flash grazing activities should not offer this practice to cooperators in their district.
 - b. Fencing must be located at a minimum of 20 feet on average from the top of the streambank.
 - c. Temporary fencing (not cost-shareable) is recommended to protect streambanks while using forage adjacent to the stream.
 - d. Flash grazing is permitted for a 24-to-48-hour period each spring and/or early fall ~~Flash grazing is permitted for one day from late spring through early fall when~~ soil is dry enough to minimize trampling damage and plant cover is abundant. Flash grazing may be achieved by dividing the excluded area into zones and the 24-to-48-hour grazing period applies to each zone. Grazing must be managed to allow plants to reestablish leaf area and replenish root stocks. Where the intent is to establish and maintain woody vegetation, grazing is not permitted until present vegetation is hardy enough to withstand browse. Grazing activities should be planned only during times when risk to the environment is limited and monitored to ensure adequate cover remains to protect riparian areas from erosion due to seasonal runoff.
 - e. Plans must include specifications for livestock type, livestock number, access timing, forage amounts, grazing duration, forage composition, and allowable grazing heights to prevent resource concerns. The height of forage residues following grazing should be based on environmental conditions and plant species. The forage residue stubble height must not average less than six inches.

Agriculture Cost Share Program

- f. Flash grazing is not permitted to undermine exclusion requirements or grazing prohibitions of any other cost shared BMPs during their maintenance period. For example, flash grazing of restored streams and streambanks, forested riparian buffer, pond or waste storage facility dams, critical area plantings or other vegetative BMP established with cost share funds is not permitted during the maintenance period.
 - g. Consideration should be given to conserving wildlife when flash grazing is practiced. Consultation with a NC Wildlife Resource Commission biologist is recommended.
 - h. Established watershed-specific rules and conservation easement agreements supersede ACSP policy and must be followed. Where conservation easements exist, documentation from the easement holder stating flash grazing as permissible must be retained with the contract.
6. Livestock access to excluded riparian areas outside of the approved access control plan is a violation of the 10-year maintenance agreement of all contracted stream protection measures. Any damage incurred during the approved grazing period must be repaired at the cooperator's expense in a timely manner following the established non-compliance policy.
7. Temporary water supply failures may include power outages, pump failures, or periods of severe to exceptional drought (according to the NC Drought Management Advisory Council) resulting in depletion of the existing water source. In cases of these or similar failures, cooperators may contact their district and request a temporary exception to ACSP fencing policies. The duration of the temporary exception will be determined by the district and supporting notes must be included in the contract file.
8. If cost share is received for cropland conversion to permanent vegetation the cooperator cannot receive cost share for livestock exclusion, watering facilities, etc., on the same field for the life of the contract.
9. If significantly less fencing than planned in the contract is installed, a statement signed by the technician must be submitted to the Division explaining why the fencing was canceled from the contract (see Stream Protection Management Measures General Policy). **Failure to install required fencing constitutes non-compliance for all BMPs in the stream protection system.**
10. ACSP funds shall not be used to cost share for fencing using used materials.
11. A cooperator with an active ACSP contract, including the Livestock Exclusion Fencing BMP, may request a contract modification to Use Exclusion Fencing BMP if the original contract design meets all the flash grazing provisions described above, **including the 20-foot minimum setback requirement**, and the cooperator agrees to the additional management and maintenance requirements. The original contract maintenance period does not change due to modification of the fencing BMP type.

USE EXCLUSION FENCING	
Maintenance Period	10 years
BMP Units	LIN FT
Required Effects	ACRES_AFFECTED ANIMAL TYPE ANIMAL UNITS
JAA	SWCC - Livestock Exclusion Fence NRCS - ECS - 382 - Fence NRCS - ECS - 472 - Access Control
NRCS Standards and Reference Materials	NRCS - ECS - 382 - Fence NRCS - ECS - 472 - Access Control
CS2 Reference Materials	NC-ACSP-11 Signature Page Map with BMP location, fields, and roads
Additional Spot-check Requirements	The district shall inspect the site annually during the maintenance period.