USDA United States Department of Agriculture
Natural Resources Conservation Service

Landowner Responsibility for Construction Projects in Vermont

By understanding your role in the construction project and providing adequate time for each phase of the job, you can avoid inconvenient and costly delays. The purpose of this guide is to help you, the landowner, understand your responsibility in all phases of conservation practice construction and project maintenance.

Here are designations used in this brochure for clarity of project roles and responsibilities:

The **landowner** is the Project Coordinator responsible for making decisions for the property. In most cases this is the owner, but it may also be an operator or farm manager.

The **technical agency** is the USDA - Natural Resources Conservation Service (NRCS) or NRCS contract engineering firm that provides project designs and guidance.

The **regulatory agency** is the Vermont Agency of Agriculture, Food and Markets (VAAFM) that manages the State's Agricultural Water Quality Program. VAAFM often works in conjunction with the Agency of Natural Resources (ANR) and the U.S. Army Corps of Engineers. Vermont's Required Agricultural Practices (RAP's) can be found here: http://agriculture.vermont.gov/water-quality/regulations/rap.

VERMONT LANDOWNER RESPONSIBILITIES ON CONSTRUCTION PROJECTS

DURING PLANNING:

- Identifies site problems and objectives
- Selects a preferred alternative best suited for management style & site location, developed by the landowner and technical agency
- Identifies required stormwater, stream, wetland and/or large farm permits
- Hires backhoe for test pits, if needed

DURING DESIGN & PRE-CONSTRUCTION:

- Reviews final design and comments on it
- Follows all Federal and State rules, Town notification, zoning and setback regulations
- Obtains needed permits
- Pre-marks private underground pipes and cable locations in all construction areas
- Agrees to Operation & Maintenance Plan
- Gets competing bids from 2-3 different contractors on final design

DURING CONSTRUCTION:

- Hires the contractor and schedules the pre-construction meeting for all parties
- Notifies the technical agency before starting construction
- Authorizes the contractor to begin work
- Ensures that the contractor identifies the area to be excavated in white marks, before calling Dig Safe*
- Ensures that the contractor notifies Dig Safe
- Is available to the technical agency and contractor for consultation
- Ensures that the erosion prevention and sediment control plan is followed
- Protects cultural and historical resources
- Stops work of contractor, when necessary
- Assures compliance with design
- Pays bills in a timely manner

DURING MAINTENANCE:

- Follows Operation & Maintenance Plan
- Contacts technical agency for additional assistance, as needed

The landowner is ultimately responsible for the proper construction and maintenance of a conservation system.

*** Call 48 hours in advance:**

1-888-DIG-SAFE

USDA is an Equal Opportunity Provider, Employer, and Lender.

Informational meetings between the landowner, the technical agency, the contractor and others are the responsibility of all parties involved. A conservation system is developed based on the farm's objectives and Federal and State program requirements. The system is based on NRCS standards and specifications in use at the time the plan is developed or revised.

IMPORTANT THINGS TO KNOW:
PERMITS, WETLANDS AND MORE

NPDES STORMWATER PERMIT FOR CONSTRUCTION SITES

Stormwater, and the pollutants it carries, are a leading cause of water quality impairments here in Vermont. Under the National Pollutant Discharge Elimination System (NPDES) and the Clean Water Act, construction projects involving 1 or more acres of land disturbance require a permit for the discharge of stormwater from construction activities. The Construction General Permit (CGP) is regulated under the Vermont State NPDES Stormwater Program, of the Department of Environmental Conservation. If more than 1 acre is disturbed, the technical agency can assist the landowner with completing the risk evaluation form and application, although that is ultimately the responsibility of the landowner. For any project, measures to minimize erosion and control sedimentation during construction shall be designed, installed and maintained.

SURFACE WATER & WETLANDS

The Vermont Department of Environmental Conservation (DEC) regulates Vermont's surface water quality. DEC serves as a focal point for environmental protection. Coordination for certain projects such as relocating or culverting streams and working in wetlands may require involvement of DEC and the U.S. Army Corps of Engineers. Landowners need to be aware of existing rules pertaining to wetlands under State and Federal jurisdiction. The Natural Resources Conservation Service, U.S. Army Corps of Engineers, and DEC coordinate all agriculture wetland issues in Vermont. It is strongly suggested that landowners contact the U.S. Army Corps of Engineers at 802-872-2893 and the Vermont Department of Environmental Conservation at 802-241-3760 before initiating farm related projects in or near streams or wetlands.

SUMMARY

The **landowner** is responsible for making decisions regarding the design and construction of the conservation system components while following all Federal, State and Local laws and obtaining permits which pertain to the project. They are also responsible for selecting, hiring and paying the contractor to do the work. They play a key role as project coordinator which helps to ensure a quality product installed in the field.

The **contractor** is responsible for understanding and following NRCS design-construction specifications and for supplying proper materials. The contractor is responsible for calling Dig Safe for utility notification and for maintaining clear communication with the landowner and NRCS regarding start and stop dates.

The **technical agency** is responsible for offering advice related to the conservation practices and components chosen by the landowner. The agency may provide design assistance, plans and specifications. The agency is NOT the landowner's representative or the contractor's foreman or representative.

Visit USDA-NRCS online for the latest program updates and funding opportunities
www.vt.nrcs.usda.gov

USDA is an Equal Opportunity Provider, Employer, and Lender.

April 2017