Volume 4

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

Nonpoint Source Pollution Program 2016

Big Sioux River Watershed Implementation Project Photo

319 Program Guidelines

And

Internal Controls

2016 NONPOINT SOURCE POLLUTION PROGRAM

319 Program Guidelines and Internal Controls

SD Department of Environment & Natural Resources
523 East Capitol Ave. Pierre, SD 57501
Phone 605.773.4254 • Fax 605.773.4068

Table of Contents

SD NPS Project Management System (Tracker) 3

Application Requirements 4

Grant Agreement Review 7

Use of 319 Funds 8

Types of 319 Projects 9

Quality Assurance 10

Match 12

Bid Requirements 13

Amendments 17

Annual Reports 18

Final Reports 20

Cultural Resources 22

Endangered Species 23

Producer Contracts 24

Register of Deeds 25

Operation & Maintenance 26

Destruction of Practices 27

Voucher Preparation 28

Pay Request Processing 30

Audit Requirements 31

Animal Waste Management 32

Riparian Buffers 35

Easements 37

SRAM 39

Conflict of Interest 40

Appendix A (Amendment Form) 41

Appendix B (319 Only Feedlots) 43

Appendix C (Cultural Resources) 54

Appendix D (Bid Process) 56

Appendix E (Producer Contract) 59

Appendix F (Reclaiming Feedlots) 61

Appendix G (Tracker Program) 62

Appendix H (Conflict of Inst)

SD NPS Project Management System

The SD NPS Project Management System was developed to provide more consistent 319 project management for South Dakota. The criteria selected for the South Dakota program were:

- easy to enter and retrieve useful project information
- ability for coordinators to enter information at their office
- provide a standard tracking system that gives coordinators and project officers understandable project status information

An internet based program was selected for development based on the criteria and other system requirements. See (Appendix G) for the management system (Tracker) user guide.

Application Requirements

Eligible Grant Recipients
Governmental Agencies; subdivisions of state government such as conservation districts, water development districts, counties, and municipalities; universities; certain nonprofit organizations; and recognized American Indian Tribes are eligible to apply for Section 319 funds.

Application Guidance
Section 319 funds may be used for watershed assessment and planning, implementation, ground water, and information and education projects that control NPS pollution. Applicant must follow both federal and state guidelines when preparing an application for funding.

Federal Guidelines
The US EPA Region 8 guidance for Section 319 projects contains the format required to prepare a project proposal and implementation plan for a watershed, information and education, or ground water project (http://denr.sd.gov/dfta/wp/nps/NPSApplication.pdf). Detailed national guidelines about the NPS program and project requirements are found in the FY2013 NPS Program Guidance for States and Territories Document http://water.epa.gov/polwaste/nps/upload/319-guidelines-fy14.pdf

South Dakota Guidelines
Application for Section 319 funds in South Dakota must be made through the South Dakota Department of Environment and Natural Resources (DENR). The department has assigned funding priority to watershed assessment/planning and implementation projects that develop or implement clusters of Total Maximum Daily Loads (TMDLs) located in relatively close proximity. South Dakota's TMDL waterbodies are listed in the 2014 Integrated Report for Surface Water Quality Assessment http://denr.sd.gov/documents/14irfinal.pdf.

Applicants interested in submitting a NPS information and education application are encouraged to contact the South Dakota Discovery Center. SD DENR makes NPS information and education funding opportunities available through a partnership with the Discovery Center http://www.sd-discovery.org/outreach/watershed-info-and-education/319-information-mini-grants/.

While American Indian Tribes are eligible to apply through the state, Tribes are encouraged to investigate applying directly to EPA for possible funding through the 319 Program's Tribal set-aside. See Region 8 and National Program Guidance for details.

When preparing an application, please note the following criteria:

• Project duration should not exceed three years. Applications for watershed restoration efforts expected to require a longer time period should include a schedule of the entire

effort which indicates how the project will be implemented in successive two to three year segments.

• Implementation project activities funded are restricted to:
1. Planning, administration, salaries, travel, and monitoring/evaluation
2. Information and education
3. Animal nutrient management system (ANMS) design and construction for operations below 1,000 animal units. A 50 percent minimum landowner contribution toward the cost of the system is required.
4. Nutrient management
5. Riparian buffers, easements and practices required to defer and/or exclude livestock.
6. Soil health.
7. Grassed waterways and filter strips.
8. Wetland enhancement and protection.
9. Protection of high quality surface waters.

• Funding for the construction of other best management practices (BMPs) must be secured from other sources such as:
1. SD Department of Agriculture's Conservation Fund,
2. SD Department of Game, Fish and Parks,
3. EQIP, CRP, and other NRCS/FSA Programs,
4. US Fish and Wildlife Service, and
5. Local funds and private organizations.

Access the South Dakota Watershed Project Funding and Technical Assistance Guide (http://denr.sd.gov/dfta/wp/documents/NPSFundingTechnicalAssistanceGuide.pdf) for a description of these and other programs and contact information.

• Best management practices must be designed to USDA/NRCS or other applicable standards for specific practices. Deviation from practice standards is allowed with approval of the Watershed Protection Program Administrator.

Compliance with Other Federal/State Programs Required
Applicants should be aware that practices requiring NPDES permits are not eligible for 319 funding. Examples include:

• Animal feeding operations housing over 1,000 animal units, and
• Phase I and Phase II Storm Water Permit activities.

If the application is funded, all project activities must obtain:

• applicable storm water construction and 401 and 404 permits,
• historic preservation clearance (cultural resources).

In addition, the projects will not adversely affect threatened and endangered species.

Application Assistance
DENR offers assistance with the preparation of 319 project applications. Applicants should contact DENR as soon as possible to ensure adequate staff resources and time is available to provide services to all applicants requesting assistance. To request assistance, contact the Watershed Protection Program at: (605) 773-4254

Submitting an Application
Applications for watershed assessment/planning, implementation and ground water projects must be submitted to SD DENR in either electronic and paper format post marked October 1, of the current year, or earlier. The application must be accompanied by letters from project partners identified in the application detailing the availability status of the cash, in-kind services, or technical assistance they will provide.

Submit applications to:
Barry McLaury
South Dakota Department of
Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182 (barry.mclaury@state.sd.us)

Project Review
Selection of applications for funding includes reviews by SD DENR Staff, the South Dakota Nonpoint Source Task Force and South Dakota Board of Water and Natural Resources prior to sending the applications to EPA for final approval. The applications are sent to the NPS Task Force members as received from the sponsors. For information about the Task Forces review protocol visit:
http://denr.sd.gov/dfta/wp/319reviewprocess.aspx

The Board of Water and Natural Resources considers the recommendations of both the NPS Task Force and DENR staff in selecting projects that will be forwarded to EPA Region 8 for final review. Notices of SD NPS Task Force and SD Board of Water and Natural Resources meetings and meeting agendas and posted on:
http://denr.sd.gov/boards/schedule.aspx

Section 319 Grant Timeline
October: Applications due.

Early November: Applications available for review electronically at:
http://denr.sd.gov/dfta/wp/319apps/319applications.aspx
Contact the SD DENR Watershed Protection Program for paper copies.

Early December: SD NPS Task Force review.
January: SD Board of Water and Natural Resources review.
February - June: Final approval by EPA.
July: Project grants issued by SD DENR.

Grant Agreement Review

All grant agreements (which includes amendments), must be routed through the grant agreement review process.

Complete the “grant review sheet” and attach the original copy of the agreement.

Originator must sign and date the review sheet. The Division Director will initialize and date.

The DENR Staff Attorney will review the grant agreement for legality, sign and date the review sheet before forwarding the agreement to the Fiscal Officer.

The Fiscal Officer will review the grant agreement for the availability of funds, sign and date the review sheet before forwarding the agreement to the Department Secretary.

The Department Secretary will review the grant agreement, sign and date the review sheet before returning the agreement to the originator.

When all review signatures are secured, the originator emails a copy of the grant agreement, along with Federal and State regulations governing the agreement, to the subrecipient for signature. The subrecipient will return two (2) signed copies.

Upon return, forward the two (2) signed copies of the agreement, along with the grant review sheet, to secretary’s office for signature.

The originator forwards a signed original agreement and the original completed grant review sheet to the Fiscal Office, sends a signed original agreement to the subrecipient, sends a copy of the agreement to the project officer, and files a copy of the agreement and grant review sheet in the office.

Use of 319 Funds

During 2013, it was determined that successfully addressing priority NPS pollution issues and sources in the state required that DENR refocus use of its resources. As a result, DENR networked with its state, federal, and local financial assistance partners to develop and implement a policy that directed the use of 319 funds to:

- projects that develop or implement a TMDL or cluster of TMDLs and
- specific implementation project activities:

1. Planning, administration, salaries, travel, and monitoring/evaluation
2. Information and education
3. Animal nutrient management system (ANMS) design and construction for operations below 1,000 animal units. A 50 percent minimum landowner contribution toward the cost of the system is required.
4. Nutrient management
5. Riparian buffers, easements and practices required to defer and/or exclude livestock.
6. Soil health.
7. Grassed waterways and filter strips.
8. Wetland enhancement and protection.
9. Protection of high quality surface waters.

With the change, funding for other project activities and many of the BMPs previously cost-shared using 319 funds was moved to other funding sources such as the USDA conservation programs, the South Dakota Coordinated Soil and Water Conservation Fund Grant Program, US Fish and Wildlife Service, and private organizations such as Ducks Unlimited and Pheasants Forever.

Types of 319 Projects

Assessment
This is a project that takes place prior to implementation. It involves an evaluation and appraisal of a watershed/water body to determine the causes and amounts of pollution. It also locates the high priority areas for practice implementation. The report generated should give the local sponsor the information they need to move forward with the next project phase.

Transition / Implementation Segment 1
This type of project typically involves the development of a 5 to 10 year plan, information and education, land owner sign-up and practice planning, some practice implementation, and developing the PIP for the next 2 year implementation project segment.

Segments
Based on the 5 or 10 year plan most implementation projects will have 2 to 5 segments. Each segment will be treated as a stand-alone project with a separate budget and PIP which will require a new agreement.

Quality Assurance

EVALUATION AND MONITORING PLAN

1. It is a priority that data collected under the 319 program be useable and of high quality. Region 8 states have EPA-approved Quality Assurance Project Plans (QAPPs) for the nonpoint source and surface water monitoring programs. Quality Assurance Project Plans contain the 16 elements required by the EPA Region 8 Quality Assurance Program.

2. All projects using section 319 funds to collect "environmental data" are required to have a project-specific sampling and analysis plan (SAP). Sampling and Analysis plans must address the 16 elements required of the QAPP, and are approved by the State and EPA. Contact the State for specific guidelines on preparing SAPs.

3. Project sponsors may either reference the State QAPP for the standard operating procedures (SOPs) for each type of monitoring to be performed (e.g., photo points, water sample collection, fish shocking, etc.), or attach them to the SAP. Identify any site-specific amendments required for this project that are not covered by the QAPP. A plan/schedule to develop the appropriate procedures must be identified in the proposal. The project-specific SOPs will be approved by DENR Watershed Protection Program staff.

4. The project sponsor has the option of providing the SAP (and SOPs referenced) in this section of the project proposal, or including the development of the SAP and SOPs as project tasks with specific milestone dates. The SAP should reference any applicable information from the project proposal and the State's programmatic QAPP, where applicable, to avoid redundant information.

5. Describe the monitoring strategy for the watershed, including goals, objectives, and tasks proposed to evaluate whether the project goals and objectives have been met. Describe sampling and analysis design, (e.g., up-stream/downstream, paired watersheds, site trend, existing groundwater wells, up-gradient/down-gradient wells, geomorphology and/or riparian measurements, random, systematic, stratified random (e.g., by season or discharge)). And specify parameters to be measured: total suspended sediment, temperature, phosphorous, nitrate, etc. Locate on a map sampling sites in relationship to BMP applications and priority treatment areas.

6. Describe how and when data will be stored, managed and reported. All data collected using 319 funding must be entered into the EPA STORET database (Memorandum of Agreement for Storing Water Quality Data in STORET, October 20, 1998). The State is responsible for assuring that the data is entered into the database.

Results from the data analysis should be used to evaluate progress, determine if changes in project/monitoring design need to be considered and assess the overall final

project success. Identify organization(s) responsible for project evaluation and specify how the resulting information from the data analysis will be shared and utilized for future projects. Describe any models used, if applicable. Describe the long-term funding plans for the operation and maintenance (O&M) of restoration activities.

A copy of the Standard Operating Procedures Manual for Field Samplers (SAP) developed by the State of South Dakota Department of Environment and Natural Resources; Watershed Protection Program is located at:
http://denr.sd.gov/dfta/wp/Vol1SOP.pdf and
http://denr.sd.gov/dfta/wp/Vol2SOP.pdf

Match

Required Match

Clean Water Act Section 319 Grants from EPA to the state require a 60/40 match. The match required for project sub-grants is also 60/40. Individual practices may vary as long as the overall project match equals 60/40. Match for project grants to local sponsors (sub-grants) is established in the Project Implementation Plan (PIP).

General Requirements

To be used as match the expense must be: related to the project, included in the project work plan (PIP), incurred during the grant period, documented, from nonfederal sources, and not be used as match against other federal grants.

Match Categories

Cash: actual dollars spent by the sponsor or project partners.

In-kind: the value of goods and services provided by the sponsor, or third party. To be used as in-kind match the goods and services: must be necessary to accomplish work plan tasks, or would have incurred a cost if the sponsor had to pay for them. The value of in-kind services is based on “What would it have cost if the grantee had to pay for the goods or services.”

Volunteer Services: The rate should be equal to what the grantee would pay their employees for similar work in the project area.

Donated supplies/equipment/buildings/land: This should be based on the fair market rental rate and/or market value at the time of donation.

Documenting Match: Submit with requests for payment and clearly identify the source and how the value was determined.

Note: The EQIP program doesn’t require a non-federal match which allows the producers share of an EQIP funded practice to be used to match 319 funds (if in a project area and completed during the project period to achieve the goals and objectives of the project).

REQUIRMENTS FOR PROCURING SERVICES, EQUIPMENT & SUPPLIES

Implementation of Section 319 projects may require the purchase of equipment and supplies as well as the employment of private contractors to construct scheduled conservation practices. Practices that may require the acquisition of a private contractor include BMPs such as livestock manure management facilities, clean water diversions, pipelines and ponds. Equipment purchases may include such items as computers, flow meters, and data loggers. Vehicles and construction equipment are not eligible equipment purchases under the NPS Program.

The costs and qualifications of private vendors and contractors may vary significantly within a project area. To ensure the project sponsors or cost share recipients (e.g., agricultural producers, private landowners, homeowners, etc.) secure the most qualified contractor or vendor for the lowest possible cost, the appropriate procurement method must be utilized. When planning major purchases or selecting a contractor, each of the approved procurement methods must be reviewed by the project sponsors and/or cost share recipient to ensure they are aware of their responsibilities and the specific procurement method required for the proposed purchase or BMP construction.

Summaries of the approved methods for procuring construction services, equipment, or supplies are provided in the following subsections.

A. Procurement Procedures for Small Purchases:

This category includes services, supplies, or other property that cost between $2,500 and $25,000.

- Provide the appropriate information to potential vendors and obtain written or oral price or rate quotations from three or more qualified vendors. If three price or rate quotations cannot be obtained, written justification must be retained on file explaining why less than three vendors were involved in the process.
- Document the amount and source of each price or rate quote as well as the date the price or rate quotation was received from the vendor.
- Selection of the vendor must be based primarily on the lowest responsible price or rate quotation.
- When possible, for purchases less than $2,500, previous purchases, local rates, published price lists or similar information should be referenced to ensure a fair and reasonable price is obtained.

B. Procurement Procedures for Large Purchases:

This category includes all services, supplies, equipment, or other property that cost more than $25,000. Sealed bids, competitive proposals, or noncompetitive proposals are eligible procurement methods for large purchases. The specific method that can be used may differ between projects and will be dependent on the conditions and requirements of the procurement method.

Following the completion of any procurement method for a Large Purchase, a contractual agreement should be developed between the approved contractor or vendor and the recipient of the services, supplies, or equipment.

1) Sealed Bids:

(a) Procurement by Sealed Bid - Bids must be publicly solicited with a firm-fixed price contract (lump sum or unit price) being awarded to the entity whose bid conforms with the material terms and conditions of the bid invitation, and is the lowest in price. The sealed bid process is the recommended method for securing construction services. To ensure a sealed bid procurement process is the most appropriate method, the following conditions must apply:

- Complete, adequate, and realistic specifications or purchase descriptions are available.
- Two or more responsible bidders are willing and able to effectively compete for the business.
- The procurement lends itself to a firm-fixed price contract and selection of the successful bidder can be made principally on the basis of price.

(b) Sealed Bid Requirements: If a sealed bid process is used, the following requirements must be met:

- Advertisement for bids must be published in the newspaper at least twice prior to opening of bids. The first publication has to be in the entity's official newspaper and must be made at least 10 days prior to the date for the opening of bids; however the second publication can be in any other newspaper in the state. The advertisement shall appear as a legal notice.
- The advertisement shall state the time and place where bids will be opened and contain a notice that the organization has the right to reject any and all bids.
- The bid invitation shall include specifications and pertinent attachments that clearly define the bid items and/or services associated with the project.
- All bids must be publicly opened at the time and location specified in the bid invitation.
- Not more than 30 days can elapse between the opening of the bids and either the acceptance of the bid of the lowest responsible bidder or the rejection of all bids presented.

- A firm-fixed price contract award must be made in writing to the lowest responsive and responsible bidder.
- Any or all bids may be rejected if there is a sound documented reasons.

For more information go to **Appendix D**

2) Competitive Proposals:

(a) Procurement by Competitive Proposal: The competitive proposal process can be utilized if more than one source can submit an offer and either a fixed-price or cost-reimbursement type contract will be awarded. This method is generally used when conditions are not appropriate for the use of sealed bids and factors other than the "lowest price" are needed to select the most appropriate services and/or entity.

In general, the competitive proposal process may include three phases. The first phase involves a publicized request for proposals describing vendor/contractor qualifications, experience, staff, office locations, etc. Rates or costs are not included in this first phase. The second step of the process focuses on the review of all proposals and the selection of the most qualified applicant. During the third and final phase, representatives of the entity soliciting the proposals will meet with the selected applicant to negotiate a mutually agreed upon price or rate. If an acceptable price or rate cannot be established, negotiations can be initiated with the next most qualified applicant.

(b) Competitive Proposal Requirements: If the competitive proposal method is used the following requirements apply:

- The request for proposals must identify all evaluation factors and their relative importance and be publicly advertised. Any response to the publicized request for proposals must be honored.
- The request for proposals must identify a deadline date and address for submitting proposals. A minimum of 30 days must be allowed for responses to the publicized request for proposals.
- Proposals must be solicited from two or more qualified sources.
- The project sponsors and/or individual(s) responsible for the approval of the competitive proposals must have an established process and methods for evaluating all proposals and selecting the most appropriate proposal. This review process should not exceed 20 days.
- Unless all proposals are rejected, the contract award must be offered to the responsible entity whose proposal conforms to the solicitation and is determined to be the most advantageous to the project, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria should be used in the proposal evaluations.
- Written notice of the award of the contract to the successful applicant must be promptly sent to all entities that submitted proposals. The basis for the contract award, including any evaluation worksheets, must be retained on file.

3) Noncompetitive Proposals:

(a) Procurement by Noncompetitive Proposals: This method involves the procurement of services through the solicitation of a proposal from only one source. Noncompetitive proposals can only be used when it has been determined through previous solicitations of multiple sources that competition for the project is inadequate. This method may not be used if the sealed bid or competitive proposal methods can be used to secure the necessary services.

(b) Noncompetitive Proposal Requirements: If the sealed bid, competitive proposal or small purchase procedures are not feasible, procurement by the noncompetitive proposals may be used if one or more of the following circumstances apply:

- The necessary services and/or items are only available through a single source.
- A public emergency involving the project will not allow for delays associated with other procurement methods.
- DENR has approved the use of noncompetitive proposal procedures.
- After solicitation of a number of sources, competition is determined to be inadequate.

AMENDMENTS

Amendments can occur during an active project segment. It would not be considered a new segment. An amendment may involve a substantial addition of funds and/or area to be covered by the project which would require a revised budget and work plan. An amendment can be a minor adjustment during a segment such as a time extension, moving funds within the budget, and minor funding changes. Substantial changes need a formal amendment whereas minor changes can be approved by letter/memo/e-mail.

Amendments can be made at any time, must be in writing, approved by the state, and agreed to by both parties. *(Example Amendment Appendix A)*

When to Amend

When work plan activities are not those actually needed to attain the project goal, additional time will be needed to complete the work plan, or activity costs are exceeding budgeted amounts.

Suggested Review Times

Semi-annually, GRTS Reports, onsite project visits by DENR project officer, first anniversary of the project start date, or any time it is apparent things have changed.

Project Mid-Year and Annual Reports (GRTS)

Midyear and annual "Project Progress Reports" are required for projects funded by 319 grants. The reports are submitted to DENR for review and entry in the U.S. EPA web-based Grant Reporting and Tracking System, (GRTS). Midyear reports are due April 15th; annual reports are due October 15th.

Midyear reports are due only for a project with a status that is "Behind Schedule" for the project implementation milestone table at the time of the GRTS Annual evaluation. For questions on over-all project status, discuss with the DENR project officer.

The following is information to include in the progress report:

<u>Header Information:</u>
1. Federal Fiscal Year of the project: Federal fiscal year of the 319 grant award
2. Today's Date: Date submitted to DENR.
3. Indicate the reporting period: Midyear report covers the period October 1st through March 30th; annual report October 1st through September 30th.
4. Project Title: Exact title from the Project Implementation Plan.
5. State Name: South Dakota.
6. Address: Project sponsor's address as listed on the Project Implementation Plan or as corrected.
7. Phone: Telephone number of the sponsor (project coordinator).
8. Email: Email address of the sponsor (project coordinator).
9. Prepared By: Name of person who prepared the report (usually the project coordinator)

<u>Overall Project Accomplishments:</u>
Include a cumulative summary of project activities. Summarize project amendments and changes (attach budget and milestone tables). Indicate project status: on-schedule, behind schedule, ahead of schedule, completed, revised, discontinued, or final report accepted by EPA.

<u>Objectives/Tasks Accomplishments:</u>
List each task and describe specific activities and accomplishments, both since the last report and cumulative since the project started. Include tables comparing the milestones planned and accomplished this reporting period and since the project started. Include a summary of work planned for each objective/task for the next period. Include pictures and web-links related to the objective/task accomplishments. Indicate status of each objective and task: on-schedule, behind schedule, ahead of schedule, completed, revised, or discontinued.

Conclusions:
Use this section to provide feedback and/or recommendations on issues such as: BMP cost-share policies, local training needs, local match limitations, reporting requirements, amendments and any other concerns or issues the local sponsors would like to express. Identify local concerns regarding project delivery and activities that need improvement.

Load Reductions
The annual and cumulative load reductions for nitrogen, phosphorous, and sediment must be entered for all watershed implementation projects. The data must be listed by impaired waterbody “AUID” as listed in the Integrated Report. Also include reductions for all partner sources in the project area, even if 319 funds were not involved. Nitrogen and phosphorous should be reported as pounds per year and sediment as tons per year. The reduction goals from the TMDL or PIP should also be included. Indicate whether or not a TMDL has been completed.

