

South Dakota 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 conservation practice for the project. A complete copy of the design 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 the SD Field Office Technical Guide (FOTG)

<https://efotg.sc.egov.usda.gov/#/state/SD/documents> or the SD NRCS TSP webpage at <https://www.nrcs.usda.gov/state-offices/south-dakota/technical-service-provider>

- ☐ **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.
- ☐ **Roles and Responsibilities** - Review all ***Roles and Responsibilities for Engineering Technical Assistance to USDA Program Participants using a Technical Service Provider (TSP)*** documents (NRCS, Participant, and TSP versions) with the producer, TSP engineer, and the NRCS representative and discuss how the contractor fits into each of the roles and responsibilities.
- ☐ **Review the Statements of Work (SOW)** – Review the SOW or the implementation requirements (IR) for each conservation practice for the project. Discuss that the TSP must provide all items included within the SOW or IR. 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's)** - Discuss which CPS's – such as Roofs and Covers, Waste Storage Facility, Obstruction Removal, Fence, Critical Area Planting, Diversion, Waste Transfer, 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.
- ☐ **Zoning Requirements** – Review that all county zoning permits and/or requirements that need to be addressed for the project have been obtained. Include a zoning permit and a signed SD-ENG-62 County Zoning Approval Verification form.
- ☐ **Permit Requirements** – Ensure that all applicable permits have been obtained that are required for construction. These permits may include, but are 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** – 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.
 - 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 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 ensure that the EQIP contract reflects the proposed construction. If the contract does not reflect the final design, the local District Conservationist (DC) 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 DC a revised **EQIP Payment Unit and Technical Service Payment Unit Worksheet** prior to any construction activity associated with the change. The DC 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 (TSPR) 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 DC and notify him/her 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 before the DC can 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 occasionally, in the past, experienced insurmountable problems during construction of TSP engineered projects. Corrective construction measures were deemed too costly, and the project was eventually scrapped. In such cases, EQIP payments are not provided to the Producer because the practices are not completed and thus not certified for payment; the Producer is still ultimately liable for all construction and engineering costs.

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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.

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Typical Installation and Check-out Issues – 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.

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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 each party's attention prior to the construction of the project

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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