

South Dakota (SD) Natural Resources Conservation Service (NRCS) Preconstruction Meeting Checklist

Items that must be completed and provided by the Technical Service Provider (TSP) before this meeting can move forward:

- The TSP must provide all items in the Design portion of the Statements of Work (SOW) for each practice for the project. A complete copy is to be provided to the NRCS representative.
- Documentation must be shown that all appropriate permits have been obtained that are required for construction.

The Farm Bill contract participant (producer), NRCS representative, TSP engineer, and contractor must be in attendance for this meeting. Check the following items as they are completed/discussed. All of the meeting participants should sign and date at the bottom of this form. (Note: All forms, documents, spreadsheets, etc., that are referenced throughout this checklist can be found at:

<http://www.sd.nrcs.usda.gov/technical/TSP.html>.

- National Environmental Policy Act (NEPA)** – All issues should be discussed regarding possible NEPA issues for the project including, but not limited to, wetland compliance, cultural resources, and threatened and endangered species requirements. The designed location of the conservation practices should be approved by all parties. Any possible changes to the designed location of conservation practices should be discussed and approved by the producer, TSP engineer, and the NRCS representative prior to construction. Avoidance of problem areas is always the best course of action.
- Review of Preliminary Feasibility Report** – Review the preliminary feasibility report and the different options presented within the report. Ensure that any options that were listed as possible problem areas have been appropriately addressed within the design (i.e., have possible problem areas been avoided or addressed by appropriate engineering methods).
- Roles and Responsibilities** - Review the *Roles and Responsibilities for Engineering Technical Assistance to USDA Program Participants (Source 3)*, *TSP using Technical Assistance funds in USDA Program Contract* document with the producer, TSP engineer, and the NRCS representative. Pay close attention to how the contractor fits into each of the roles and responsibilities.
- Review the Statements of Work** – Review the SOW for each conservation practice for the project. Discuss that the TSP must provide all items included within the SOW. Discuss the requirements for installation and check-out for each of the conservation practices for the project.

- Review the Current NRCS Conservation Practice Standards (CPS)** - Discuss which NRCS CPSs will be used for the project. Ensure that the TSP has the current version of these standards.

- SD One-Call** – The SD Codified Law 49-7A, (also know as SD One-Call) requires that no excavator may begin any excavation without first notifying the One-Call Notification Center of the proposed excavation (phone: 1-800-781-7474). Ensure that this requirement has been completed.

- Zoning Requirements** – Review that all county zoning permits and/or requirements that need to be addressed for the project have been obtained.

- Permit requirements** – Ensure that all applicable permits have been obtained that are required for construction. These permits may include, but are not limited to:
 - Storm Water Discharge (SWD) General Permit for SWD Associated with Industrial or Construction Activities
 - SD Department of Environment and Natural Resources (DENR) General Water Pollution Control Permit for Concentrated Animal Feeding Operations
 - Clean Water Act Section 10 or 404 Permits from the United States Army Corps of Engineers
 - Wetland Easements
 - SD DENR Water Rights Permits
 - County drainage commissions
 - SD DENR Safety of Dam Requirements

- Nutrient Management Plan** – Discuss the status of the Nutrient Management Plan.

- Environmental Quality Incentives Program (EQIP) Contract** – The following items should be discussed and understood by the producer, TSP, and NRCS representative.
 - Practice Payment Schedule – Discuss the practice payment system.
 - Practice Payment Unit Spreadsheet – The TSP should provide the completed *EQIP Payment Unit and Technical Service Payment Unit Worksheet* including all practices and practice extents for the project.
 - EQIP Payments – It should be understood by all parties that EQIP payments are made after certification by the TSP that all conservation practices meet NRCS CPS. The producer is responsible for all costs associated with the project. The producer has the option to complete an assignment of payment.
 - Review EQIP contract items and the final design to insure that the EQIP contract reflects the proposed construction. If the contract does not reflect the final design, the NRCS representative will promptly modify the contract with these new practices/practice extents if the change is within policy and funding is available.
 - Contract Modifications – At any point when the practices or practice extents change for the project, the TSP must immediately provide the NRCS representative a revised *EQIP Payment Unit and Technical Service Payment*