All projects are asked to enter the annual and cumulative acres/feet for wetlands restored, wetlands created, riparian stream bank and shoreline protection.

Load reduction data entry is not required for the following project types: statewide/local education and information programs; nonpoint source program overall coordination and management; nonpoint source project staffing; geographic information systems; developing and revising watershed plans; watershed modeling and other planning.

Implementation Project Final Report

EXECUTIVE SUMMARY
PROJECT TITLE _____
SECTION GRANT NUMBER(S)_____
PROJECT START DATE _____ PROJECT COMPLETION DATE _____
FUNDING: TOTAL BUDGET _____
TOTAL EPA GRANT(S) _____
TOTAL EXPENDITURES OF EPA FUNDS _____
TOTAL SECTION 319 MATCH ACCRUED _____
BUDGET REVISIONS _____
TOTAL EXPENDITURES _____

SUUMARY OF ACCOMPLISHMENTS
OTHER ISSUES

Table of Contents

Executive Summary
Introduction
Project Activities
- Goals & Objectives
- Planned and Actual Milestones, Products, and Completion Dates
- Evaluation of Goal Achievement and Relationship to the State Management Plan
- Supplemental Information

Best Management Practices Developed And / Or Revised
Monitoring Results
- Bmp Effectiveness Evaluations:
- TMDL Implementation Effectiveness:
- Surface Water Quality Improvements
  - Chemical
  - Biological.
  - Physical / Habitat
- Groundwater Improvements
  - Metals
  - Chemistry
  - Nutrients
- Other Monitoring
- Quality Assurance Reporting
- Results of Bmp Operation and Maintenance Reviews

Coordination Efforts
- Other State Environmental Programs/ Agencies
- USDA Programs

- Other Federal Agencies
- Other Organizations

Summary of Public Participation
Aspects of the Project That Did Not Work Well
Project Budget / Expenditures
- Budget for Individual Tasks
- Non Federal Budget
- Actual Expenditures

Results and Future Activity Recommendations
Literature Cited
List of Tables
List of Figures
List of Appendices

Copies of the Report

After the report has been approved by DENR and EPA a minimum of 5 copies need to be made for DENR.

Cultural Resources Procedure

1. The Cultural Resources Effects form **(Appendix C)** and supporting documentation MUST be submitted to DENR 60-90 days before construction begins. Do not submit the initial paperwork to SHPO. For an Ag Waste System, submit the SHPO paperwork to Barry McLaury about the time the Project Engineer is starting the final design. Barry McLaury is the staff person in Pierre that reviews the information before it is sent to SHPO for approval.

Why 60-90 days in advance? Because SHPO, by law, has 30 days from the date of receipt to do their preliminary review. If an on-the-ground search is required by a Registered Archaeologist it can take another 30-45 days to complete. Once the search is complete, the Archaeologist has another 30 days to write the Findings Report.

2. Two or three sentences on the effects form are not enough. While we may understand what we are talking about, the folks at SHPO are not farmers, engineers, or conservation planners. Explain very clearly, in layman's terms, and in GREAT detail what you are planning to do. Remember you are building a word picture for someone who has not physically been on the land and has no understanding of what you are doing.

If you are installing buffers, include if the buffers will be trees or grass, because grass is treated differently than trees for cultural resources.

3. Include the results of the Records Search which is conducted by the Archaeological Research Center in Rapid City, a conservation plan map with the location of the land disturbance clearly marked. Make the map clean and simple. Attach quality photos of the site. It may also help if you attach a descriptive caption to each of the pictures.

4. If more than one federal agency is involved in an undertaking, some or all of the agencies may designate a lead federal agency, which shall act on their behalf, fulfilling their collective responsibilities under section 106 National Historic Preservation Act. When NRCS provides all or most of the federal financial assistance for a project or to implement a plan, it is considered the lead agency.

ESA Compliance Process

The process in South Dakota starts when the Department of Environment and Natural Resources (DENR) works with local sponsors to carry out watershed assessment projects. The final reports for assessment projects include information on threatened and endangered species listed for the watershed. This information is carried forward to the project implementation plan (PIP). It is important to have a specific section on ESA compliance in the PIP. It should contain the following:

- information on whether the particular species has been sighted in the area;
- habitat availability;
- species protection measures that are planned; and
- the sponsor/state opinion on whether the species would be affected, and if so, positively or negatively.

CONTRACT FOR PAYMENT OF 319 FUNDS IS REQUIRED

A good contract does not need to be complicated or elaborate. Generally, the simpler the contract the more effective it is because it is easier for both parties to understand. A contract for best management practices should, at a minimum, include the following elements:

Names and addresses of the parties;
Signatures of the parties;
Dates of signatures;
Full amount of contract;
Particulars of payment (schedule of payments, bid requirements, certifications, etc.);
Beginning and ending dates of the contract;
Description of the practices to be installed;
Location of the practices (a site map and legal description is useful);
Length of time (date) the practices are to be maintained;
Requirements for maintenance to be transferred with change in ownership;
Required repayment and/or payment of damages if the practices are not maintained;
Process for amending the contract;
Default provision which specifies what happens if the contract is breached;
Termination provision which specifies how the contract will be cancelled by mutual agreement in the event of a default or for other stated reasons;
Provision that provides for the execution of an easement where appropriate; and
A provision that says South Dakota law applies and governs the contract.

See **Appendix E** for example of a producer contract.

Filing Agreements with the Register of Deeds

The producer agreements can be filed, but don't necessarily have to be - it depends on the circumstances. If an agreement is for a short term - say only a year or two, and involves a property that is not going to be leased or sold, it would be discretionary whether to file. The agreement binds the parties and that may be enough. If an agreement for an easement or covenant restricting land use is perpetual or for a long term (say, more than a couple of years) it can and should be filed with the register of deeds. This process informs people who might buy or lease the property from the person granting the easement or covenant, that they are taking the property subject to that restriction.

BMP OPERATION AND MAINTENANCE CONDITIONS

Recipients of Section 319 cost-share assistance for the installation of BMPs will be responsible for the operation and maintenance (O&M) of such practices. All cost-shared BMPs must be maintained at a functional level for the life span of the practice as identified in the NRCS EQIP Manual or as specified in the conservation plan/schedule of operations. The life span of a practice is the minimum number of years the practice should serve its purpose with normal care and maintenance. Cost sharing must be refunded if the recipient destroys a practice during its life span unless a release is approved by the project sponsor and NPS Program before the practice is destroyed.

Maintenance of a practice is the keeping of a practice in a workable condition for its specified life span. There are many practices, such as critical area treatments, and livestock manure containment facilities that should last well beyond the minimum practice life span. Therefore, the project sponsors and staff must advise cost-share recipients they will be expected to maintain the practice for all its useful life.

The operation and maintenance of cost-shared practices will be determined through periodic compliance checks. The frequency of O&M compliance reviews will be dependent on the type of practice and its designated life span. Structural practices with life spans greater that one year will be inspected immediately after construction to verify completion and at least two more times during the project period to determine if the practice continues to be properly maintained.

The local Section 319 project sponsors and/or staff will be responsible for verifying compliance with this operation and maintenance condition for the duration of the project period.

<u>BMPS Damaged by Natural Events</u>
As determined on a case by case basis 319 funds may be approved by the State to repair the damage.

Destruction of Conservation Practices

The participant must operate and maintain each conservation practice installed under the contract for its intended purpose for the lifespan of the conservation practice as determined by NRCS Technical Guide Standards. The project sponsor/DENR may periodically inspect a conservation practice during the lifespan of the practice as specified in the contract to ensure that operation and maintenance are occurring. When project sponsor/DENR finds that a participant is not operating and maintaining practices in an appropriate manner, project sponsor/DENR will request a refund of cost-share or incentive payments made for that practice under the contract. The refund of financial assistance received will be prorated based upon the lifespan of the applicable conservation practice. Each practice will be evaluated separately.

Below are a few points of clarification:

- The ending date for producer contracts should be dated to reflect the life expectancy of the practice based on the NRCS Technical Guide Standards.
- The conservation plan for the practice should contain language about maintaining the practice.
- If the conservation practice(s) is destroyed, a refund of financial assistance is required.
- When the cover destruction impacts the conservation practice(s), refund will be requested as the cost-share practice(s) is no longer servicing a manageable unit or the purpose for which it was cost-shared (i.e. pasture is 160 acres with 20 remaining as pasture).
- Quite often the conservation practice(s) will not be destroyed; however, it is no longer serving the purpose for which it was cost-shared so financial assistance will be refunded (i.e. pipeline, watering facility, and fence).
- The party responsible for paying back the cost/share would be the individual who owns the land at the time the practice was taken out.
- The money would go back to the local sponsor to be re-allocated for a similar type of practice.
- If the contract is contested by the owner or new owner who is expected to defend the contract, it would be the responsibility of the local entity that entered into the contract with the landowner to enforce the contract. DENR would provide technical support.

Voucher Preparation

To prepare a voucher for a reimbursement request in **Tracker**, open the voucher folder and click on the “new voucher” button. A voucher description using a number or date, and the date to be vouchered can be entered. Funds to be vouchered must also be selected using this screen. Select funds to be vouchered or “all” if the specific fund(s) are unknown. Funds can be added later, if needed, by clicking the button “modify voucher name”. Access to add or remove funds from the voucher is gained through the voucher page. To add items to the voucher, click on any button under the “add new expenses” heading. To remove items from the voucher, click on any button under “view existing vouchered expenses” heading.

Selecting Bills for Voucher

From the pick list select items to be included in the voucher and leave items unmarked that will not be vouchered at this time. When selection is complete click on “add to voucher” and the new amounts will be added. The voucher can be edited until the “finalized voucher’ button is pressed.

Voucher Summary

There will be space at the top of the page for the project sponsor’s letter head. The four sections in the summary page are; contract amount, reimbursable, advance repayment, and match. The “contract amount” contains funds available for reimbursement through contracts with DENR. The amount available to the project is listed under “obligated”. If there have been any advances from the fund, it will be displayed under “advance amount”. The “advance remaining” shows the amount of the advance that is yet to be claimed.

Funds listed in the “contract amount” section are also displayed at the top of the “reimbursable” section under “funds to be reimbursed”. The amount being claimed will be shown under “current voucher”. If there have been any previous payments from a fund, the total will be shown under “previous payments”. The total column adds “current voucher” and “previous payments” to show the total expended after the voucher is processed. The “admin/BMP” section functions in the same manner as the “funds to be reimbursed” section. “Admin/BMP” contains the categories for which 319 reimbursable items have been claimed in the Pick lists

Match is claimed in the “Match” section. The display is in the same format as the “Reimbursable” section. The match fund categories are listed under “fund name”. The match is displayed by type of match under the “fund name”. There are two types of match: local and state. Under the types of match are the fund names. The funds and amounts under the “match” section are 319 match items that have been claimed from the Pick lists. Any items that are not match or are not reimbursable will not show up on this page (example EQIP, “other federal”). Some Items like consolidated, will show up both in the “reimbursable” section and the “match” section.

If no changes are needed to the voucher, print the voucher summary on the sponsor's letter head, and send a signed copy to DENR for processing. The address the voucher must be sent to is at the top of this form.

Finalizing Voucher

After the "finalize voucher" button is clicked, a pop- up will come up stating that if the voucher is finalized, changes will not be allowed, and if it should proceed. At this point the voucher cannot be changed. The Project officer will be notified by email that a voucher has been completed. If the voucher needs to be changed after it has been finalized, the project officer must be contacted to unfinalize the voucher.

Voucher Details

The Voucher Details page will display more detailed information about what has been selected to be put on the voucher. It is broke into three groups: Non-Salary Details, Salary Details, and BMP Details. The "total match" column doesn't include match funds reimbursed by the State, i.e. consolidated and CWSRF. These funds will have their own column. The "total cost' column will not include other federal funds like EQIP. EQIP and other non-matching funds are still required to be claimed on vouchers even though they don't show up on these summaries.

For example pages of the "Tracker Voucher" process go to (Appendix G).

Pay Request Processing

The project coordinator will send, email, or upload pay requests and all receipts so the DENR project officer has access to them.

After the project officer receives the receipts, they will put the entire pay request into one PDF file. The PDF is then matched up with each line on the TRACKER detailed voucher page. Once checked a copy of the receipts should be placed here: N:\WATERSHED\Waterbodies\Project Name\Implementation Projects\Receipts. If there is any discrepancy between the detail page and the receipts, the project coordinator is contacted and proper action is taken to correct the error.

Next, the DENR project officer reviews the MIS Database to confirm that project amounts match what is entered in the TRACKER Database voucher summary sheet. After reconciling the voucher, the DENR pay request sheet can be printed from the Tracker Database, or entered into an excel spreadsheet. This sheet is then printed, signed, scanned, and attached to the PDF pay request document with the other pay request documentation (voucher summary, voucher detail page, match breakout page).

Next, mail or email the PDF created in the previous step to the DENR project administrative assistant for processing.

A signed copy of the voucher summary sheet is attached to the DENR pay request sheet and other printed documentation to be placed in the local project folder.

All payments made on contracts, grants, and loans will be approved by the program administrator and reviewed by the fiscal office for availability of funds and fiscal accuracy. Payments made on professional services contracts will be approved by the program administrator, the fiscal office, and secretary or the division director.

It is the program's responsibility to ensure the request for payment is in compliance with the negotiated agreement.

Audit Requirements

The Code of Federal Regulations requires the State of South Dakota, as direct recipient of federal assistance who provides federal awards to a sub-recipient to:

1. Inform sub-recipient of CFDA title and number, award name and number, award year.

2. Advise sub-recipients of requirements placed on them by federal laws regulations and other documents.

3. Ensure that sub-recipients are notified of the amount expended at the end of their fiscal year.

4. Ensure that the sub-recipients expending $750,000 or more in federal awards during the sub-recipient's fiscal year have met the audit requirements contained in Title 2 of the Code of Federal Regulations Section 200.501 for that fiscal year.

5. Issue a management decision on audit findings within six months after receipt of the audit report.

6. Ensure that the sub-recipient takes timely and appropriate corrective action when the audit report discloses instances of noncompliance with federal laws and regulations.

7. Consider whether sub-recipient audits necessitate adjustment of the State's own records.

Animal Waste Management System (AWMS) 319 Funding Fact Sheet February 2016

Use of Section 319 funds to construct Animal Waste Management Systems (AWMS) is limited to small and medium Animal Feeding Operations (AFO). Table 1 outlines the number of animals by type of animal that define small, medium, and large feeding operations. All systems that receive 319 funding must be built to Natural Resources Conservation Service (NRCS) specifications and have a comprehensive nutrient management plan developed.

The following highlights the requirements that must be followed when working with AWMS and 319 funds:

Conventional (Open Lot) System, Clean Water Diversion, Vegetative Treatment Area, Stacking Pads, ETC: The NRCS Environmental Quality Incentives Program (EQIP) should be used as a funding source prior to awarding 319 funds for an AWMS. Doing so maximizes the number of systems a project can participate in.

Systems funded through EQIP can also receive 319 funds. However, the combined funding cannot exceed $200,000 or 50% of the total project.

If no funding is coming from EQIP for the construction of the system, then 319 funding is limited to $200,000 not to exceed 50% of the total project cost. DENR's "Guidelines for 319 Funded Feedlots" must be followed **(Appendix B)**. This document covers checklists and criteria required from the Project Engineer. If you have questions contact Jeremy Schelhaas in the DENR Sioux Falls Office at 605-362-3548 or Jeremy.Schelhaas@state.sdus.

Producer Contribution: The minimum producer contribution is 50 percent of the cost for the system. The contribution can be a combination of cash and in-kind services/materials from the producer. The producer contribution for an EQIP funded system, which is eligible for funding through 319, can be captured as match for the 319 project even if 319 funds were not spent on the system. In contrast, if 319 funds are not eligible to cost share a part or portion of a facility, the producer contribution cannot count as match. For example, if a facility is expanding in animal units, the cost associated with the expansion would not count as match.

Roofed Structures: Roofed structures funded through EQIP can also receive 319 funds. However, the combined funding cannot exceed $200,000 or 50% of the total project. Structures funded with only 319 cost share can receive up to $200 per head of their current capacity up to $200,000 or 50% of the total cost.

Expansion: Expanding feeding operations can receive 319 cost share funds to construct an AWMS, even if the expansion will increase capacity above the numbers listed for a large CAFO (Table 1). Assistance is limited to the amount it would cost to construct the AWMS for current capacity. Current capacity is not the number of animal units that occupy the facility, but rather the number the facility could realistically hold. For example, if a facility houses 500 head of steers but has capacity for 750, and will expand to 1,100 head, 319 can cost share what it would cost to construct a system for 750 head. This applies to both design and construction. The additional expense associated with expansion beyond 750 head cannot be captured as match for the project.

Relocation & Reclamation: The 319 program can provide cost share on expenses associated with feedlot relocation and reclamation if a producer is required to relocate a facility in order to improve water quality (not for the only reason being that the producer wants it moved). These costs include construction of foundations for any buildings moved from the current location to the new location. If a building cannot be moved without damaging the integrity of the structure, the cost of constructing a structure of the same size can be cost shared. The former site must be abandoned and reclaimed using such water quality protection best management practices (BMPs) as determined necessary to reduce nonpoint source pollution from the site. It is understood that, at a minimum, the reclamation shall include removal of fences, pens, feed bunks, manure stockpiles, and re-vegetation of the site. Cost associated with the reclamation of the old site is not included in the funding for the new system. This should be considered a separate project for the producer.

When cost share assistance is provided to relocate an AFO, a legal agreement prohibiting the future use of the abandoned animal feeding site for that purpose and requiring reclamation of the site to protect water quality must be signed by the producer. The sponsor should also consider requiring a deed restriction or other use-limiting document be filed with the county register of deeds. (**Example agreement in Appendix F)**

Operation & Maintenance: Operation and Maintenance (O&M) requirements must be continued over the life of the practice. A list of suggested lifespans for practices is located on the NRCS eFOTG website under section 1-C. Table at: http://efotg.nrcs.gov/references/public/SD/LifeSpan-NoticeSD-195.pdf

If O&M requirements are not followed on a 319 funded system, measures for the producer to repay cost share received for the system must be initiated, unless the failure of the facility was beyond the control of normal O&M and the producer.

System Design: If 319 funds are used to fund the design of a system, the system must be completed within five years from the date the design is completed or by the completion of the implementation project. If the construction is not completed by that time, funds expended for that project must be paid back in full.

Cultural Resources: Construction of any type of a waste storage, clean water diversion, or basin is considered an undertaking that must be reviewed by the State

Historical Preservation Office (SHPO) if federal funds or technical assistance are involved. If NRCS has the larger financial investment in a system, NRCS will be designated the lead agency for the system and complete the cultural resource review. If 319 funding has the larger federal contribution, the 319 project sponsor must complete the cultural resource review though DENR. Contact DENR Watershed Protection Program (605.773.4254) for information regarding the cultural resource consultation process.

Compliance Action / Complaint: Operations that are considered a large CAFO are not eligible for 319 funding. Producers with operations that do not meet the criteria of a large CAFO, but have formal compliance action taken against them are ineligible for 319 funding. The project should quantify the pollution reductions from installation of AWMS for these operations, but cannot claim match from producer, state, or local funds to design or construct the system.

Table 1. Number of Animals to Define Large, Medium, and Small Concentrated Animal Feeding Operations			
Type of Animal Feeding Operation	Concentrated Animal Feeding Operations		
	Large Animal numbers equal to or more than:	Medium Animal numbers equal to:	Small Animal numbers less than:
Dairy cows (mature – milked or dry)	700	200 to 699	200
Veal Calves	1,000	300 to 999	300
Cattle other than mature dairy cows or veal calves 1	1,000	300 to 999	300
Swine (weighing more than 55 pounds)	2,500	750 to 2,499	750
Swine (weighing less than 55 pounds)	10,000	3,000 to 9,999	3,000
Horses	500	150 to 499	150
Sheep or Lambs	10,000	3,000 to 9,999	3,000
Turkeys	55,000	16,500 to 54,999	16,500
Laying hens or broilers 2	30,000	9,000 to 29,999	9,000
Chickens, other than laying hens 3	125,000	37,500 to 124,999	37,500
Laying hens 3	82,000	25,000 to 81,999	25,000
Ducks 2	5,000	1,500 to 4,999	1,500
Ducks 3	30,000	10,000 to 29,999	10,000
Geese	30,000	10,000 to 29,999	10,000

1 Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.
2 Animal feeding operations use a liquid manure handling system.
3 Animal feeding operation uses other than a liquid manure handling system.

Procurement of Services and Bid Policies: Due to construction requirements associated with manure management facilities, **all must follow a Bid Process (see guideline on bid requirements).** Local project coordinators should review all the approved procurement methods with the producer and assist them with the selection of the most applicable method.

Riparian Buffers
319 Funding Fact Sheet

The following requirements must be followed when spending 319 funds on riparian buffers:

Requirements / Criteria:

1. The land must be actively grazed or cropped and located on or in close proximity to priority (303(d) Impaired) water bodies. The maximum distance from an impaired water bodies is 2 miles.

2. Buffers must be immediately adjacent and parallel to a perennial stream, seasonal stream, wetland, or permanent water body.

3. If the land is eligible for Continuous CRP, the landowner must enroll in this program first before being eligible for 319 funds. If the land is not eligible for CRP but fits the other criteria the buffer can be installed using just 319 funds. The length of the contracts will be for 10 or 15 years to coincide with the CRP contract, and require total exclusion.

4. 319 funds can also be used to round out a buffer when a portion of the land does not qualify to be enrolled in CRP, not to exceed 35% of the total CRP acres.

5. All buffers will be designed using NRCS standards including the minimum and maximum distances from the water body.

6. Where the property adjacent to the buffer area will be used for grazing livestock, there must be a well-maintained fence consisting of either four strands of barbed wire or three strands of electrically charged high tensile electric fencing.

7. The rental rate as established for the year by the county USDA FSA office for CRP practices (CP21 Filter Strips, CP22 Riparian Buffers, CP29 Marginal Pastureland Wildlife Buffer, and CP30 Marginal Pastureland Wetland Buffer) will be used as the basis for payment.

8. If a landowner has been approved for Continuous CRP (CCRP) through USDA, the landowner can also receive a one-time up-front payment of 319 funds equal to 35% of the total CRP payment and only on the acres enrolled in the CRP program.

   For example, a landowner enrolls 20 acres through CRP where the County rental rate is $54/acre (20 acres x $54 x 15 years = $16,200 CRP Payment). The 319 payment would be 35% of $16,200 = $5,670.

9. The payment for lands not eligible for CRP that meet the other criteria, using only 319 funds will follow the County CRP base rate without the incentive.

   For example, the buffer totals 20 acres where the County rental rate is $54/acre (20 acres x $54 x 15 years = $16,200).

10. Payment of 319 funds will be made to the landowner in one lump sum on the date of closing.

11. The landowner will be required to follow a conservation plan approved by the local project sponsor for the tract of land enrolled in the buffer.

12. The landowner will be assessed penalties by the project sponsor if the landowner is found to be not following the conservation plan for the land under contract.

