

## **South Dakota (SD) Natural Resources Conservation Service (NRCS) Pre-design Meeting Checklist**

The Farm Bill contract participant (producer), NRCS representative, and Technical Service Provider (TSP) engineer 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>.

- Authorization for Release of Information to TSP** – The *Authorization for Release of Information to TSP* form must be filled out and signed if it has not already been completed.
- 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. Discuss the proposed location of any conservation practices with the producer, TSP, and the NRCS representative. Any changes to the proposed location of planned conservation practices should be discussed by the producer, TSP, and the NRCS representative prior to construction.
- Review of Preliminary Feasibility Report** – Review the preliminary feasibility report and the different options presented within the report.
- 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.
- Review the Statements of Work (SOW)** – Review the SOW for each conservation practice for the project. Discuss that the TSP must provide all items included within the SOW. Ensure that the SOWs are the current version.
- Review the Current NRCS Conservation Practice Standards (CPSs)** - Discuss which NRCS CPSs will be used for the project. Ensure that the TSP has the current version of these standards.
- SD One-Call** - 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. NOTE: Subsurface investigations for the project design are considered excavations.

**Zoning Requirements** – Review the county zoning requirements that need to be addressed for the project. Zoning requirements may include, but are not limited to:

- Obtaining a zoning permit
- Engineering design criteria
- Setback requirements
- Nutrient Management and manure hauling restrictions
- Requiring a SD Department of Environment and Natural Resources (DENR) General Water Pollution Control Permit for Concentrated Animal Feeding Operations

**Permit Requirements** – Discuss other possible required permits that are applicable including, but not limited to:

- Storm Water Discharge (SWD) General Permit for SWDs Associated with Industrial or Construction Activities
- SD 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 (NMP)** – Determine whether the TSP or the NRCS will develop the NMP. Discuss preliminary acreage requirements, zoning requirements, and gather information to develop the NMP. Discuss with the producer the NMP record keeping requirements. Check who will complete the NMP:

- NRCS
- TSP

By signing, I accept that the entity checked above will complete the NMP:

\_\_\_\_\_  
TSP Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Producer Signature

\_\_\_\_\_  
Date

**Environmental Quality Incentives Program (EQIP) Contract** – The following items should be discussed and understood by the producer, TSP Engineer, and the NRCS representative.

- Practice Payment Schedule – Discuss the practice payment system.
- Practice Payment Unit Spreadsheet – It should be discussed that the *EQIP Payment Unit and Technical Service Payment Unit Worksheet* must be provided by the TSP and include all conservation practices and practice extents for the project upon completion of the design.

- 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 practice standards. The producer is responsible for all costs associated with the project. The producer has the option to complete an assignment of payment.
- Contract Modifications – At any point when the practices or practice extents change for the project, the TSP must immediately provide the NRCS representative with 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 (TSPR) 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 for the project. This includes, but is not limited to, expected timeframe for design completion, billing procedures from the TSP, amount of inspection provided during construction, amount of inspection when problems arise during construction, etc.

- Typical Design Issues for Animal Waste Projects** – In order to avoid some reoccurring design errors and omissions for TSP designed projects, discuss the fact that all practices must be designed according to the NRCS CPSs. The documentation must be provided that is required within the SOW for each practice and NRCS South Dakota Engineering Documentation and Spot-Checking Manual.
  
- Critical Area Planting (342), Fence (382), Sediment Basin (350), and Diversion (362) CPSs** – 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** – Discuss the *Selecting a Contractor Guide Sheet*.

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

\_\_\_\_\_  
Technical Service Provider Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
NRCS Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Farm Bill Participant

\_\_\_\_\_  
Date