- Unit Worksheet* prior to any construction activity associated with the change. The NRCS representative will promptly modify the contract with these new practices/practice extents if the change is within policy and funding is available.
- TSP Technical Service Payment Reimbursement – It is the producer’s responsibility to hire and pay the TSP. If funding is available, the NRCS will reimburse the producer based on the rate for the practices that are included in the EQIP contract for completed design, installation, and check-out. This reimbursement is based upon the appropriate Technical Service Payment rate at the time the practice was started. The producer will not be reimbursed for work that is completed prior to the approval of the EQIP contract (i.e., if the design is complete prior to the start of the EQIP contract). The TSP and/or producer must be in communication with the NRCS representative and notify the NRCS representative prior to beginning the design, installation, or check-out of any of the conservation practices for the project. Proper documentation of the billed amounts by the TSP is required in order for the NRCS representative to process reimbursement requests.
 - Construction Risk – The producer, TSP, and the NRCS representative must discuss the possibility of construction problems associated with the proposed project. An example of a construction problem is unsuitable soils to complete a compacted clay liner. Difficulties during construction may arise, which could result in substantial changes to the project that may far exceed the original cost estimates. The producer is responsible for all costs associated with the construction changes and the additional TSP fees that may result. The NRCS has had previously engineered TSP projects where problems during construction were so difficult that corrective construction measures were deemed too costly and the project was eventually not completed. In this instance, there was no EQIP payments made to the producer because the practices were never certified for the project. The producer was liable for all the construction and engineering payments for this project that was never completed.
- TSP Expectations** – Discuss the expectations that the producer and the NRCS representative expects from the TSP during the construction of the project. This includes, but is not limited to, expected timeframe for project certification, billing procedures from the TSP, amount of inspection provided during construction, amount of inspection when problems arise during construction, etc.
- Typical Installation and Check-out Issues for Animal Waste Projects** – In order to avoid some reoccurring installation and check-out errors and omissions for TSP projects, discuss the fact that all installation and check-out documentation that is required in the SOW must be provided for each conservation practice and the NRCS SD Engineering Documentation and Spot-Checking Manual.
- Critical Area Planting (342), Fence (382), Sediment Basin (350), and Diversion (362) Practices** – As part of the Waste Storage Facility (313) CPS, the fencing, seeding, sediment basins, and diversions are required to be

completed using the Critical Area Planting (342), Fence (382), Sediment Basin (350), and Diversion (362) NRCS CPSs. The TSP is responsible for the design, installation, check-out, and certifying the Waste Storage Facility (313). The TSP is also responsible for certifying any Critical Area Planting (342), Fence (382), Sediment Basin (350), and Diversion (362) conservation practices that are part of the project. If the construction of any of these conservation practices (i.e., seeding or fencing) is to be completed by the producer, the producer must understand that they will not receive EQIP payments until these practices are constructed and certified by the TSP.

- Construction** – Review the following:
 - Identify the probable construction timeline of the project
 - Review the construction inspection plan
 - Review the seeding plan and discuss how the approved seeding dates synchronize with the proposed construction timeline
 - Discuss who will be seeding and fencing the project, and the fact that the fencing and seeding for the project must be completed according to SD NRCS CPS prior to certification of the whole project
 - Discuss all other items that should be brought to all party's attention prior to the construction of the project

- Warranty of Technical Services Provided Form** – Ensure that the TSP has a copy of the *Warranty of Technical Services Provided Form* to use to certify the completion of the conservation practices for the project.

By signing below, I attended, discussed, and understand my responsibilities that were discussed during this pre-construction meeting:

Technical Service Provider Signature

Date

NRCS Representative Signature

Date

Farm Bill Participant

Date

Construction Contractor

Date