13. If the project needs match they can reduce the 319 payment to (75%, 60%, etc.). The reduction would be eligible as match.

14. The project sponsor will be responsible for annual inspection of the land buffered using only 319 funds. If the project sponsor finds that the land owner is not following the conservation plan, they will take appropriate action.

15. The project sponsor will record the signed agreement and a copy of the aerial photo showing the location with the Register of Deeds in the County. That way there is a record on file and also if there is a change in ownership the new owner is aware there is a restriction on the land use.

Conservation Easement Program

Conservation easements will be used to restrict or exclude livestock grazing and other farming practices in the riparian areas.

PROGRAM CRITERIA:

1. Land offered must be adjacent to or in close proximity to impaired stream segments.

2. Conservation easements will be held by: **(currently we do not have an entity to hold and inspect easements)**

3. The land offered must currently be used as grazing land for livestock or must currently be cropped up to the stream bank. Land which is currently maintained as a riparian area will be considered a lower priority.

4. Easements will be held for a minimum of thirty (30) years or perpetually (permanent).

5. Easements can be placed on lands currently under a USDA Continuous CRP contract.

6. Riparian buffers developed by the easement will be a minimum of seventy-five (75) and a maximum of one hundred-fifty (150) feet from the stream bank.

6.1. The width of the buffer will be used to calculate the acreage enrolled. The total acreage enrolled (calculated as described above) will then be used to square off the riparian buffer. When squaring off, the riparian buffer may be less than seventy-five (75) feet and greater than one hundred-fifty (150) feet at some locations.

7. The landowners will be required to follow a conservation plan which will be provided by project sponsor.

7.1. The conservation plan will outline management of land included in the easement. Maintenance of the vegetation will be required.

8. The payment schedule: Final Payments are based on both the length of the easement and whether there are any other US Department of Agriculture programs, as shown by the following table.

Duration	Time left on USDA contract (if applicable)	Percentage of WRP GARC
30 year	0	75
30 year	< 5 years	70
30 year	5-10 years	65

Duration	Time left on USDA contract (if applicable)	Percentage of WRP GARC
30 year	> 10 years	60
Perpetual	0	100
Perpetual	< 5 years	95
Perpetual	5-10 years	90
Perpetual	> 10 years	85

SEASONAL RIPARIAN AREA MANAGEMENT (SRAM)

1. **What is SRAM? (Contact Barry Berg Big Sioux Project for SRAM Forms)**
   - Pilot program designed as an alternative to existing USDA programs and limitations.
   - Development of conservation plans to accommodate producer needs and enhance water quality.
   - Cost share incentives based on fencing, water and project implementation.

2. **Why is SRAM important?**
   - Allows the harvesting of riparian area grass produced throughout the deferred grazing period.
   - Cost sharing of higher quality alternative water sources for livestock.
   - Helps reduce nutrient and sediment loading to improve water quality.

3. **Where would the SRAM program be implemented?**
   - Priority riparian areas associated with impaired waterbodies.

4. **Proposed Plan.**
   - **6 month deferred grazing April 1 through September 30.**
     - No grazing of enrolled acres during deferred period.
     - Allow haying of enrolled acres.
     - Grazing allowed in areas outside of enrolled acres.
   - **6 month grazing period October 1 through March 31.**
     - Allow grazing of enrolled acres.
     - Maintain minimum 4 – 6 inches of vegetative cover.

   + Financial assistance for establishment of alternative water source and fencing.
   + Flexibility to customize conservation plans to fit a variety of situations.
   + Technical assistance available to help establish rotational grazing systems.

5. **Practice Guidelines and Rates.**
   - **$60 per acre for enrolled acres within 100 year flood plain.**
     - Field verification of eligible acres.
     - Payment in full the first year for 10 or 15 year contracts.
     - Ex. 10 acres enrolled for 10 years = $6,000.00 paid within first year of contract.
   - **75% cost share of exclusion fencing if applicable.**
     - Adequate fence design to meet needs and effectively exclude livestock.
   - **75% cost share of alternative water.**
     - Rural water hookups.
     - Wells if applicable.
     - Pipelines and tanks.
   - **75% cost share to repair damaged areas and livestock trails.**

Conflict of Interest Process

The conflict of interest process for all new subrecipient agreements:

1. Complete risk assessment questionnaire and risk assessment scoring sheet for all subrecipients. The forms are located in Appendix H.

2. Based on risk assessment and dollar amount awarded determine the type of monitoring plan to use for each subrecipient. The forms are located in Appendix H.

3. Complete the pass-through entity requirements form and include as an exhibit to the grant agreement. The form is located in Appendix H.

4. Include the federal conflict of interest policy as an exhibit to the grant agreement. The policy is located in Appendix H.

5. In January of each year send an audit reminder letter to the subrecipient for each active project.

6. The project officer assigned to each agreement will make two on-site office / field visits per calendar year.

Appendix A

EXAMPLE AMENDMENT TO GRANT AGREEMENT

FOURTH AMENDMENT made and entered into between the State of South Dakota, South Dakota Department of Environment and Natural Resources, 523 East Capitol, Pierre, South Dakota 57501-3182, herein the "State", and the Turner County Conservation District, 655 East 4th Street, P.O. Box 416, Parker, South Dakota 57053-0416 herein the "Sponsor".

WHEREAS, the State and the Sponsor made and entered into a Section 319 Grant Agreement dated June 27, 2005, (the "Grant Agreement") for the sum of $130,440 to the Sponsor to implement watershed restoration alternatives (the "Project") according to the terms and conditions established by the State; and

WHEREAS, Section 4.1 of the Grant Agreement provides, "The State and the Sponsor may at any time, by written instrument agreed to and signed by both parties, make changes or amendments within the general scope of this Grant Agreement in the services, work to be performed, or the term of this Grant Agreement. If such changes cause an increase or decrease in the cost or time required to perform any services under this Grant Agreement, the State and the Sponsor shall make equitable adjustments agreed to by both parties and so modify this Grant Agreement in writing."; and

WHEREAS, the State and the Sponsor entered into First Amendment to Grant Agreement dated July 14, 2006, increasing the Section 319 grant award to $652,690 and revising the work plan activities; and

WHEREAS, the State and the Sponsor entered into Second Amendment to Grant Agreement dated April 21, 2008, decreasing the Section 319 grant award by $130,000 to $522,690; and

WHEREAS, the State and the Sponsor entered into Third Amendment to Grant Agreement dated June 10, 2008, increasing the Section 319 grant award by $95,000 to $617,690 and

WHEREAS, the State and Sponsor mutually agree to further amend the terms of the Grant Agreement.

NOW THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

1. That Part 1, Section 1.1 of the Grant Agreement be amended to read as follows: "1.1 The terms of this Grant Agreement shall commence upon execution of this Grant Agreement by both parties and shall end on May 31, 2009, unless this Grant Agreement is otherwise terminated or extended pursuant to the terms hereof,

provided, however, that the obligations of the Sponsor pursuant to sections 3.8 and 3.10 of this Grant Agreement shall survive termination."

2. That Part 2, Section 2.1, of the Grant Agreement be amended to read as follows: "2.1Process reimbursement requests for federal funds submitted by the Sponsor in a timely and efficient manner. Payment for travel and per diem will be at state rates. Reimburse the Sponsor for eligible project costs incurred from EPA Grant funds up to $240,698.66."

3. That Part 3, Section 3.12, of the Grant Agreement be amended to read as follows: "3.12 Submit to the State a comprehensive final report describing all activities related to the Project by May 31, 2009. The report will contain an evaluation of the Project relative to attainment of Project goals and objectives as stated in the Project workplan. The report will also contain a summary of Project expenditures and documentation of eligible match in the amount of at least $160,466."

4. That except as specifically amended hereby, the terms and conditions of the June 27, 2005, Grant Agreement as amended by the First Amendment entered into on 14th of July, 2006, and the Second Amendment entered into on 21st of April, 2008, and the Third Amendment entered into on 10th of June, 2008, shall be and remain in full force and effect according to the tenor thereof.

IN WITNESS WHEREOF, the parties signify their agreement effective the date first written by the signatures affixed below.

Appendix B

GUIDELINES FOR 319 ONLY FUNDED FEEDLOTS

1. Engineers are required to follow the NRCS Practice Standards which can be found at: http://www.nrcs.usda.gov/technical/efotg/ .

2. Using Engineers certified according to NRCS Standards as Technical Service Providers (TSP) is encouraged but not required. A list of TSP can be found at: http://techreg.usda.gov/CustLookupTSP.aspx?fips=46099&categoryid=&categorytext=&serviceid=&servicetext=

3. A Pre-design meeting checklist must be signed and sent to Jeremy Schelhaas.

4. All completed designs not done by a TSP will be reviewed and signed off on by Jeremy Schelhaas prior to any construction activities.

5. All systems must develop and follow a nutrient management plan. All plans not developed by the animal waste planning team (John Lentz, NRCS) or TSP must be reviewed by Jeremy Schelhaas prior to construction.

6. A Pre-construction checklist must be signed and sent to Jeremy Schelhaas. Note: All systems must be constructed as designed and if the feedlot is being relocated the existing facility must be abandoned and reclaimed.

7. Copies of all designs and nutrient management plans (in 319 project areas) will be provided to Jeremy Schelhaas.

8. A Notice of Completion Form must be signed by the local sponsor, engineer, and contractor with a copy sent to Jeremy Schelhaas.

9. 5% of the projects designed by a TSP will be spot checked.

10. This document will be included as part of all feedlot contracts.

STATEMENT OF WORK (SOW)
WASTE STORAGE FACILITY (313)
SOUTH DAKOTA
CONTACT: JAY COBB (605) 352-1260

These deliverables apply to this individual practice. For other planned practice deliverables, please refer to those specific SOW's.

DESIGN

Deliverables

1. Pre-design conference with client and Natural Resources Conservation Service (NRCS) representative.
2. Design documentation that will demonstrate that the criteria in NRCS practice standard have been met and are compatible with other planned and applied practices:
    a. Practice purpose(s) as identified in the conservation plan.
    b. List of required permits to be obtained by the client.
    c. Compliance with NRCS national and state utility safety policy NEM, Part 503 -Safety, Subpart A, Engineering Activities Affecting Utilities, 503.00 through 503.06).
    d. List of facilitating practices.
    e. Practice standard criteria related computations and analyses to develop plans and specifications including but not limited to:
        i. Geology and Soil Mechanics (NEM, Subpart 531a).
        ii. Storage Volume and Maximum Operating Level.
        iii. Structural, Mechanical, and Appurtenances.
        iv. Nutrient Management Plan.
        v. Maximize Clean Water Diversion.
        vi. Environmental Considerations (e.g., liner failure, location, breaching, air quality).
        vii. Safety Considerations (NEM, Part 503-Safety, Subpart A, 503.06 through 503.12).
3. Sufficient copies of written plans and specifications including sketches and drawings shall be provided to the client that adequately describes the requirements to install the practice and obtain necessary permits.
4. Specific detailed requirements for Waste Storage Facility design and the development of construction plans and specifications are outlined in the South Dakota Engineering and Spot Checking Manual (SDEDSCM), under the Waste Management Structure Practice Requirements. Where specific forms or job sheets are mentioned in the SDEDSCM, an equivalent may be substituted. The guidance contained in this manual shall be considered as the minimum acceptable for this practice.
5. Design Report and Inspection Plan as appropriate (NEM, Part 511, Subpart B, Documentation, 511.11, and Part 512, Subpart D, Quality Assurance Activities, 512.30 through 512.32).
6. Operation and Maintenance Plan.
7. Certifications that the design meets practice standard criteria and comply with applicable laws and regulations (NEM, Subpart A, 505.03(b)(2)).
8. Develop and sign an engineer's cost estimate based on project quantities. Provide revised cost estimates in the event of changes to project quantities or completion of final design.
9. Develop a list of practices for the project that includes the practice unit and extent. Provide a revised list of practices, practice units, and extents in the event of changes to these values or completion of the final design.
10. Provide an anticipated installation schedule.
11. Design modifications during installation as required.

INSTALLATION

Deliverables

1. Pre-installation conference with client, contractor, and NRCS representative.
2. Verification that client has obtained required permits.
3. Staking and layout according to plans and specifications including applicable layout notes.
4. Installation inspection (according to inspection plan as appropriate):
    a. Actual materials used (NEM, Part 512, Subpart D, Quality Assurance Reviews, 512.33).
    b. Inspection records.
5. Specific detailed requirements for Waste Storage Facility installation are outlined in the SDEDSCM, under the Waste Management Structure Practice Requirements. Where specific forms or job sheets are mentioned in the SDEDSCM, an equivalent may be substituted. The guidance contained in this manual shall be considered as the minimum acceptable for this practice.
6. Facilitate and implement required design modifications with client and original designer.

7. Advise client/NRCS on compliance issues with all federal, state, Tribal, and local laws, regulations, and NRCS policies during installation.
8. Certification that the installation process and materials meet design and permit requirements.

CHECK OUT

Deliverables

1. As-Built documentation:
    a. Extent of practice units applied.
    b. Drawings.
    c. Final quantities.
2. Specific detailed requirements for Waste Storage Facility checkout design and the development on construction plans and specifications are outlined in the SDEDSCM, under the Waste Management Structure Practice Requirements. Where specific forms or job sheets are mentioned in the SDEDSCM, an equivalent may be substituted. The guidance contained in this manual shall be considered as the minimum acceptable for this practice.
3. Certification that the installation meets NRCS standards and specifications and is in compliance with permits (NEM, Subpart A, 505.03(c)(1)).
4. Progress reporting.

REFERENCES

- South Dakota Technical Guide (eFOTG), Section IV, Conservation Practice Standard - Waste Storage Facility (313)
- NRCS Agricultural Waste Management Field Handbook
- NRCS NEM
- NRCS National Environmental Compliance Handbook
- NRCS Cultural Resources Handbook
- SDEDSCM

South Dakota (SD)

Department of Environment & Natural Resources (DENR)

Pre-design Meeting Checklist

The 319 Implementation project contract participant (producer), Project Coordinator, and Technical Service Provider (TSP) engineer must be in attendance for this meeting. Check the following items as they are completed and 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 on the South Dakota NRCS Website.

☐ **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 Coordinator. Any changes to the proposed location of planned conservation practices should be discussed by the producer, TSP, and the coordinator 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 Coordinator.

☐ **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 the NMP record keeping requirements with the producer. 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

☐ **319 Project Contract** – The following items should be discussed and understood by the producer, TSP Engineer, and the Coordinator.

- Practice Payment Schedule – Discuss the practice payment system.
- TSP Technical Service Payment Reimbursement – It is the producer's responsibility to hire and pay the TSP. The 319 Project will reimburse the producer based on the rate for the practices that are included in the 319 Project contract for design, installation, and check-out. The producer will not be reimbursed for work that is completed prior to the approval of the 319 Project contract (i.e., if the design is complete prior to the start of the 319 contract). The TSP and/or producer must be in communication with the 319 Project Coordinator and notify the 319 Project Coordinator 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 319 Project Coordinator to process reimbursement requests.

- Construction Risk – The producer, TSP, and the 319 Project Coordinator 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 will be responsible for at least 50% of costs associated with the construction changes and the additional TSP fees that may result. The producer will be responsible for all cost after the max cost share is reached.

☐ **TSP Expectations –** Discuss the expectations that the producer and the 319 Project Coordinator 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).

☐ **Construction** – Discuss Selecting a Contractor.

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

_____ _____

Technical Service Provider Signature Date

_____ _____

319 Project Coordinator Signature Date

_____ _____

319 Implementation Project Participant Date

South Dakota (SD)

Department of Environment and Natural Resources (DENR)

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 319 Project Coordinator.
- ☐ Documentation must be shown that all appropriate permits have been obtained that are required for construction.

The 319 project contract participant (producer), 319 Project Coordinator, 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 on the South Dakota NRCS Website.

- ☐ **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 319 Project Coordinator 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 319 Project Coordinator. 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.

☐ **319 Project Contract** – The following items should be discussed and understood by the producer, TSP, and 319 Project Coordinator.

- Practice Payment Schedule – Discuss the practice payment system.
- Review 319 contract items and the final design to insure that the 319 contract reflects the proposed construction. If the contract does not reflect the final design, the 319 Project Coordinator 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 319 Project Coordinator a change order prior to any construction activity associated with the change. The 319 Project Coordinator 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 written in the contract, the 319 program will reimburse the producer based on the rate for the practices that are included in the 319 contract for completed design, installation, and check-out. The producer will not be reimbursed for work that is completed prior to the approval of the 319 contract (i.e., if the design is complete prior to the start of the 319 contract). The TSP and/or producer must be in communication with the 319 Project Coordinator and notify the 319 Project Coordinator 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 319 Project Coordinator to process reimbursement requests.

- Construction Risk – The producer, TSP, and the 319 Project Coordinator 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 will be responsible for at least 25% of costs associated with the construction changes and the additional TSP fees that may result. The producer will be responsible for all cost after the max cost share is reached.

☐ **TSP Expectations** – Discuss the expectations that the producer and the 319 Project Coordinator 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 319 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

_____ _____
319 Project Coordinator Date

_____ _____
319 Implementation Project Participant Date

_____ _____
Construction Contractor Date

APPENDIX C

CULTURAL RESOURCES EFFECTS ASSESSMENT SUMMARY FOR 319 PROJECTS

Applicant _____ Project Contact _____
Address_____ Telephone Number_____
_____
Legal Location of Project _____
City _____ County _____ Project No. _____
_____
Project Description _____
_____
_____
For projects that involve new construction on vacant land please include information as to what previously occupied the site and whether that site has any known historic or archaeological significance. _____
_____
Please describe below or attach information supporting the determination of effect.
_____
_____
A map showing the project location is required. Drawings or photographs may also be helpful.

Please indicate the effect the project will have on cultural resources based on the review performed:
_____ No Historic Properties Affected: There are no historic properties present or the undertaking will not affect any properties eligible for or listed in the National Register of Historic Preservation.
_____ No Adverse Effect: This property is listed in or eligible for the National Register of Historic Places. This project will have no adverse effect upon the historic significance of the property because the proposed undertaking meets the Secretary of the Interior's Standards for the Treatment of Historic Properties.
_____ Adverse Effect: This property is listed in or eligible for eligible for the National Register of Historic Places. This project will have an adverse effect upon the historic significance of the property. (Attach proposed mitigation measures that may minimize the adverse effect.)
Prepared by: _____ Date _____

DETERMINATION OF EFFECTS

I have reviewed the project description and the information provided concerning historical and cultural effects of this project. Based on that review, the Department of Environment and Natural Resources concurs with the applicant's determination of the effects that the construction of this project will have on historical or cultural resources. Additionally, if historical or cultural resources are discovered during project construction,

the contractor is required to cease construction and notify the State Historical Preservation Officer.

Approved by: _____ Date _____
SD Department of Environment and Natural Resources

APPENDIX D

State of South Dakota Bid Requirements
Advertisement for bids must be published in the newspaper at least twice prior to opening of bids. The first publication has to be in the entity's official newspaper; however the second publication can be in any other newspaper in the state. (SDCL 5-18-3) (AGR 85-24)
The first publication must be made at least 10 days prior to the date for the opening of bids. (SDCL 5-18-3)

The advertisement shall state the time and place where bids will be opened and contain a notice that the board reserves the right to reject any and all bids. The advertisement shall appear as a legal notice in the appointed legal newspaper. (SDCL 5-18-3) If the entity has no official newspaper, the notice for bids is to be published in a legal newspaper with a general circulation in the entity's area. (SDCL 5-18-3)

Local governments may also participate in the centralized bid exchange. Bid specifications are provided to the exchange by local governments. The bid exchange then makes these bid requirements available to the vendors participating in the exchange. If an entity lists a bid on the centralized bid exchange, the second bid publication required by SDCL 5-18-3 is not required. (SDCL 5-18-1.1, 5-18-3)

Opening of Bids
The sealed bids must be publicly opened and read orally at the time and place specified in the bid advertisement. While most bids are opened at regular or special board meetings, they may be opened at a different time and place as specified in the bid advertisement. The entity, by authorization in the bid specs, may set an alternate date and time for the opening of bids. However, no authority exists to postpone the date on which bids must be received. Only those bids received by the original date are permitted to be opened. (SDCL 5-18-8) (AGR 85-24) (AGR 72-77)

Since statute only allows for "sealed" bids to be submitted, a vendor may not FAX a bid directly to the entity. All bids should be spread in the minutes by vendor and amount unless the volume of bidders or items bid makes publication prohibitive. Then only the successful bidder needs to be published with a reference that all other bids are on file.

Tabling of Bids
Not more than 30 days can elapse between the opening of the bids and either the acceptance of the bid of the lowest responsible bidder or the rejection of all bids presented. (SDCL 5-18-7, 7-25-9) (AGR 1959-60, p. 380; AGR 72-77)

Withdrawal and Modification of Bids
Any bid may be withdrawn by letter, in person, by FAX or by telegraphic communication. Any bid may be modified by mail, FAX or by telegraphic communication provided such notice is received no later than the time set for the opening of bids. The telegraphic communication or FAX cannot reveal the bid price but only the addition or subtraction to

the bid price. A telegraphic communication or FAX may not be withdrawn after the opening of the bid and all FAX and telegraphic communications must be confirmed in writing before the awarding of the contract. (SDCL 5-18-8)

The discovery of a computational error in the low bid after its acceptance by the governing board does not authorize additional payment by the governing board. (AGR 75-120) No bid can be changed or altered verbally by telephone. (SDCL 5-18-8)

Lowest Responsible Bid

Existing statute requires the acceptance of the lowest responsible bid in all cases. (SDCL 5-18-2)

The attorney general has stated that financial responsibility, judgment, skill, ability, capacity and integrity of the bidders are to be considered in selecting the lowest responsible bidder. (AGR 1953-54, p. 21; AGR 1955-56, p. 78)

In the event total cost bidding is a part of the bidding procedure, the attorney general has stated that the time use of money has to be considered as a part of the bid. To consider the time use of money, an interest rate must be specified in the bid notice. This interest rate is then used to put each of the conditions of the contract (guaranteed repairs, maintenance and repurchase price) into a present value so that each of the bids may then be made comparable. (AGR 86-01)

If two bids are submitted that are equal in dollar amount, the board may consider additional attributes in determining the lowest responsible bidder. Some of the additional attributes to be considered are: 1) the bidder's ability to respond to the requirements of the contract, 2) his ability to execute the contract, and 3) his integrity, judgment and skill.

Rejection of Bids

The governing board has the right to reject any and all bids if they feel the bids are not satisfactory or if they believe an agreement has been entered into to prevent competition. (SDCL 5-18-2)

Notwithstanding the provisions of SDCL 5-18-2, the board of township supervisors may reject a bid as unsatisfactory on the basis that the bid was the only bid received, and may readvertise for bids.

