

South Dakota 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 the SD Field Office Technical Guide (FOTG) <https://efotg.sc.egov.usda.gov/#/state/SD/documents> or the SD NRCS TSP webpage <https://www.nrcs.usda.gov/conservation-basics/conservation-by-state/south-dakota/technical-service-provider>

- Authorization for Release of Information to TSP** – Form SD-ADS-6, **Consent to Release or Receive Information for NRCS Program Participation** 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.

- Roles and Responsibilities** - Review the ***Roles and Responsibilities for Engineering Technical Assistance to USDA Program Participants Using a Technical Service Provider (TSP)*** document with the producer, TSP Engineer, and the NRCS representative.

- Review the Statements of Work (SOW)** – Review the SOW or Implementation Requirements (IR) for each conservation practice for the project. Discuss that the TSP must provide all items included within the SOW or (IR). Ensure that the SOW and IR are the current version.

- Review the Current NRCS Conservation Practice Standards (CPS)** - Discuss which NRCS CPSs, such as fencing, critical area seeding, diversion, waste transfer, roofs and covers, etc. will be used for the project. Ensure that the TSP has the current version of these standards. The TSP must be certified for all the conservation practices used in this project. The TSP is responsible for the design, installation, check-out, of all conservation practices that are a part of the project. If the construction of any of these conservation practices (i.e., critical area 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.

- SD One-Call** - SD Codified Law 49-7A, (also known as SD One-Call) requires that no excavator may begin any excavation without first notifying the One-Call Notification Center of the proposed excavation at **811** or **1-800-781-7474** at least two working days prior to starting any excavation. 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, including a signed SD-ENG-62 County Zoning Approval Verification form.
 - Engineering design criteria
 - Setback requirements
 - Nutrient Management and manure hauling restrictions
 - Requiring a SD Department of Agriculture and Natural Resources (DANR) 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:
- SD DANR General Permit Authorizing Stormwater Discharges Associated with Construction Activities
 - SD DANR General Water Pollution Control Permit for Concentrated Animal Feeding Operations
 - SD DANR Water Rights Permits
 - SD DANR Safety of Dam Requirements
 - Clean Water Act Section 10 or 404 Permits from the United States Army Corps of Engineers
 - Wetland Easements
 - County Drainage Commissions

- 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:

Technical Service Provider 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.

- Site Location – Verify the location for the proposed Ag Waste System is not enrolled in any other USDA conservation program such as CSP, CRP, under the applicant or any other person/entity. NOTE: If the land is currently enrolled in another conservation program, it may affect the land eligibility of the current EQIP program application.
- 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 costs 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** – 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 CPS. The documentation must be provided that is required within the SOW for each conservation practice.

- 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 Signature Date