In the event the low bid is not responsible or the bid is withdrawn, the bid of the next lowest bidder may be accepted. (SDCL 5-18-9)

Awarding of Bids

All contracts, whether for the construction of public improvements or contracts for the purchase, lease or rental of materials, supplies or equipment, must be let to the lowest responsible bidder. (SDCL 5-18-2, 11, 5-18-9)

If the lowest responsible bid exceeds the final estimated project cost by ten percent or less, any local government may negotiate with the low bidder for the construction of a public improvement or for the purchase of the materials, supplies or equipment at the most advantageous price. (SDCL 5-18-9)

If other than the lowest bid is accepted, the board minutes must clearly document the reasons why the lowest bid was not accepted. (AGR 1955-56, p. 286)

A public body cannot reject the low bidder and accept another if the low bid is in conformance with the specifications, is in compliance with SDCL 5-18 and the low bidder is responsible. (AGR 91-10)

When purchasing off of the bid of another entity, the second government entity may purchase an alternative model item from the low bidder as long as the item purchased from the lowest responsible bidder contains no material variance from the original specifications. (AGR 94-08)

APPENDIX E

Producer Contract for Receiving EPA 319 Cost Share funds

This agreement is made and entered into between the Randall Resource Conservation and Development Association Inc., P O Box 247 Lake Andes, SD 57356 (Hereafter referred to as "RC&D") (the project sponsor) and the below named landowner/operator (Hereafter referred to as "Owner") for the purpose of receiving cost share funds for the implementation of conservation practices as listed in the attached Conservation Plan Schedule of Operations.

Name:_____

Address: _____

City: _____ State:_____ Zip:_____

CONDITIONS OF CONTRACT

Cost share funds will be dispersed to the above named Owner when the attached listed conservation practices have been implemented according to the Conservation Plan and field checked by RC&D representatives, Conservation District or NRCS personnel and approved for payment by RC&D.

It is agreed the Owner will provide to the Local Conservation District (CD) copies of receipts and invoices for all labor and materials used to implement the conservation practice(s) being cost shared.

Cost shares for implemented conservation practices are from the Corsica Lake Watershed 319 Program Cost List or other agency cost lists for certain practices and specified in the Conservation Plan/Schedule of Operations.

Cost share amounts for implemented conservation practices paid for by this contact will not exceed 75%. Cost share for implementing the practices are not to exceed the appropriate percentage of the unit cost as specified on the appropriate fiscal year Program Cost List. If actual costs are less than the unit cost, the 75% cost share rate will be based on the actual conservation practice costs accrued by the Owner.

It is agreed that all Best Management Practices (BMPs) implemented through this contract shall be maintained by the Owner based upon conservation practice life spans in Section 515.143 of the NRCS EQIP Manual or as specified in the conservation plan/schedule of operations. It is agreed by the Owner to operate and maintain the BMPs under this contract according to the South Dakota Natural Resources Conservation Service (SDNRCS) Technical Guide Practice Standards and operation and maintenance plans and/or the South Dakota General Water Pollution Control Permit for Concentrated Animal Feeding Operations.

It is mutually agreed that in the event the BMPs are not properly implemented or maintained for the required period, the Owner agrees to repay RC&D all cost share monies disbursed to the Owner for the contracted BMPs. Any alteration or changes in

components will be allowed only after consultation with the South Dakota Department of Environment and Natural Resources.

This contract can be modified by mutual agreement between the RC&D and the above named Owner if the installed practice fails or deteriorates because of conditions beyond the control of the participants, if the installed practice causes adverse impacts to significant cultural or environmental resources identified prior or those discovered during the practice installation, or if another practice will achieve at least the same level of environmental benefits. Changes to this contract may also require the concurrence of the South Dakota Department of Environment and Natural Resources (SDDENR). The RC&D watershed coordinator should be contacted before any changes to this contract are initiated. A modified contract will be sent to all participating parties who will have ten days to approve or reject such changes.

In the event ownership of lands covered by this contract changes, maintenance of cost shared conservation practices must be continued as specified by this contract with the new owner or operator. It is further understood by both parties to this Contract/Letter of Agreement that in the case of the property on which the conservation practice has been built is sold or leased, the Owner will remain responsible unless otherwise agreed by the parties hereto. Failure to adhere will require all cost share monies to be refunded by the Owner.

The terms of this contract shall commence on _____ and end on _____.
IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates indicated below.

Authorized Representative (Randall Resource Conservation & Development Association Inc.) Date

_____

_____

Landowner/Operator Date

APPENDIX F

Agreement for
Reclaiming an Abandoned Animal Feeding Operation

In order to improve water quality the abandoned feedlot located in will be reclaimed. To qualify for 319 cost share assistance, the land owner and operator of the abandoned open feedlot agrees to the following conditions:

1. At a minimum, the reclamation shall include removal of fences, pens, feed bunks and manure stockpiles.

2. The entire feedlot must have a permanent vegetative grass cover established and maintained within two years. The existing feedlot area may be hayed or grazed in a manner, which maintains adequate residual plant growth to prevent erosion or excessive runoff.

3. Routine feeding, bedding or confinement in the reclaimed feedlot area, regardless of the time frame, which allows an accumulation of nutrients subject to removal by runoff events will be considered a violation of this cost share agreement.

4. When cost share assistance is provided to reclaim an animal feeding operation (AFO), a legal agreement prohibiting the future use of the abandoned animal feeding site for that purpose must be signed by the producer. The project sponsor should also consider requiring a deed restriction or other use-limiting document be filed with the county register of deeds.

This agreement shall be in effect for a 10 year period. Failure to adhere to all the above requirements will require forfeiture and repayment of the cost share received on an equally adjusted 10 year basis (10% for each year remaining in agreement).

This agreement has been accepted by.

_____	_____
Watershed Coordinator	Date
_____	_____
Project Sponsor	Date
_____	_____
Land Owner	Date
_____	_____
Facility Operator	Date

SD NPS Project Management System

The Tracker Program

SD DENR
March, 2016

Table of Contents

Page

1.0 Introduction 1
1.1 Understanding the PIP Budget and Milestones 1

2.0 Getting Started 4
2.1 Main Menu 4
2.2 Password 5
2.3 User Profile 5

3.0 Data Entry 6
3.1 Producer Information 7
3.2 BMP Information 7
3.3 Picture Upload 9
3.4 Mapping 12
3.5 Practice Information 17
3.6 Practice Bill 17
3.7 MBE/WBE 20
3.8 Milestone Information 21
3.9 Livestock Information 22
3.10 Pollution Information 22

4.0 Personnel Salaries 23
4.1 Salaries 23
4.2 Salary Paycheck 24

5.0 Non-Salary Expenses 25
5.1 Non-Salary Group 25
5.2 Non-Salary Group Bill 25

6.0 Assessment Goals 26

7.0 Voucher 27
7.1 Selecting Bills for Voucher 28
7.2 Voucher Summary 28
7.3 Finalizing Voucher 30
7.4 Voucher Details 31

8.0 GRTS 32

9.0 Project Summary 36

10.0 Trouble Shooting 37

List of Tables

Table Page

1 Example PIP Budget 2
2 Example PIP Milestones Table 3
3 South Dakota List of Project BMPs 8

List of Figures

Figure		Page
1	Example Allocated Funds from Tracker	2
2	Example BMP Funding from Tracker	2
3	Example Milestones in Tracker	3
4	Login Page	4
5	Main Menu	4
6	Password Selection Page	5
7	User Profile Page	5
8	Project Selection Page	6
9	Project Data Page	6
10	Producer Information Page	7
11	BMP Information Page Before Save	8
12	BMP Information Page After Save	9
13	Picture Browser Popup	10
14	BMP Information Page after Picture Upload and Approval	11
15	BMP Map It	12
16	Placing a BMP through Map It	13
17	Google Maps Page	14
18	Google Maps Location	14
19	BMP Map It Point Information	15
20	Moving a Point through Map It	16
21	Practice Information Page	17
22	Practice Bill Page	18
23	MBE/WBE Spreadsheet	20
24	Milestone Summary Page	21
25	Milestone Completion Page	21
26	Livestock Management Page	22
27	NPS Reduction Page	22
28	Personnel Salaries Page	23
29	Paycheck Page	24
30	Non-salary Group Example	25
31	Non-salary Group Bill	26
32	Assessment Goals	26
33	New Voucher	27
34	Unfinalized voucher page	27
35	Voucher Pick List	28
36	Voucher Print-out	29
37	Finalizing Voucher Pop-up	30
38	Finalized Voucher Page	31
39	Voucher Details	31
40	GRTS Page	32
41	Saving a GRTS Report	33
42	Create GRTS Word Doc	33
43	Project Summary Report	36

User Guide to the SD NPS Project Management Internet Program (Tracker)

1.0 Introduction

The SD NPS Project Management System was developed to provide consistent 319 project management for South Dakota. Several data entry systems used by project managers and other states were reviewed before developing this system. The criteria selected for the South Dakota program were:

- easy to enter and retrieve useful project information
- ability for coordinators to enter information at their office
- provide a standard tracking system that gives coordinators and project officers understandable project status information
- consistent expense tracking and vouchering to the State

An internet based program was selected for development based on the criteria and other system requirements.

The program requires entry of information from the Project Implementation Plans (PIP) by the Department of Environment and Natural Resources (DENR) project officer. After this is accomplished, the coordinator enters information as the project progresses.

1.1 Understanding the PIP Budget and Milestones

The Tracker project will be set up based upon the budget and milestones from the PIP. Therefor it is important to know where in the PIP's budget the work or expenses are to be applied. The next few figures and tables show examples of a budget and how it translates to Tracker.

Table 1: Example PIP Budget.

Item	Total	319 EPA	EQIP	Consolidated	City of Mudville	Local/InKind
Personnel/Administrative						
Project Coordinator Salary	$96,000.00	$90,000.00			$6,000.00	
Rent	$18,000.00	$0.00			$18,000.00	
Travel	$6,000.00	$6,000.00				
Supplies	$2,550.00	$1,000.00			$1,550.00	
Postage	$500.00				$500.00	
Personnel/Administrative Totals	$123,050.00	$97,000.00			$26,050.00	
Objective 1: BMP implementation						
Task I: Ag Waste Systems	$400,000.00	$90,000.00	$150,000.00	$60,000.00		$100,000.00
Task 2: Riparian Restoration/Protection	$40,000.00	$24,000.00				$16,000.00
Objective 1 Totals	$440,000.00	$114,000.00	$150,000.00	$60,000.00		$116,000.00
Totals	**$563,050.00**	**$211,000.00**	**$150,000.00**	**$60,000.00**	**$26,050.00**	**$116,000.00**
Percent of Grant		51%				49%

As seen in Figure 1, totals from Table 1 match that given for each funding source in the "Total Amount" and "Amount Allocated" columns. Figure 1 is from the Tracker "Project Summary" "Funds Allocated" section.

Fund Name	Source	Reimbursable	Matching	Total Amount	Amount Allocated	Amount Used
319	Federal	Y	N	$211,000.00	$211,000.00	$21,241.05
City of Mudville	City	N	Y	$26,050.00	$26,050.00	$2,126.00
Consolidated	State	Y	Y	$60,000.00	$60,000.00	$31,099.95
EQIP	Federal	N	N	$150,000.00	$150,000.00	$110,000.00
Local cash	Local	N	Y	$116,000.00	$116,000.00	$53,733.00
Local In-kind	Local	N	Y	$0.00	$0.00	
Total				**$563,050.00**	**$563,050.00**	**$218,200.00**

Figure 1: Example Allocated Funds from Tracker.

Figure 2 shows BMP funding for this project. Again, numbers in the allocated column match that under Objective 1 in Table 1. This is the same for the salary and non-salary sections in Tracker. Every section in Tracker will correlate to the representative section in the PIP budget.

BMP		Allocated	Used	Available
O1-T1 - Ag Waste System	319	$90,000.00	$15,600.05	$74,399.95
	Consolidated	$60,000.00	$31,099.95	$28,900.05
	EQIP	$150,000.00	$110,000.00	$40,000.00
	Local cash	$100,000.00	$52,233.00	$47,767.00
	Local In-kind	$0.00	$0.00	$0.00
O1-T2 - Riparian Restoration/Protection	319	$24,000.00	$4,500.00	$19,500.00
	Local cash	$16,000.00	$1,500.00	$14,500.00
	Local In-kind	$0.00	$0.00	$0.00
Total For All BMP's		**$440,000.00**	**$214,933.00**	**$225,067.00**

Figure 2: Example BMP Funding From Tracker.

The same principles that applied to the budget also apply to the milestones for a project. All the milestones listed in Table 2 for the project show up in the milestones for Tracker in Figure 3. The years milestones are expected to be completed will also be entered in Tracker as seen in Figure 23 and 24.

Table 2: Example PIP Milestones Table.

Goal/Objective/Task	Quantity	Year 1	Year 2	Year 3
Objective 1. BMP Installation				
Task 1: Ag Waste Systems				
Engineering Services	2	1	1	
System Installation	2		1	1
Task 2: Riparian Restoration/Protection				
Riparian Restoration/Protection-ac	50	10	20	20

BMP Milestone Information

BMP	Unit	Total Expected	Total Implemented
Ag Waste System	Engineering -	2	2
Ag Waste System	Waste Management System - 312	2	2
Riparian Restoration/Protection	Riparian Area Management (ac) -	50	17

Figure 3: Example Milestones in Tracker.

If there is a question on where to put an expense, the first thing to look at is the PIP budget and/or the text in the PIP. Sometimes it may be necessary to go into the description of BMPs in section 3.1 of the PIP to find the appropriate task or product. Once it is determined what part of the Budget the expense in question is for, then it may be helpful to pull up the Project Summary page in Tracker for the project. When the sections are matched up, enter the expense so that the funds come out of the correct line item.

2.0 Getting Started

Go to: https://apps.sd.gov/applications/NR88BMPExpenseTracking/secure/Login.aspx. Enter your user name (this is provided by the assigned DENR project officer). The default password for all user names is "Password". Figure 4 shows the login page. Remember that the Username and Password are case sensitive.

Figure 4: Login Page.

2.1 Main Menu

Once successfully logged in, the main menu (Figure 5) will appear. The main menu allows users to change their password, update their profile, view project data, or exit the program

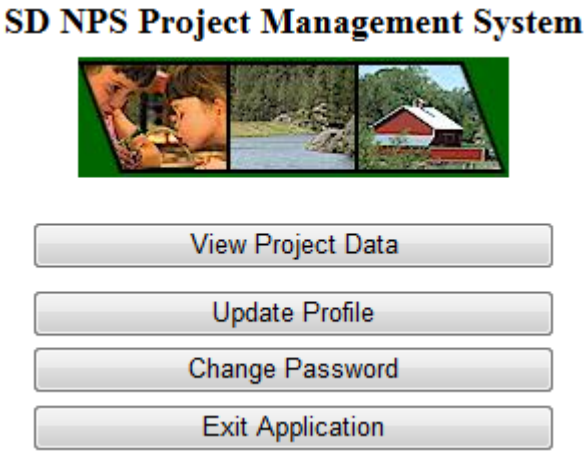


Figure 5: Main Menu.

2.2 Password

To change the password, click [Change Password], fill in the Password Selection page (Figure 6), then click the save button. If the password is lost or forgotten, the DENR project officer can reset it to "Password."

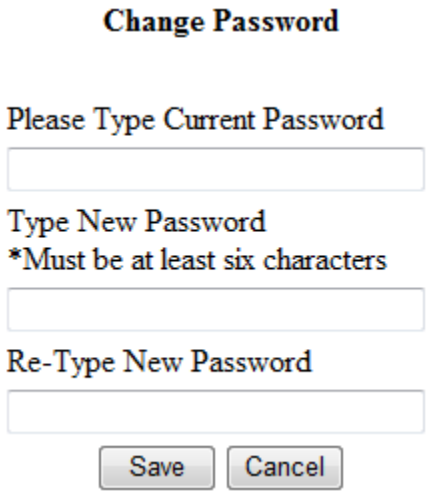


Figure 6: Password Selection Page.

2.3 User Profile

The coordinator profile will be entered by the DENR project officer. If this data needs to be updated, it can be done by clicking the [Update Profile] in Figure 5. Update the profile when changes to the information shown in Figure 7 occur.

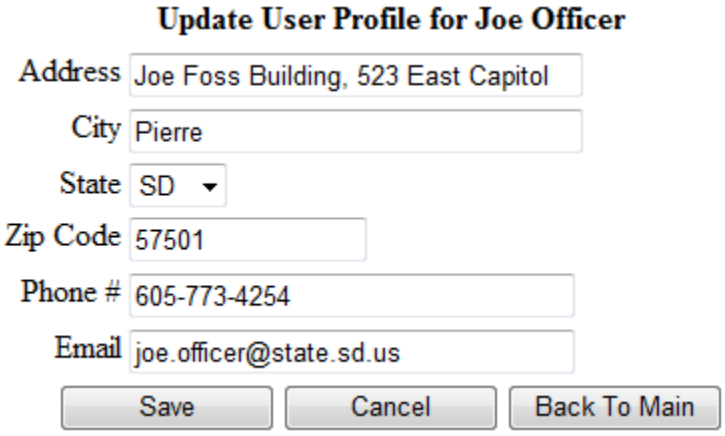


Figure 7: User Profile Page.

3.0 Data Entry

To access project information, select View Project Data on the main menu. If the user has more than one project, a screen similar to the one shown in Figure 8 will be displayed.

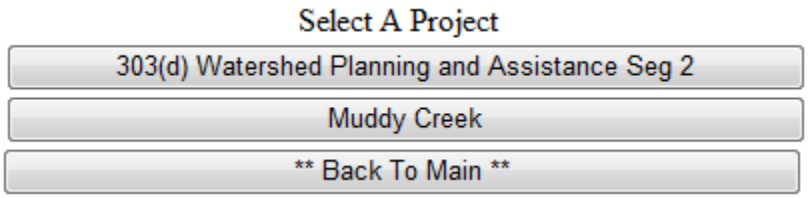


Figure 8: Project Selection Page.

After selecting a project from the project selection screen, or if there is only one project, the project data page (Figure 9) will open. (Only assessment projects, or projects with assessment components, have the "Assessment Goals" folder.)

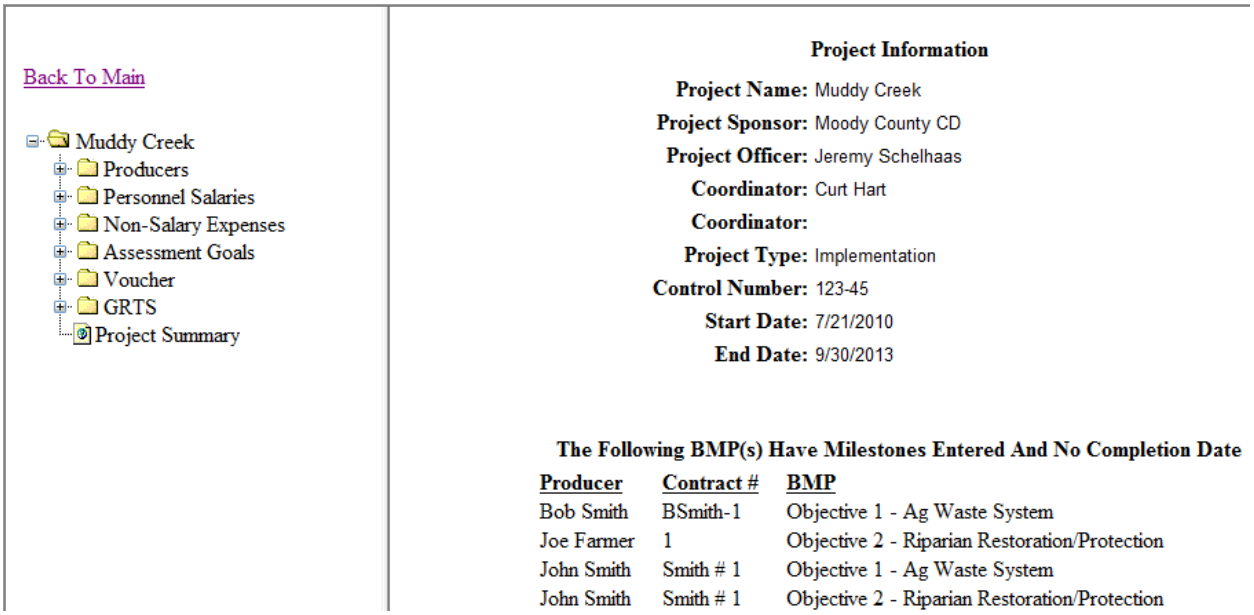


Figure 9: Project Data Page.

The project data screen provides the ability to review general information about a project, and select the type of information to be entered or viewed. To expand folders, the ⊞ **must** be clicked; click the ⊟ to minimize the folders.

3.1 Producer Information

To enter a new producer, click on the ⊞ in front of the "Producers" file. Then click on "**New Producer**." To view or change information about a current producer, click on the name of the producer (Figure 10). After the producer information is entered, click the Save button.

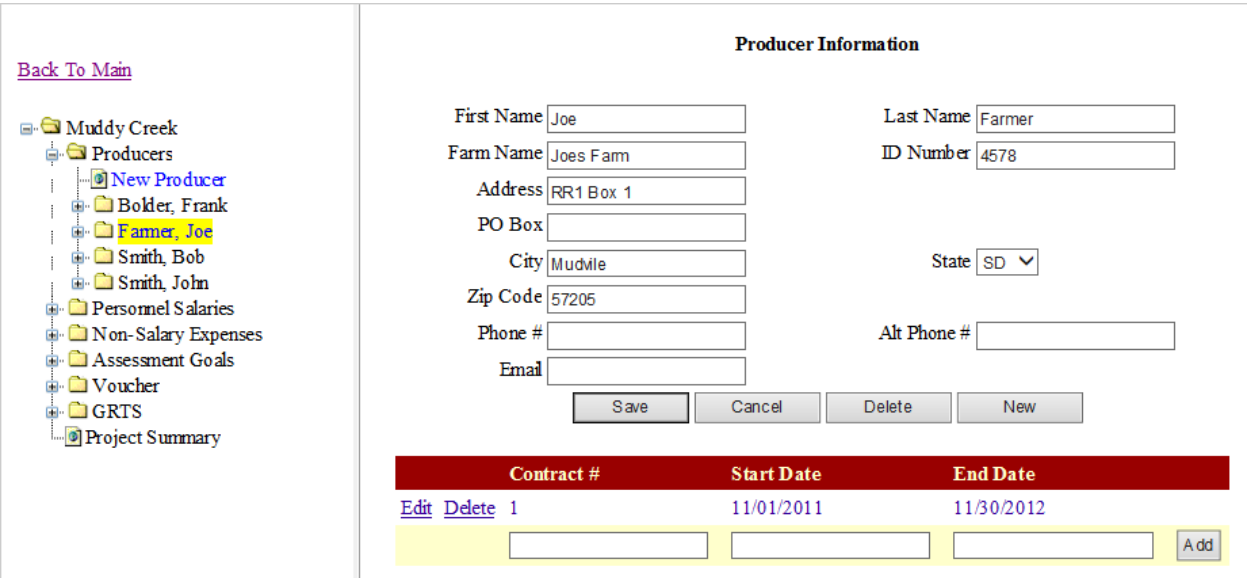


Figure 10: Producer Information Page.

Contracts with the producer can be entered after saving the producer information. The **Contract #** is assigned by the coordinator. The contract number can be any desired combination of numbers and/or letters up to 50 characters. After entering information in all of the blanks, click the Add button to create a new contract folder. The contract number, start date, and end date can be edited if any of the information changes.

3.2 BMP Information

BMP information is located in subfolders under the producer. To add a new BMP, click "**New BMP**". Then select the contract and type of BMP the producer is implementing from the corresponding dropdowns shown in Figure 11. The BMP dropdown can be any combination of BMPs shown in Table 3 (page 8) that have been put in the Project's PIP. Multiple BMPs can be implemented by a single producer. GRTS required information and BMP locations are also entered here. If the BMP to be installed has elements related to the four "**GRTS Required**" restoration items shown in Figure 11 & 12, enter the amount installed in the appropriate box(s). To save the information, a contract and a BMP must be selected.

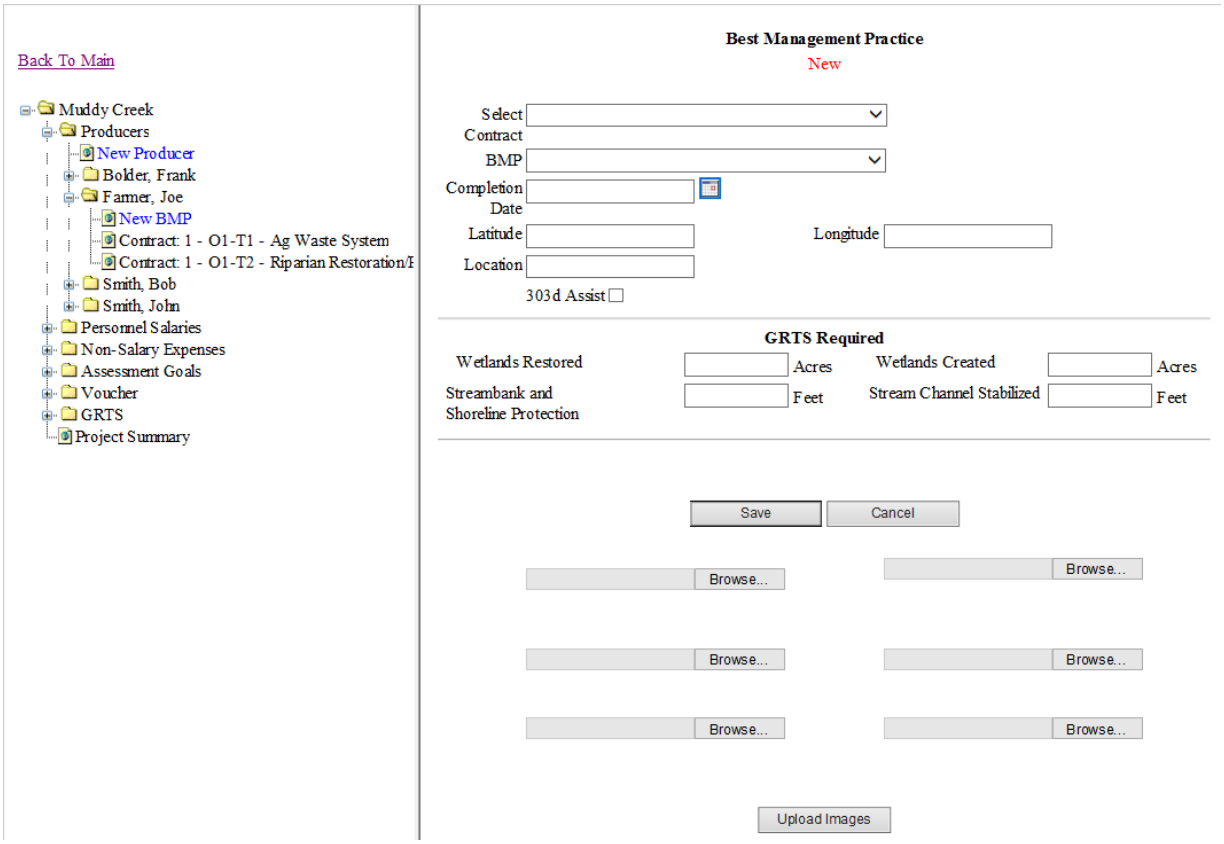


Figure 11: BMP Information Page Before Save.

The Completion Date is not needed at the time the BMP is entered into Tracker, but is to be entered when the BMP is actually completed. This completion date is used on the GRTS report for determining when load reductions and milestones were completed for the Project.

Table 3- South Dakota List of Project BMPs

#	BMP	#	BMP
1	Ag Waste System	15	Nutrient Management
2	Bank Stabilization	16	Parking Lots/Street Sweeping
3	BMP Development	17	Perennial Vegetation
4	Clean Water Diversions	18	Plan Development
5	Conservation Tillage	19	Reporting
6	Critical Area Planting	20	Riparian Area Management (RAM)
7	Grassed Waterways	21	Riparian Restoration/Protection
8	Grazing Management	22	Sediment Traps
9	In-Lake Alum Treatment	23	Septic System
10	In-Lake Bio-manipulation	24	Storm Water Management
11	In-Lake Dredging	25	Tree/Shrub Establishment
12	Information & Education	26	Water Quality Monitoring
13	Irrigation Water Management	27	Wetland Constructed
14	Mapping	28	Wetland Restoration

Tasks that the BMP information page provides the ability to enter are:

- Before and after pictures
- BMP location
- Practice information for the BMP (financial)
- Milestones for tasks completed
- Information about livestock managed by the BMP
- Nonpoint source reductions

The livestock management option only pertains to Ag Waste Systems and Grazing Systems. To select any of these options, click the desired button at the bottom of the BMP information page (Figure 12).

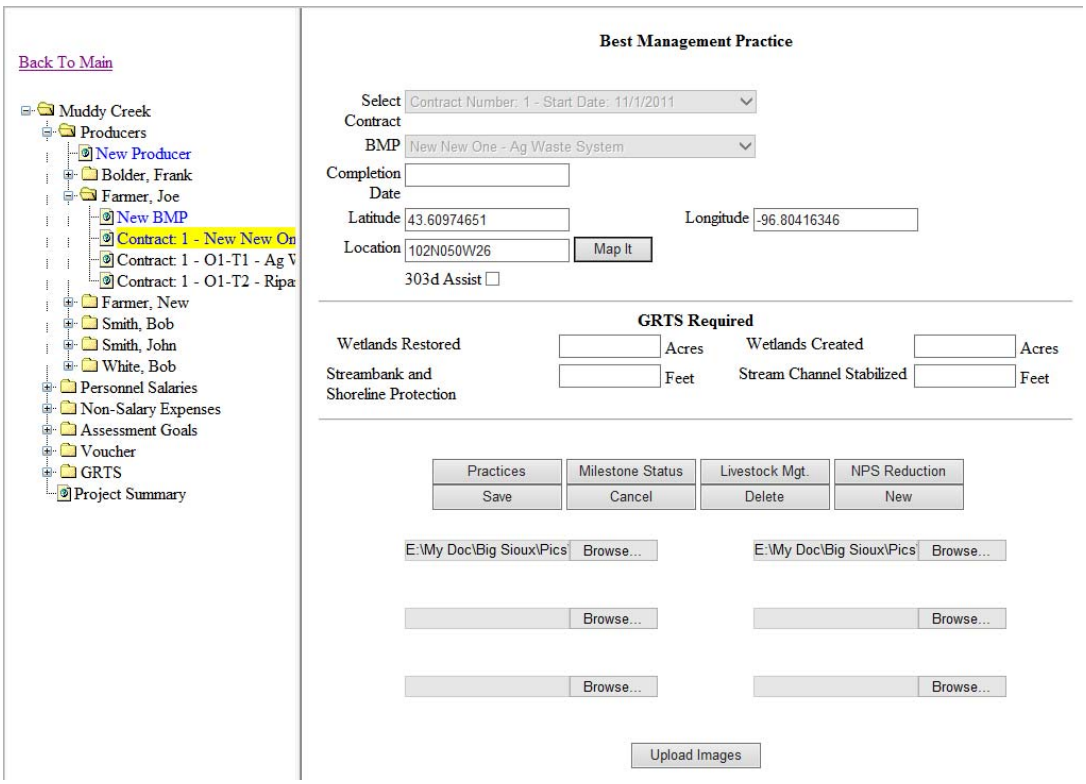


Figure 12: BMP Information Page After Save.

3.3 Picture Upload.

Pictures can be uploaded from the BMP information page (Figure 12) for the producer. A total of six pictures can be uploaded to one contract with the thought of some pictures taken before installation and some after. Up to 6 mb in size can be uploaded at one time, weather it is one picture or six pictures. Click one of the six Browse... toward the bottom right corner of the screen to browse your computer for the desired picture(s).

Only one picture can be selected at a time. After clicking on the desired picture in the Figure 13 below, click the "Open" button. Text should now be displayed to the left of the Browse button.

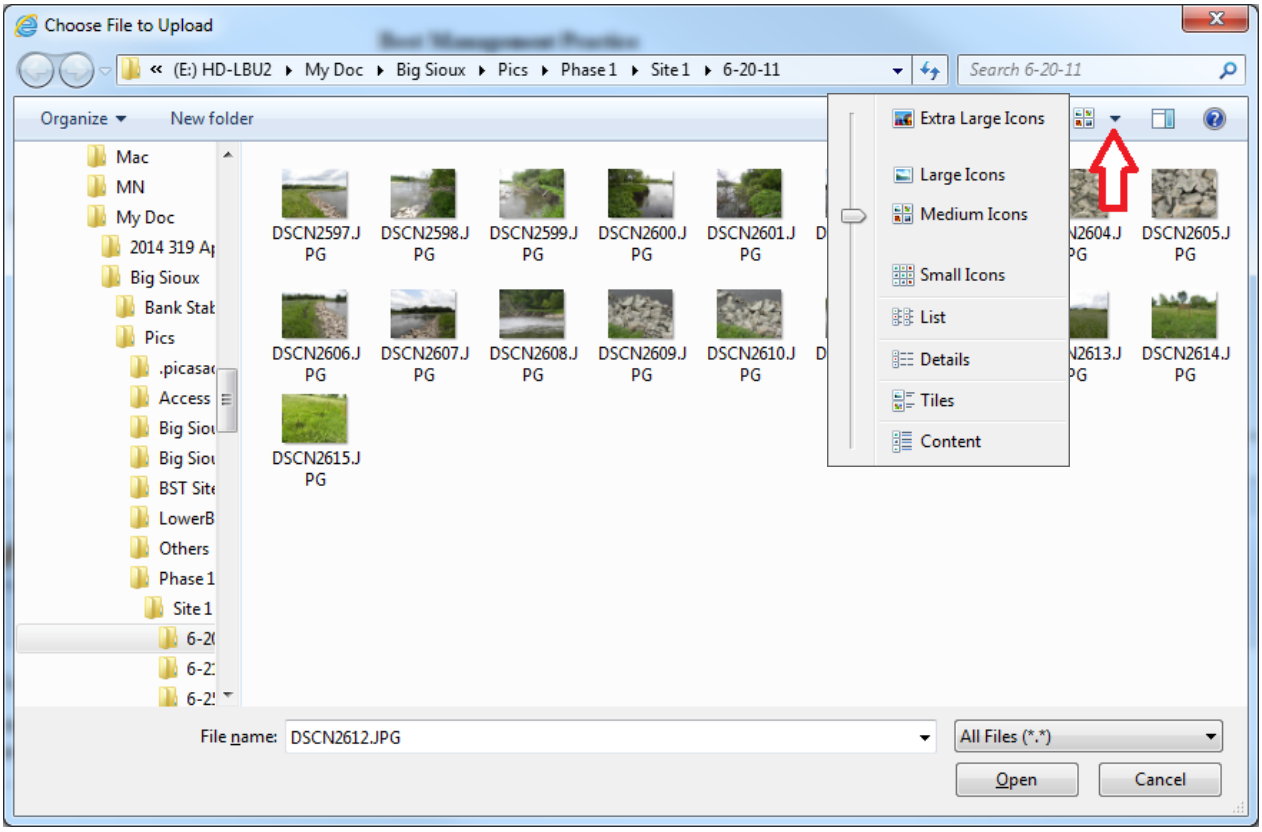


Figure 13: Picture Browser Popup.

To assist in finding pictures, the dropdown with the red arrow pointing to it in the figure above can be used to change the view of the browser. This may help in selecting the desired picture since the view can be changed from details (where it is possible to find the size of the picture) to different sized icons (where the actual photo is displayed).

After browsing and selecting the desired picture(s) to upload, click Upload Images at the bottom right of the screen. It will take time to upload the picture(s) depending on their combined size. The screen may look like nothing is happening, but it is working in the background. After the upload is complete, the message below will be displayed under each "Browse" that had a picture location (Figure 14). The pictures will not appear until they have been approved.

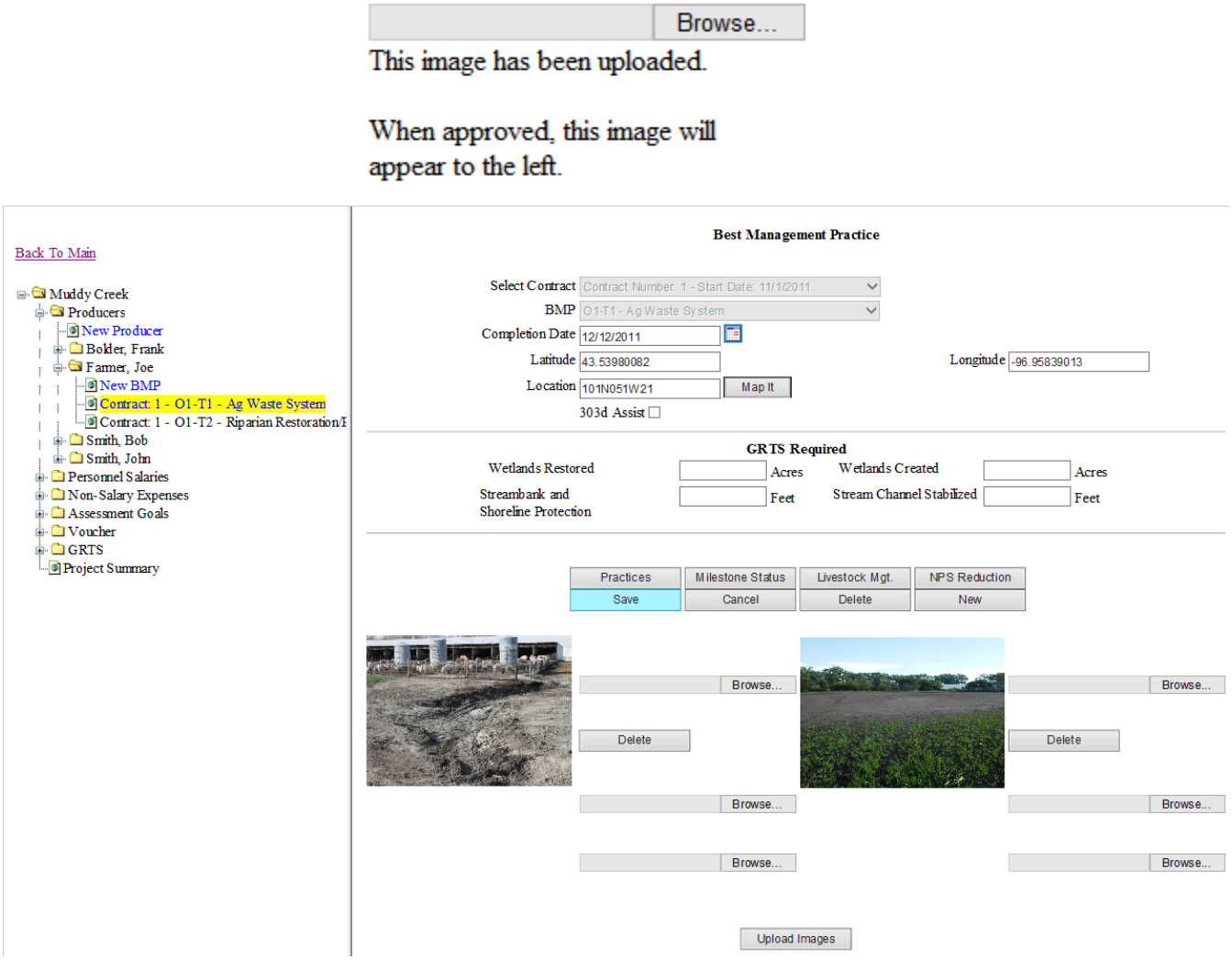
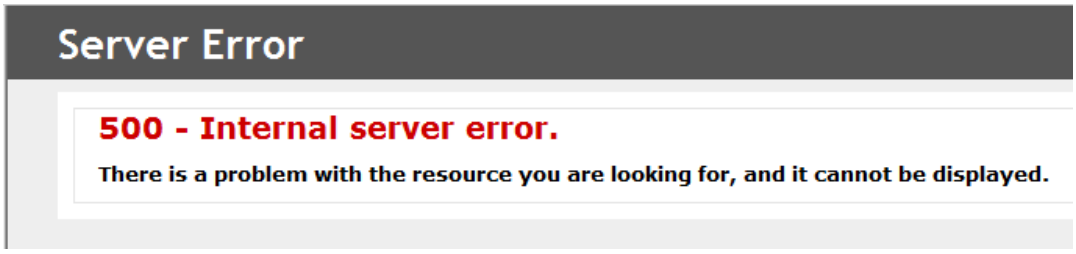


Figure14: BMP Information Page after Picture Upload and Approval.

If the total size of the picture(s) is over 6 mb, an error similar to the one below will appear. If this happens, selecting less pictures or reducing the size of the picture(s) may help.



3.4 Mapping

Locating the installed BMPs is important to determine impacted lakes and streams. This includes reporting to EPA through GRTS and other required reports. Locating the points also makes it easier for creating maps for Projects, and other custom reports the Project may desire.

There are two methods that can be used to locate a BMP.

Method 1- Using "Map It":

The [Map It] button (shown in Figure 12) only appears after a BMP has been saved (clicking [Save] in Figure 11). Clicking this button will open a map of South Dakota. When the map appears, as seen in Figure 15, it will display all BMPS for all projects zoomed to the state level.

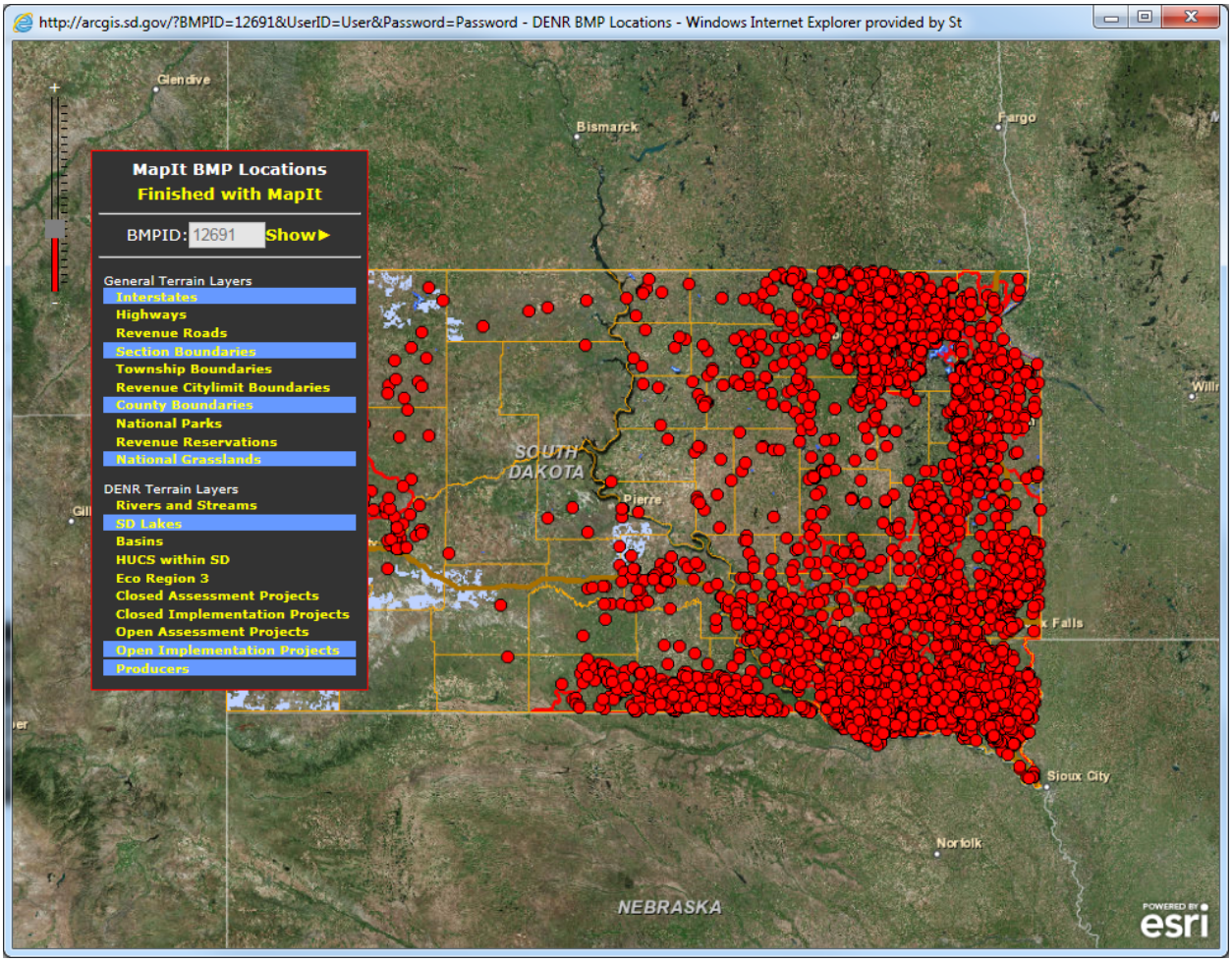


Figure 15: BMP Map It.

The Map It BMP Locations menu box can be moved by placing the cursor at the top of the box then click and drag it to the desired location. Different layers can be turned on and off by clicking the layers in the Map It menu.

To create a new point click **Show►**. This will bring the **Create this Point** option under the BMPID. Now zoom into the area that the BMP is to be placed by double clicking on the map or using the zoom bar on the left side of the screen. After the desired location is found, click **Create this Point**, then click on the location of the BMP. It may take a few seconds but a new red dot will appear on the screen. After this is done, click **Finished with MapIt** to exit out of Map It.

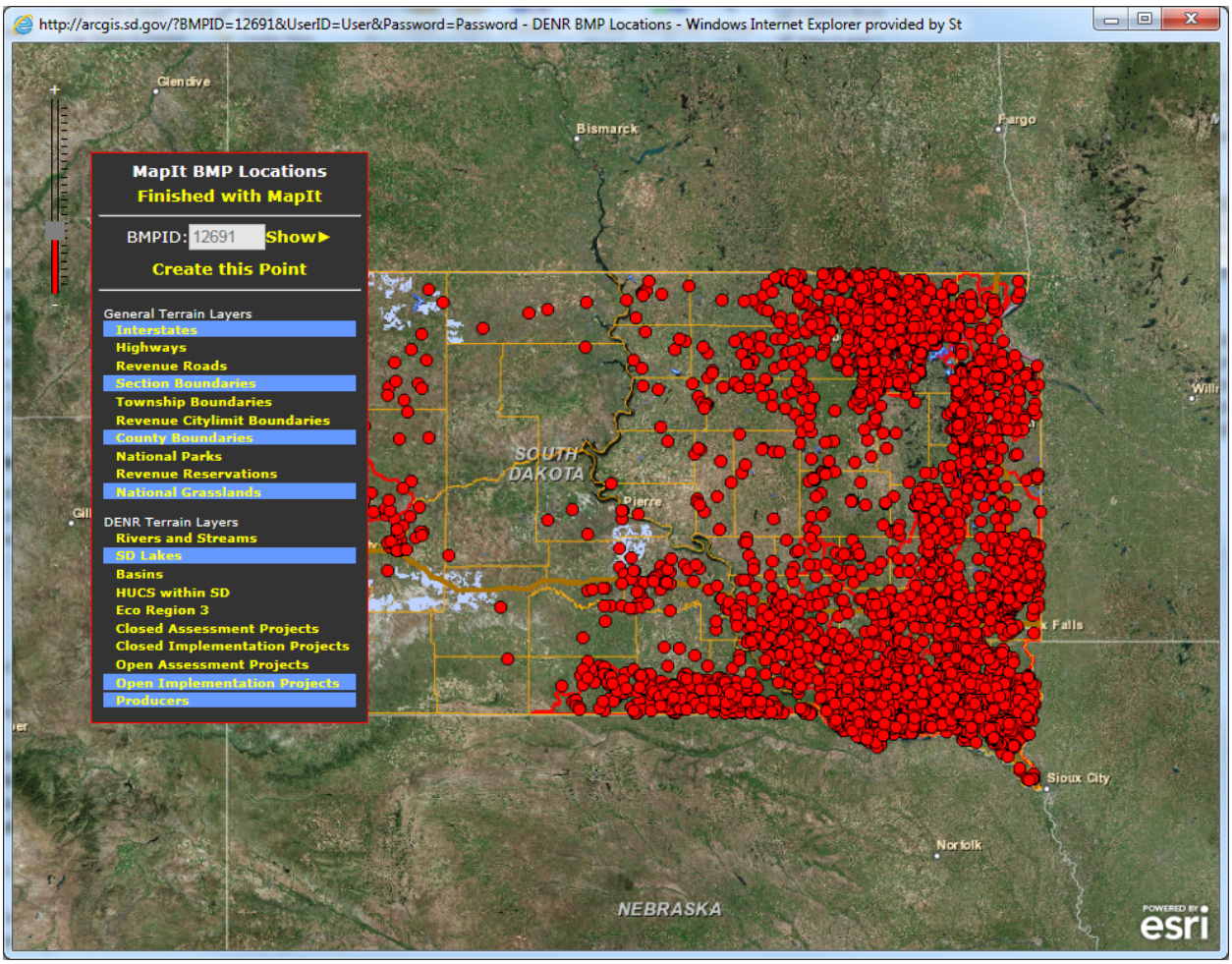


Figure 16: Placing a BMP through Map It.

Method 2- Using "Google Maps"

Open a new internet window and navigate to https://www.google.com/maps/ (Figure 17). From here, zoom into the location of the BMP by double clicking on the map in the desired direction. The Satellite view can be turned on to see an aerial view of the area.

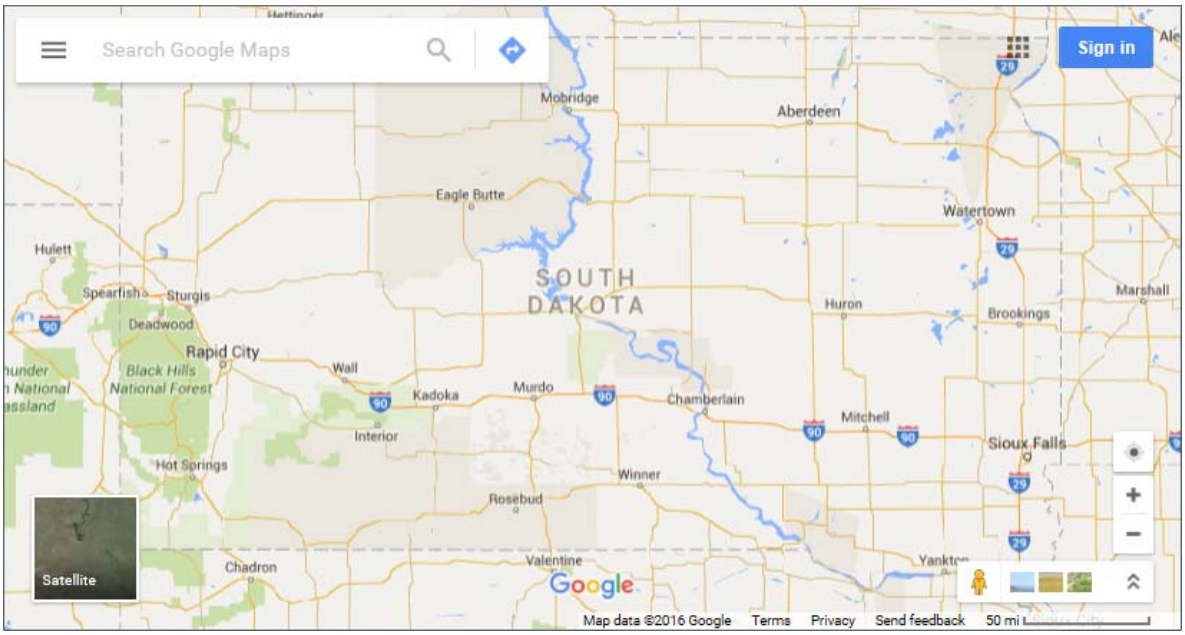


Figure 17: Google Maps Page.

After the BMP is located, left click on the location. This should give you the address and latitude and longitude as shown in Figure 18. Take these numbers and enter them into the "Latitude" and "Longitude" textboxes seen in Figure 12 and click save. A point will be added to the map overnight.

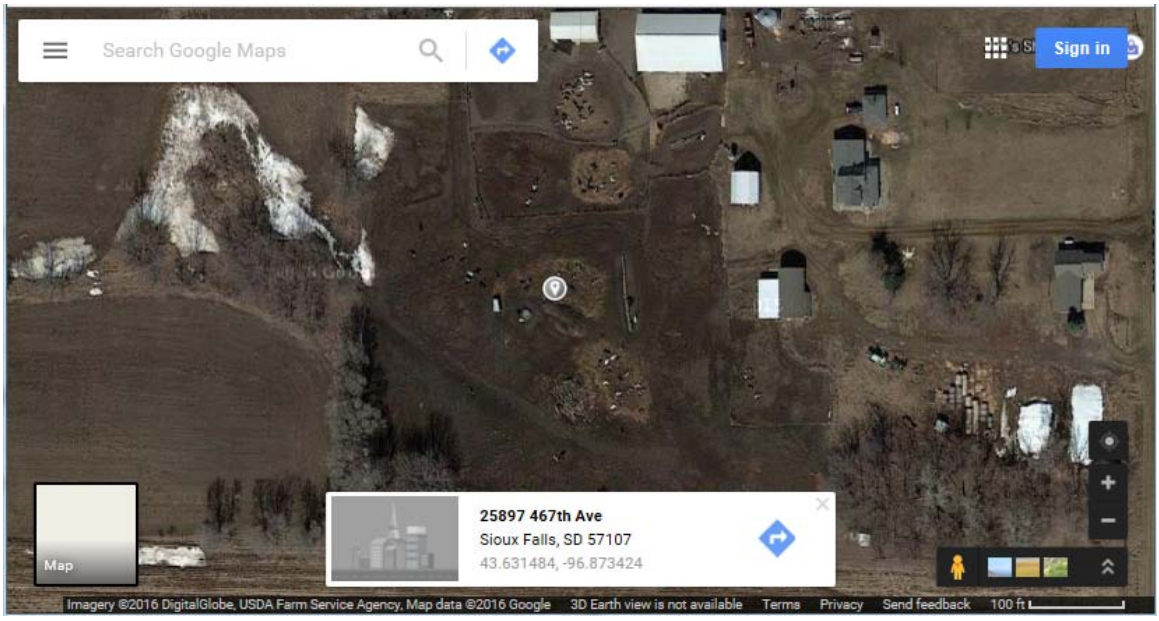


Figure 18: Google Maps Location.

Retrieving Information/Deleting/Moving a Point in Map It

When opening Map It after a point has already been entered, only the points that are in that project will appear on the map. Information on a point will be displayed when it is clicked on, as seen Figure 19. To zoom to the producer's point that was used to open Map It, click **Show►**.

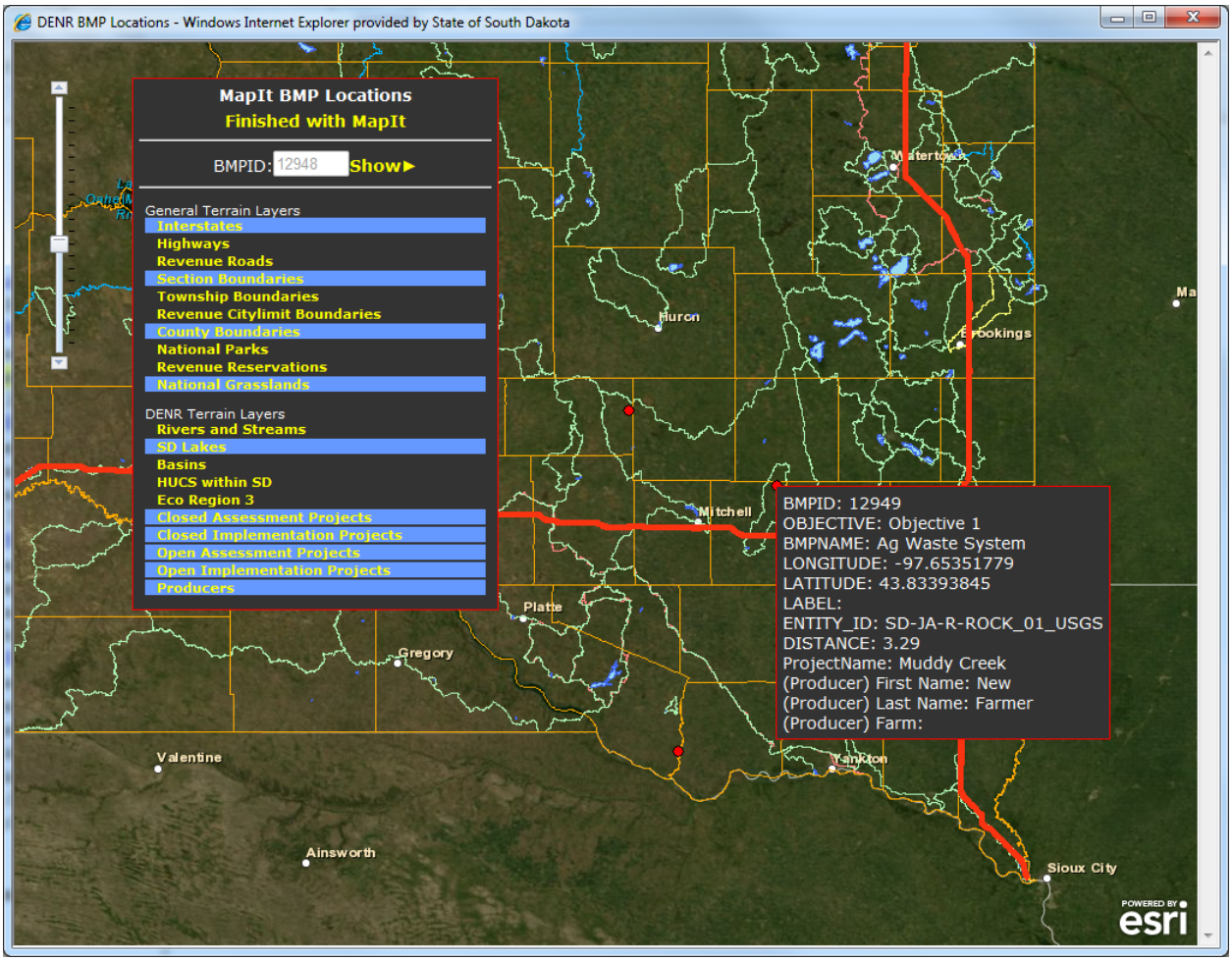
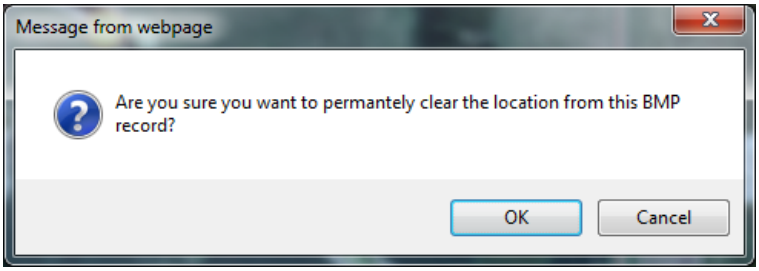


Figure 19: BMP Map It Point Information.

After zoomed in, the point can either be deleted or moved. To delete the point, click **Delete this Point**. This will open a window simmilare to the picture to the right. Click OK to finish deleting. This will close Map It, and clear any information that Tracker had with it's location.



To move the point, click **Move this Point**, then navigate to and click the new desired location on the map. This could be near the original point, or across the state from it. Zooming out and then back in may be benifical to finding the new location. After clicking the new location, it may take just a few seconds before a new point apears on the map as in Figure 20. Click **Finished with MapIt** to close Map It.

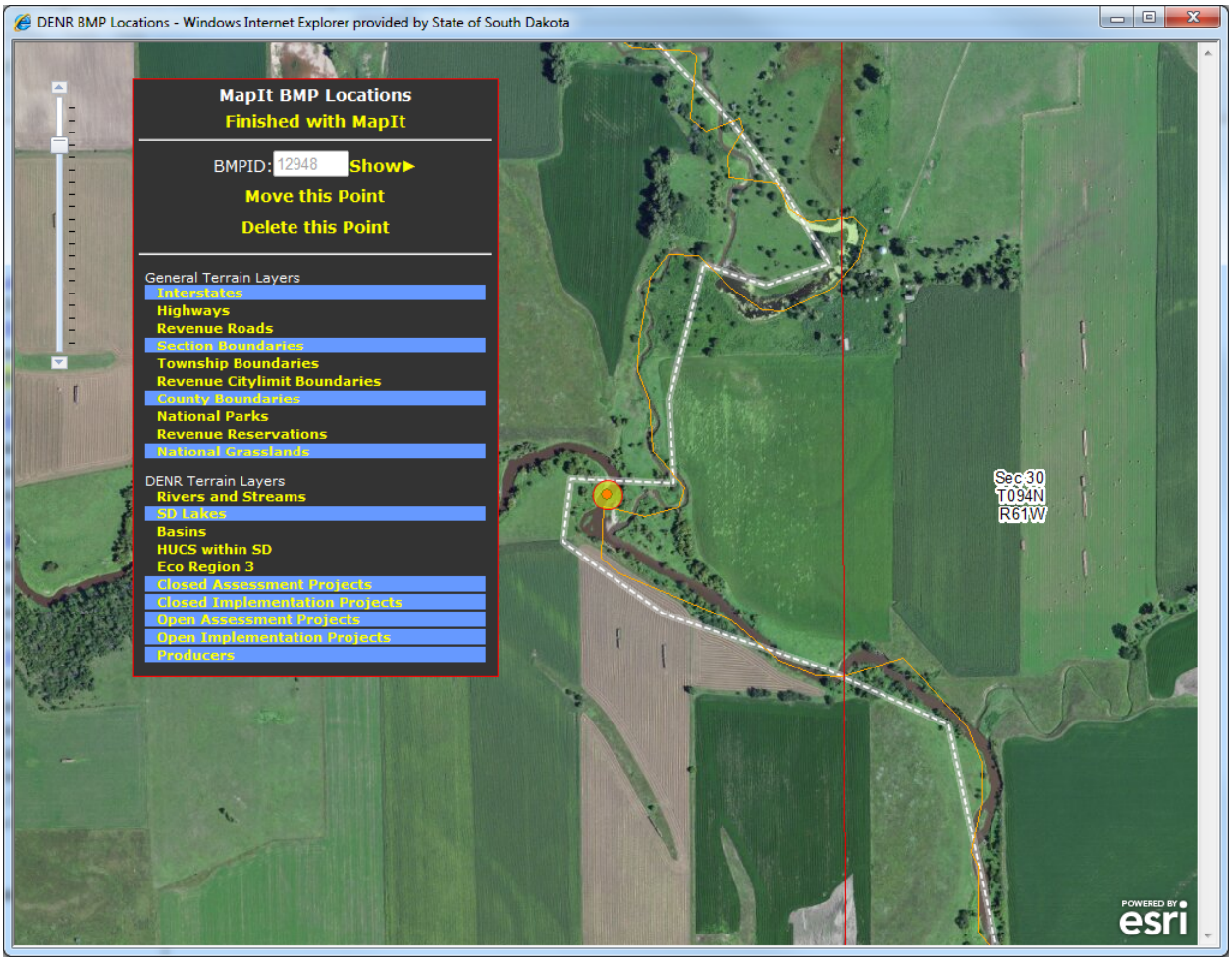


Figure 20: Moving a Point though Map it.

3.5 Practice Information

Practices are subcomponents used to complete a BMP. To enter practice information, click the Practices button seen in Figure 12. For each practice, select the status and enter all the information shown in Figure 21. A "Operation & Maintenance Duration" will automatically be entered after selecting most practices. Other information about the practice(s) can be entered in the Comments Section. When the practice is completed, change the status to complete and enter the actual completion date. When finished entering data click Save.

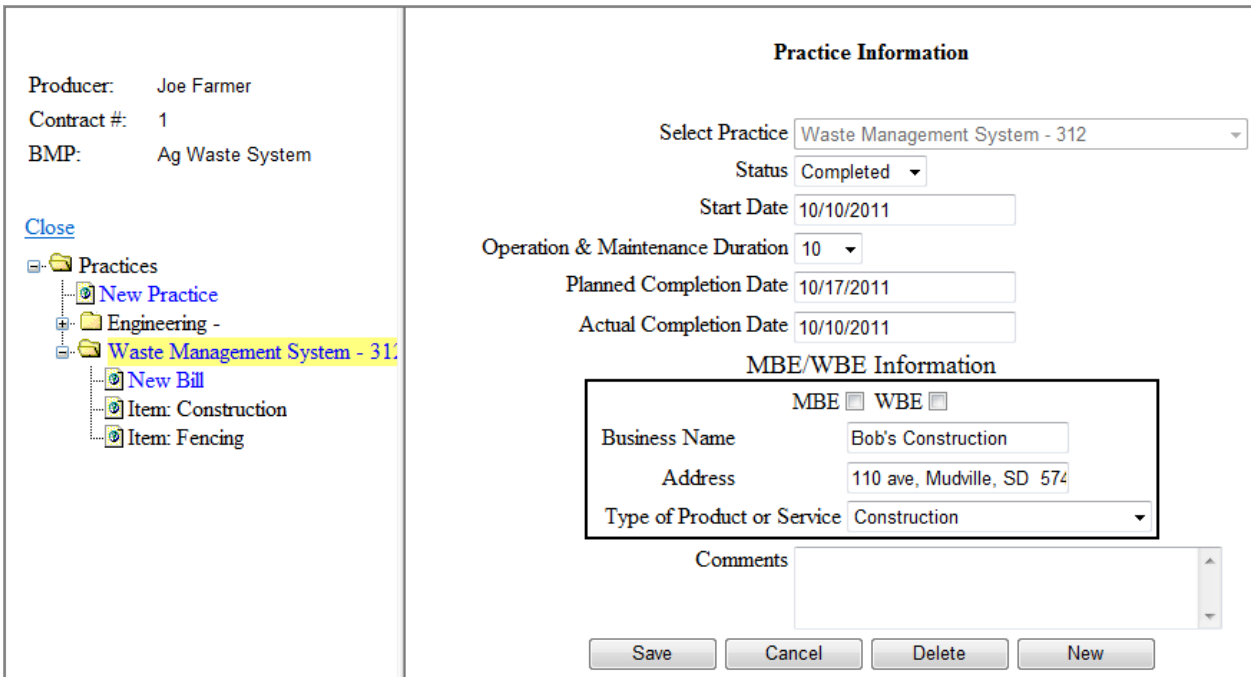


Figure 21: Practice Information Page.

3.6 Practice Bill

Several items can be entered under individual practices. Items are subcomponents that are used to complete a practice. As shown in Figure 22, items listed under Waste Management System (WMS) are components of building a WMS. The items can be labeled as determined locally. For example, an item could be labeled as hardware store, lumbar yard, or what was purchased, as shown in Figure 22 "Construction" and "Fencing". The "Payment Number" is the check number that was used to pay for the item, or an invoice number for a bill. This screen also contains a notes section to describe what was purchased or completed.

The “Service Begin Date” and “Service End Date” is to represent the time period that an item being billed for took place. If an item was completed in one day, the two dates should be the same. If the bill is for a practice that took more than one day, the first day the practice was started is the “Service Begin Date”, and the day it was completed is the “Service End Date”. If the practice is not completed and the bill needs to be paid, the time period the bill was incurred must be represented by these dates. Having these dates is very important for DENR when applying match to a grant and to know what fiscal year the expenses must be allocated to.

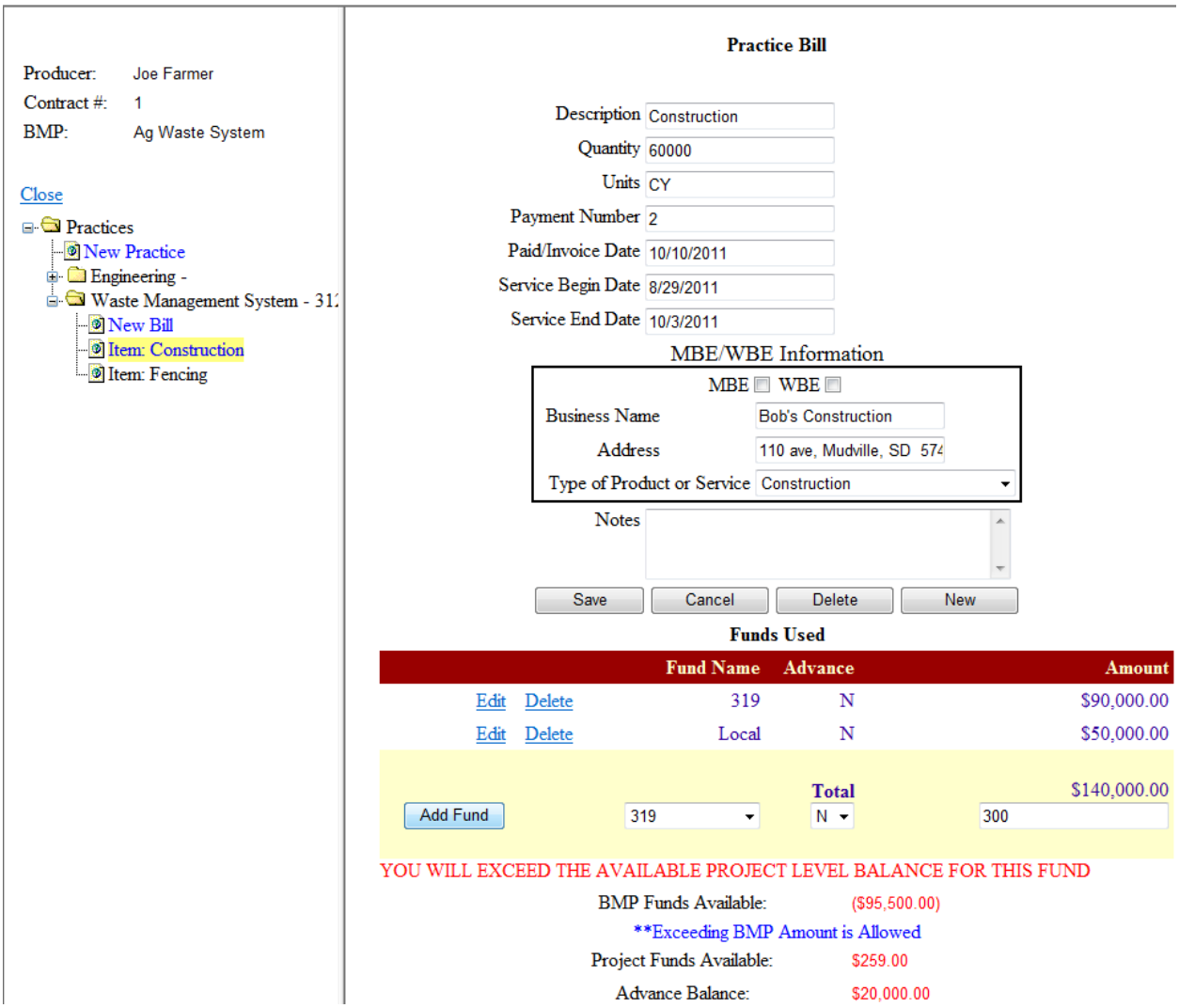


Figure 22: Practice Bill Page.

After saving the Practice Bill, the fund and amount used to pay for the bill can be entered. A list of funds available for the items are located in the fund name dropdown box shown under the practice bill in Figure 22. Lists of available funds for individual items were entered by DENR at the beginning of the project, and can be changed at any time if needed. Multiple funds can be used for each item if necessary. Select the fund used to pay for part/all of the cost for the item.

"**BMP Funds Available**" is amount of the selected fund that is available for practices under the individual BMP. "**Project Funds Available**" is the amount of the selected fund that is available to the project. "**Advance Balance**" is the amount of the advance for the fund selected that has not been claimed (used for 319 only). These amounts are shown in red on the lower right side of the Item Screen after a fund is selected (as in Figure 22).

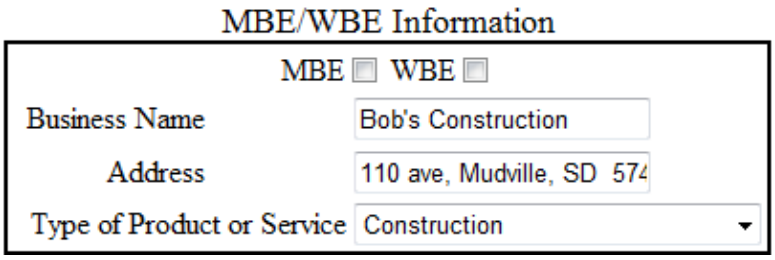
If the item was paid for using a fund that is not listed in the dropdown, or if there is an incorrect amount of money available from a fund, the assigned DENR project officer must be contacted to make any changes. The project officer will make that fund available for the item or correct the amount available.

Certain funds are capped based on contracts or other agreements. Other funds are not capped because the maximum amount is not limited. The message in blue stating that "****Exceeding This Amount is Allowed**," means that exceeding the "**BMP Fund Available**" or the "**Project Funds Available**", depending on which available amount the statement is underneath, is allowed. The DENR officer must be contacted if the available amount will be exceeded by a large amount as the project budget in the PIP still limits the amount available.

The "Advance" Dropdown option on this screen (Figure 22) is to claim 319 advanced funds on an item. If "Y" is selected, the money used for the item will be put toward depleting the advance, and will not be added to the 319 reimbursable amount on the voucher. This way a project that has received an advance at the start of the project can pay smaller bills as they go, and eventually claim the entire amount. This option does not apply to any other fund than 319, even though it is seen with all funds.

If funds available for an item are capped by contract, the warning shown in Figure 20 "YOU WILL EXCEED THE AVAILABLE PROJECT LEVEL BALANCE FOR THIS FUND" will appear when attempting to enter more funds than available. If this message appears, either money from a different fund must be used, or a budget amendment must be requested from the project officer.

3.7 MBE/WEB



The MBE/WBE Information section shown to the right here is to capture information for the MBE/WBE spreadsheet shown in Figure 23. **This information is required if a Minority Business Entity (MBE) or Woman Business Entity (WBE) is used, or if the total amount of a contract is over $10,000. This includes funds from other sources than 319.** This information can either be entered on the Practice Information page (Figure 21), or in the Practice Bill page (Figure 22). If this information is entered in the Practice Information page, it is assumed that all bills under that Practice will be applied to that entity. Whereas if this information is entered under the Practice Bill page, it is assumed only that bill will be applied to that entity.

MBE/WBE PROCUREMENTS MADE DURING FFY 2012 (10/1/11 to 9/30/12)

PART II.

Procurement Made By		Business Enterprise		$ Value of Procurement	Date of Award (MM/DD/YY)	Type of Product or Service[1] (Enter Code)	Name & Address of Contractor or Vendor
Recipient	Other	Minority	Women				
Bob's Construction		$0.00 0%	$0.00 0%	$140,000.00	11/03/08	N/A	110 ave, Mudville SD 57407

[1] Type of product or service codes:

1 = Agriculture	5 = Transportation	9 = Services	10 = Other
2 = Mining	6 = Wholesale Trade	a = Business Services	
3 = Construction	7 = Retail Trade	b = Professional Services	
4 = Manufacturing	8 = Finance, Insurance, Real Estate	c = Repair Services	
		d = Personal Services	

Figure 23: MBE/WBE Spreadsheet.

3.8 Milestone Information

After installation of the practices and the BMP is complete, milestones must be entered. To access the milestone page, click Milestone Status from Figure 12. The milestone summary page can be seen in Figure 24.

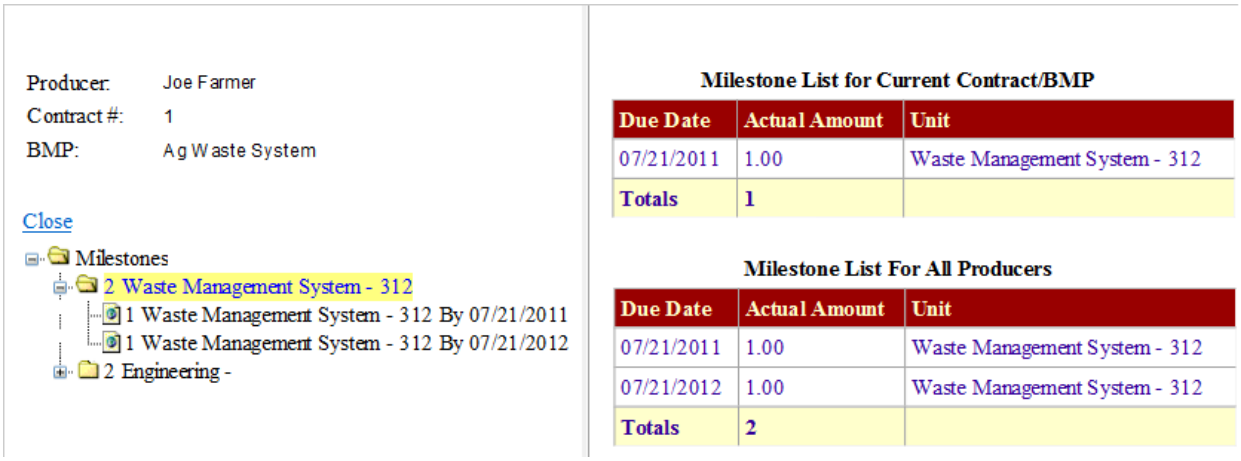


Figure 24: Milestone Summary Page.

To enter completed BMPs, the milestone completed must be selected (Figure 25). Choose the milestone with the earliest date which has not yet expired. Milestones must be added together for that producer up till the milestone end date if multiple BMPs are being entered for the same milestone. Having more or less than the quantity stated for the milestone goal is allowed.

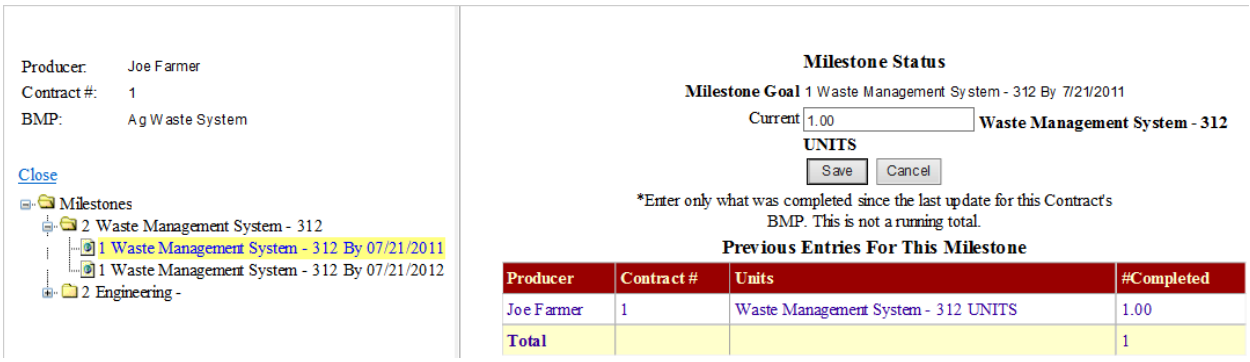


Figure 25: Milestone Completion Page.

The "Previous Entries For This Milestone" table under "Milestone Status" contains:

- a list of producers that have completed the same BMP, including the current producer
- the contract under which the BMPs were completed
- the number of BMPs completed

3.9 Livestock Information

If the BMP is an Ag Waste System, Grazing Management System, or has a Nutrient Management Plan, livestock information must be entered in the "Livestock Management" page (Figure 26). This page is available by clicking on the Livestock Mgt. button (see Figure 12). Enter the number of animals or number of acres in the Quantity text box. Then select the units from the dropdown box. A description of the quantity and units can also be entered. The totals entered for all producers in the project will be shown in the table seen at the bottom of the Livestock Management page.

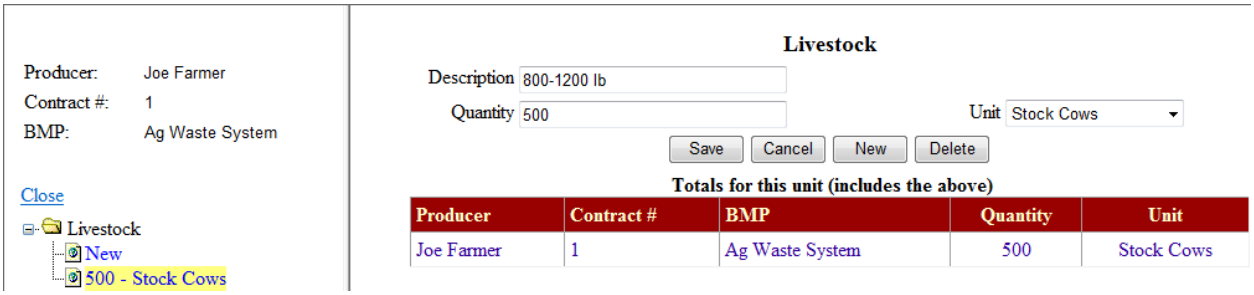


Figure 26: Livestock Management Page.

3.10 Pollution Information

When pollution reductions for BMPs must be entered on the NPS Reduction page (Figure 27). To get to this page, click on the NPS Reduction button (see Figure 12). A dropdown box list of pollutants and locations available for the project will be displayed. If a pollutant or location is missing from the list contact the project officer.

The Cell Quantity is the number that can be derived from STEPL or RUSLE2 as an on-site reduction. The Watershed Quantity is the number that can be derived from the AnnAGNPS model run as a delivered reduction for the watershed.

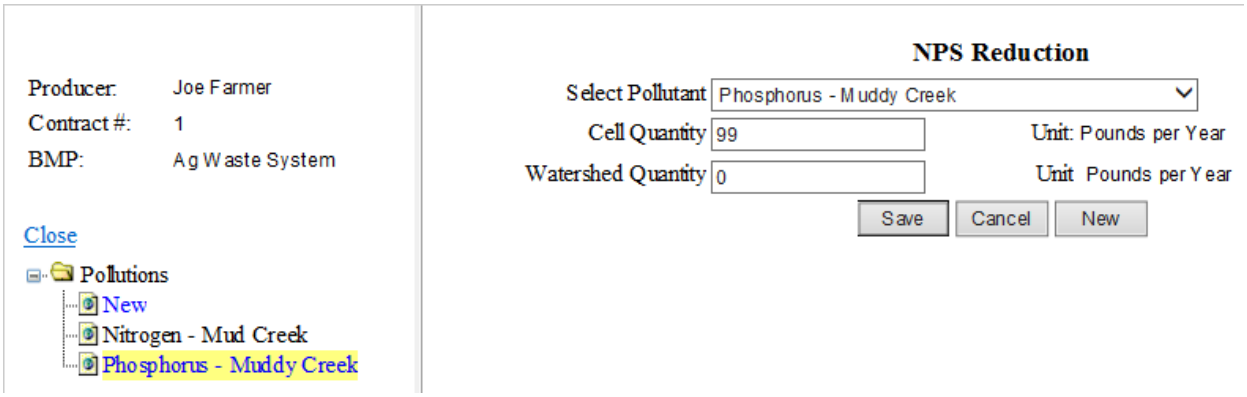


Figure 27: NPS Reduction Page.

4.0 Personnel Salaries

The Personnel Salaries section allows project staff salary expenses to be entered.

4.1 Salaries

When setting up the personnel salaries folder, select the salary category from the dropdown list. The categories reflect those listed in the PIP for personnel salaries. Figure 28 shows the fields to enter for each salary recipient. In the **Salary Name** box, enter the name of the person being paid and the calendar year in which they are being paid. Listing the salary name and year will make it easier to keep track of payments as the project progresses. A new personnel salary file for all salaried personnel must be setup each year.

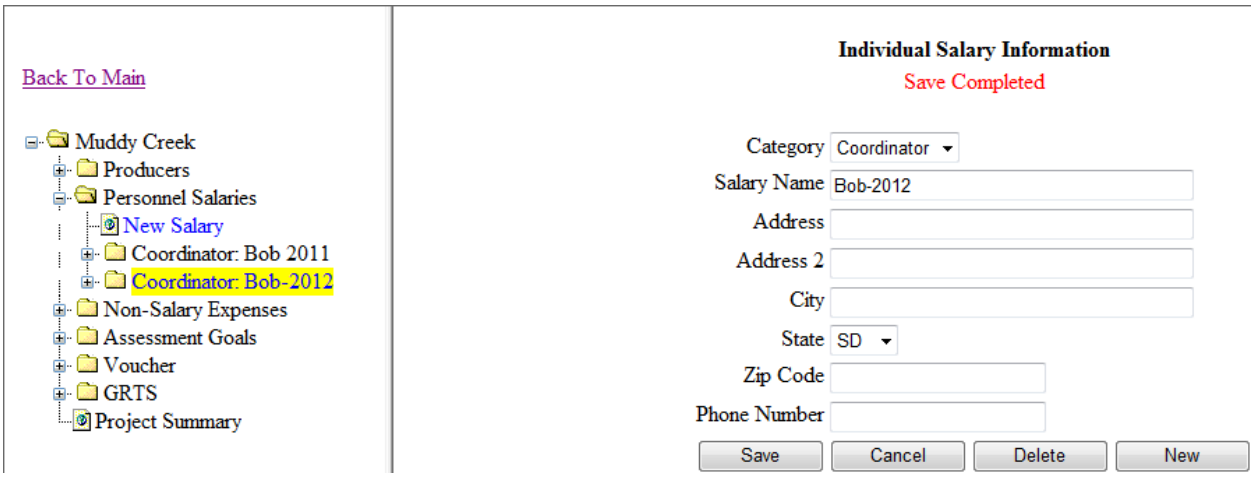


Figure 28: Personnel Salaries Page.

4.2 Salary Paycheck

Payments for salaries can be tracked by date, month, or months. Enter information for all text boxes shown in Figure 29. Most hours worked will be logged under non-administrative (non-admin). The non-admin category includes hours spent working: with producers (including entering producer information into the Tracker system), education & training actives, technical assistance, and demonstrations. Items that fall under Admin are: completing reports (mid-year and annual), financial management (including time spent working on financial information in the Tracker system), and audits.

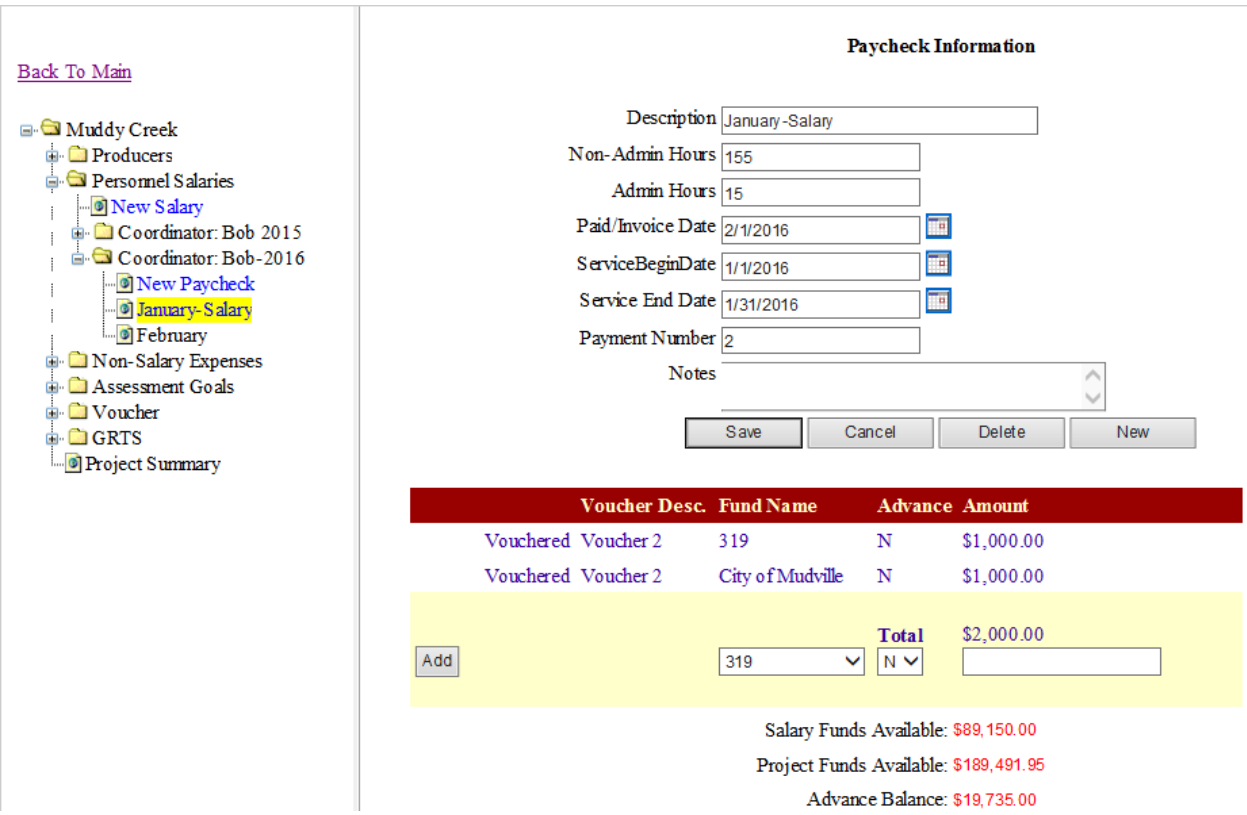


Figure 29: Paycheck Page.

The funds used to pay for the salary are located under the paycheck information after the clicking the Save button. Funds available for the salary are located in the "Fund Name" dropdown box. The amount available from that fund is displayed in red near the bottom of the page. After the fund is selected and the amount spent is entered, click the Add button to add the payment.

5.0 Non-Salary Expenses

Expenses for supplies, travel, office space, and other administrative expenses can be entered in the Non-Salary Expenses section.

5.1 Non-Salary Group

There are different ways to set up folders in the Non-Salary section (Figure 30):

- group expenses by the month and year the expenses were incurred or a date range
- label the groups as the type of expenses that will be entered in it

No matter the way these folders are setup, the order in which they were created will determine their order under the Non-Salary Expense folder. The newest group created will always be displayed at the bottom of the list.

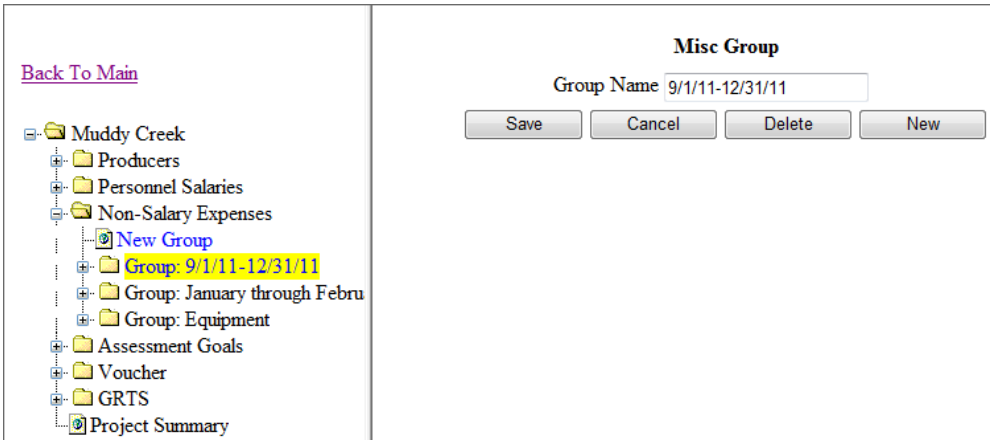


Figure 30: Non-Salary Group Example.

5.2 Non-Salary Group Bill

After the group is set up, the bill (Figure 31) can be completed. The category dropdown box contains the list of non-salary expenses as described in the PIP. All textboxes, except for the notes section, on this page must be filled before it will allow the information to be saved.

The “Service Begin Date” and “Service End Date” is to represent the time period that the item being billed for took place. If an item was completed in one day the two dates should be the same. If the bill is for an item that took more than one day, the first day the item was started is the “Service Begin Date”, and the day the item was completed is the “Service End Date”. If the item is not completed and the bill needs to be paid, the time period the bill was incurred must be represented by these dates. Having these dates is very important when applying match to a grant

and to know what fiscal year the expenses must be allocated to. Similar to the Non-Salary Expense Groups, the bills will be ordered under the group as to when they were entered. The latest bill will always display at the bottom of the bill list.

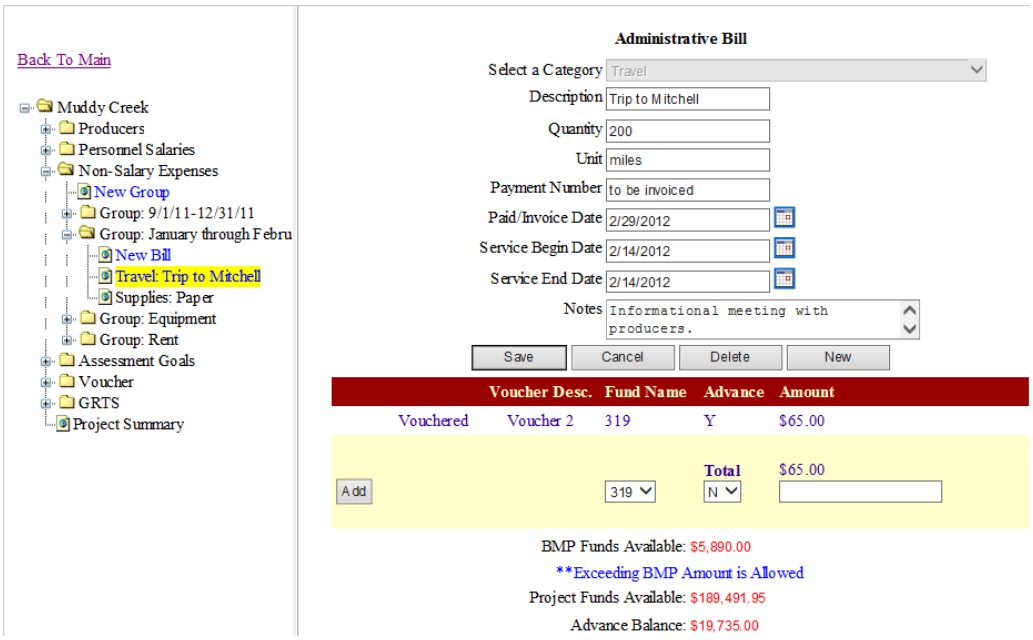


Figure 31: Non-salary Group Bill.

Funds allowed to pay for non-salary expense are located under the bill information after clicking the Save button. Funds available for the non-salary expense are located in the "Fund Name" dropdown box. The amount available from that fund is displayed in red near the bottom of the page. After the fund is selected, and amount spent entered, click the Add button to add the payment.

6.0 Assessment Goals

If the project is an assessment, or has an assessment component, information may be required that must be entered in the Assessment Goals folder (Figure 32). Objectives are those from the PIP. Dates samples were collected must be entered along with the number of samples taken and comments for all sites on that date. The project sample sites are entered by the DENR project officer.

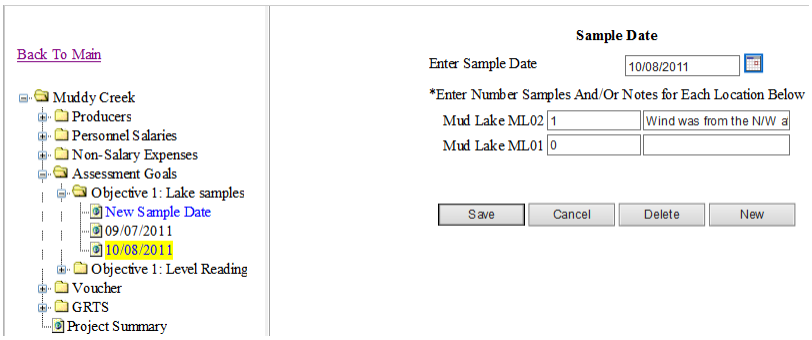


Figure 32: Assessment Goals.

7.0 Voucher

To prepare a voucher for a reimbursement request, open the voucher folder and click on the blue "**New Voucher**" button. The screen shown in Figure 31 will appear. A voucher description using a number or date, and the date to be vouchered can be entered. Funds to be vouchered must also be selected using this screen. Select funds to be vouchered or "all" if the specific fund(s) are unknown. Funds can be added later, if needed, by clicking the Modify Voucher Name button on Figure 34.

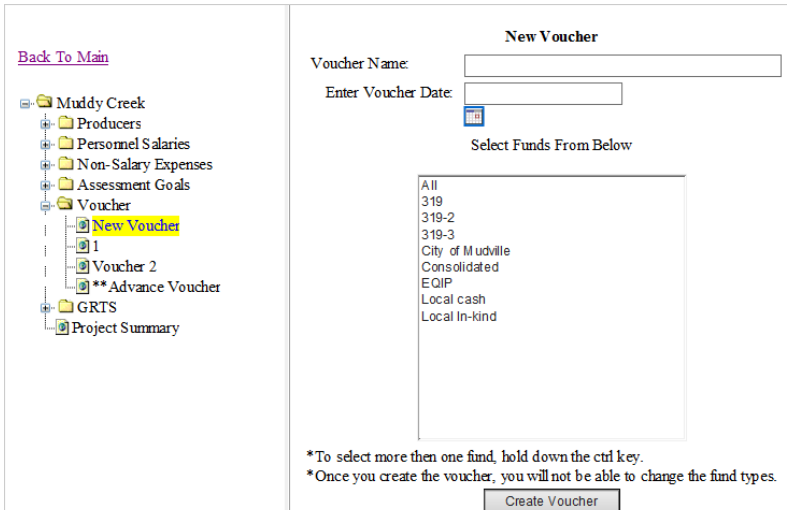


Figure 33: New Voucher.

Access to add or remove funds from the voucher is gained through the voucher page (Figure 34). To add items to the voucher, click on any buttons under the "**Add New Expenses**" heading. To remove items from the voucher, click on any buttons under the "**View Existing Vouchered Expenses**" heading. Clicking any of these buttons will bring up a page similar to that shown in Figure 35.

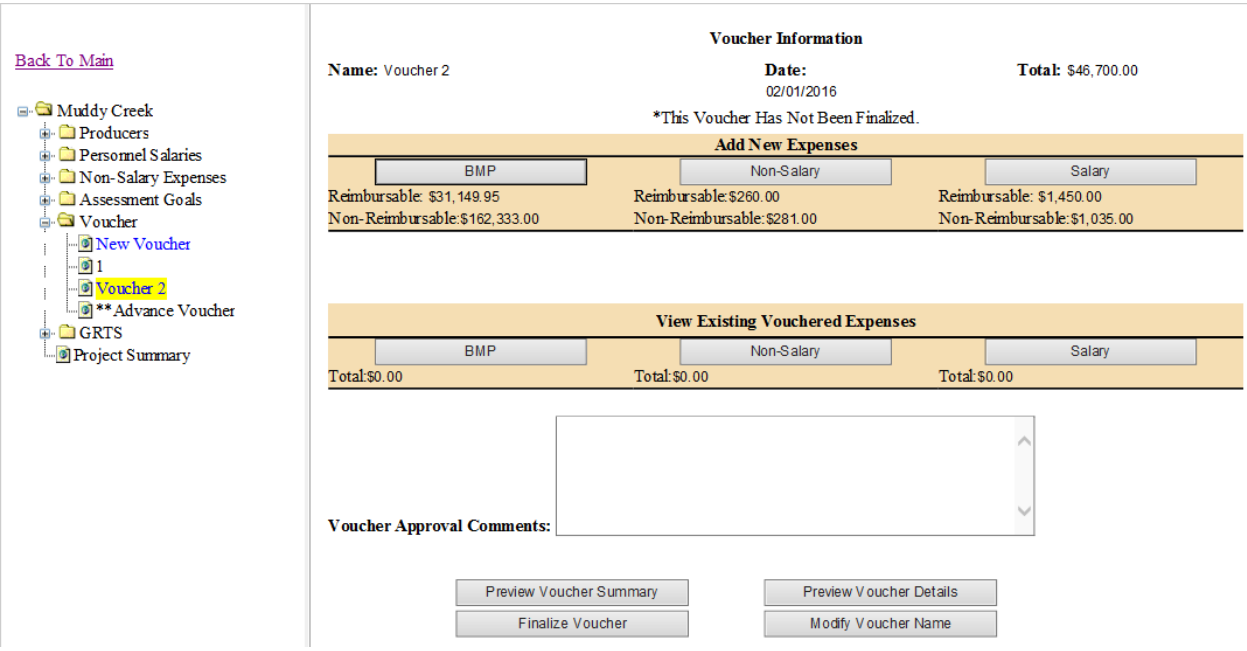


Figure 34: Unfinalized Voucher Page.

7.1 Selecting Bills for Voucher

From the pick list (Figure 35), select items to be included in the voucher. Leave items unmarked that will not be vouchered at this time. When selection is completed click Add To Voucher, this will bring the page in Figure 34 up again with new amounts in the "Add New Expenses" and "View Existing Vouchered Expenses". The voucher can be edited using these pages until the Finalized Voucher button is pressed (seen in Figure 34).

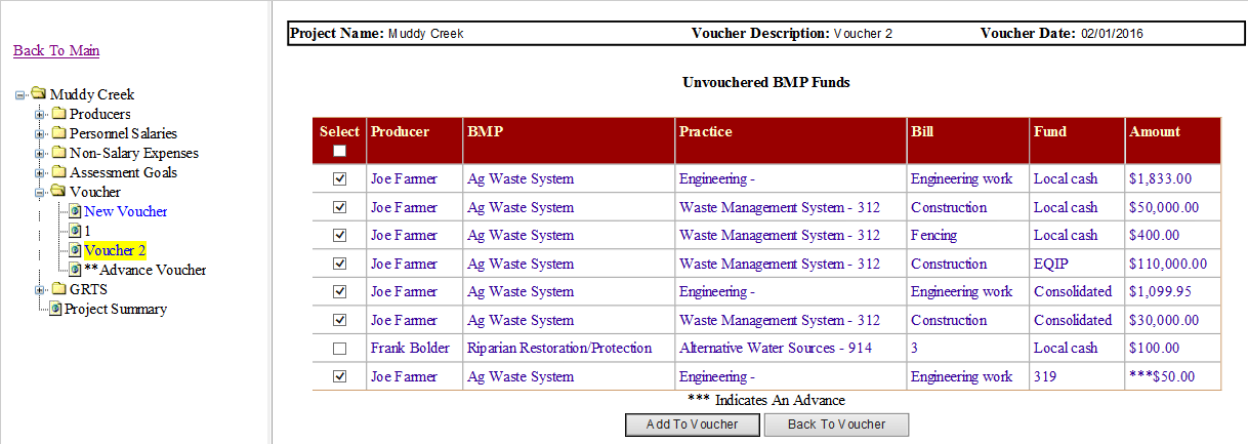


Figure 35: Voucher Pick List.

7.2 Voucher Summary

A print-out of a voucher is shown in Figure 36. If the sponsor's letter head was sent to DENR, it will display in the space at the top of the page. The four sections in the vouchers are: Contract Amount, Reimbursable, Advance Repayment, and Match.

The "**Contract Amount**" contains funds available for reimbursement through contracts with the DENR. The amount available to the project is listed under **Obligated**. If there have been any advances from the fund, it will be displayed under **Advance Amount**. The **Advance Remaining** shows the amount of advance that is yet to be claimed.

Funds listed in the "**Contract Amount**" section are also displayed in the "**Reimbursable**" section under **Funds To Be Reimbursed**. The amount being claimed is shown under **Current Voucher**. If there have been any previous payments, the total will be shown under **Previous Payments**. The **Total** column adds **Current Voucher** and **Previous Payments** to show the total expended after the voucher is processed. The **Admin/BMP** section of the "Reimbursable"

functions in the same manner as the **Funds To Be Reimbursed** section. **Admin/BMP** contains the categories for which 319 reimbursable items have been claimed in the Pick lists (Figure 35).

The "Advance Repayment" section will only be displayed on vouchers that are claiming advance funds. This section functions similar to the "Reimbursable" section for **Admin/BMP**.

To: SD DENR - Jeremy Schelhaas, 4305 S. Louise Ave, Suite 205, Sioux Falls SD, 57106 ☐ Receipts ☐ Attached ☐ File

Project Name: Muddy Creek

Voucher Name: Voucher 2 **Control Number:** 123-45

Project Sponsor: Moody County CD **Voucher Date:** 02/29/2012

Grant Years: 2003

CONTRACT AMOUNT

Fund Name	Obligated	Advance Amount	Advance Remaining
319	$100,000.00	$20,000.00	$19,935.00
Consolidated	$45,000.00	$0.00	$0.00
Total	**$145,000.00**	**$20,000.00**	**$19,935.00**

REIMBURSABLE

Funds To Be Reimbursed	Current Voucher	Previous Payments	Total
319	$17,050.05	$5,800.00	$22,850.05
Consolidated	$31,099.95	$0.00	$31,099.95

REIMBURSABLE

Admin/BMP	Current Voucher	Previous Payments	Total
Salaries	$1,450.00	$1,300.00	$2,750.00
Supplies	$0.00	$0.00	$0.00
Travel	$0.00	$0.00	$0.00
Rent	$0.00	$0.00	$0.00
Postage	$0.00	$0.00	$0.00
Ag Waste System	$46,700.00	$0.00	$46,700.00
Riparian Restoration/Protection	$0.00	$4,500.00	$4,500.00
Total Costs	**$48,150.00**	**$5,800.00**	**$53,950.00**

ADVANCE REPAYMENT

Admin/BMP	Current Voucher	Previous Payments	Total
Salaries	$0.00	$0.00	$0.00
Supplies	$0.00	$0.00	$0.00
Travel	$65.00	$0.00	$65.00
Rent	$0.00	$0.00	$0.00
Postage	$0.00	$0.00	$0.00
Ag Waste System	$0.00	$0.00	$0.00
Riparian Restoration/Protection	$0.00	$0.00	$0.00
Total Costs	**$65.00**	**$0.00**	**$65.00**

MATCH

Fund Name	Current Voucher	Previous Payments	Total
Local			
Local	$0.00	$0.00	$0.00
City of Mudvile	$1,181.00	$0.00	$1,181.00
Local cash	$52,233.00	$1,500.00	$53,733.00
State			
Consolidated	$31,099.95	$0.00	$31,099.95
Total Costs	**$84,513.95**	**$1,500.00**	**$86,013.95**

Total Reimbursed: $48,150.00 **Current Percent Match:** 83.16% **Overall 319 Project Percent Match:** 78.96%

Authorized Representative_____ Date_____

Figure 36: Voucher Print-out.

Match is claimed in the "**Match**" section. The display is in the same format as the "**Reimbursable**" section. The match fund categories are listed under **Fund Name**. The match is displayed by type of match under the **Fund Name**. As shown in Figure 36, there are two types of match: **Local** and **State**. Under the types of match are the fund names. The funds and amounts under the "Match" section are 319 match items that have been claimed from the Pick lists (Figure 35). Any items that are not match or reimbursable will not show up on this page exe. EQIP, Other Federal… Some Items like Consolidated, as in Figure 36, will show up both in the "**Reimbursable**" section and the "**Match**" section.

If no changes are needed to the voucher, print the voucher summary, and send a signed copy to DENR for processing. The voucher should be sent to the address displayed next to the "To:" at the top of the voucher form.

7.3 Finalizing Voucher

After the [Finalized Voucher] button is clicked, a page similar to Figure 37 will pop-up stating that if the voucher is finalized, changes will not be allowed, and if it should proceed. Pressing OK to the pop-up changes the Voucher Information to look like Figure 38.

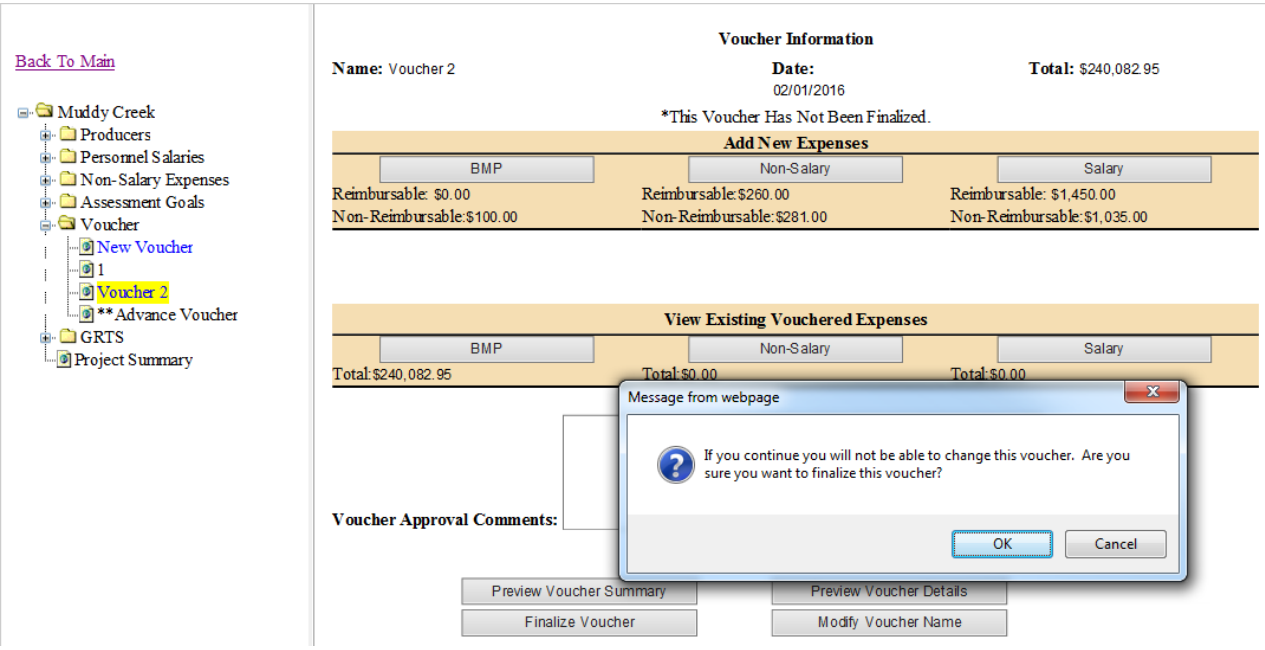


Figure 37: Finalizing Voucher Pop-up.

At this point the voucher cannot be changed by the project coordinator. The Project officer will be notified by email that a voucher has been completed. If the voucher needs to be changed after it has been finalized, the project officer must be contacted to unfinalize the voucher.

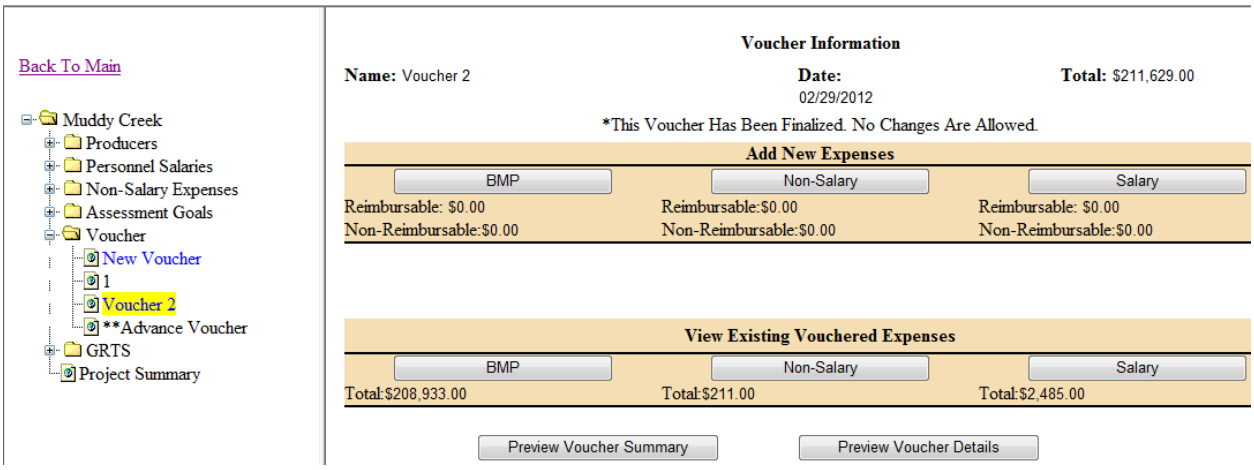


Figure 38: Finalized Voucher Page.

7.4 Voucher Details

The Voucher Details display additional information about expenses selected on the voucher. An example Voucher Detail Page is shown in Figure 39. This page is broke into three groups: Non-Salary Details, Salary Details, and BMP Details. The Total Cost column does not include other federal funds like EQIP. EQIP and other non-matching funds are recommended to be claimed through vouchers even though they don't show up on the summaries.

Voucher Name: Voucher 2
Voucher Date: 2/1/2016

Non-Salary Details

Category	Bill Group	Bill Description	Paid Date	Service Begin Date	Service End Date	319	Consolidated	Local Match	Total Cost
Postage	9/1/11-12/31/11	News letters	09/27/2011	09/27/2011	09/27/2011	$0.00	$0.00	$186.00	$186.00
Rent	Rent	May	02/02/2015	02/01/2015	02/28/2015	$0.00	$0.00	$45.00	$45.00
Supplies	9/1/11-12/31/11	555	08/08/2015	08/08/2015	08/08/2015	$150.00	$0.00	$0.00	$150.00
	January through February	Paper	01/05/2012	01/05/2012	01/05/2012	$0.00	$0.00	$50.00	$50.00
Travel	January through February	Trip to Mitchell	02/29/2012	02/14/2012	02/14/2012	$65.00	$0.00	$0.00	$65.00
	Rent	4	02/02/2015	02/03/2015	02/18/2015	$45.00	$0.00	$0.00	$45.00
Total						**$260.00**	**$0.00**	**$281.00**	**$541.00**

Salary Details

Salary Type	Salary Name	Salary Group	Paid Date	Service Begin Date	Service End Date	319	Consolidated	Local Match	Total Cost
Coordinator	Bob-2016	February	07/01/2003	03/26/2012	04/02/2012	$450.00	$0.00	$35.00	$485.00
		January-Salary	02/01/2016	01/01/2016	01/31/2016	$1,000.00	$0.00	$1,000.00	$2,000.00
Total						**$1,450.00**	**$0.00**	**$1,035.00**	**$2,485.00**

BMP Details

Producer	Practice	Bill	Paid Date	Service Begin Date	Service End Date	319	Consolidated	Local Match	Total Cost
Joe Farmer									
Ag Waste System	Engineering -	Engineering work	10/10/2011	09/26/2011	10/07/2011	$50.00	$1,099.95	$1,833.00	$2,982.95
	Waste Management System - 312	Construction	10/10/2011	08/29/2011	10/03/2011	$0.00	$30,000.00	$50,000.00	$80,000.00
	Waste Management System - 312	Fencing	10/06/2011	09/26/2011	10/03/2011	$0.00	$0.00	$400.00	$400.00
Total						**$50.00**	**$31,099.95**	**$52,233.00**	**$83,382.95**
Total						**$1,760.00**	**$31,099.95**	**$53,549.00**	**$86,408.95**

Figure 39: Voucher Details.

8.0 GRTS

Every 319 Project is required to submit GRTS reports annually, and if a project falls behind schedule, they will be required to submit a mid-year GRTS report also. To start a GRTS report Open the GRTS folder and click New GRTS Report. Some of the information will automatically be filled in the textboxes as in Figure 40.

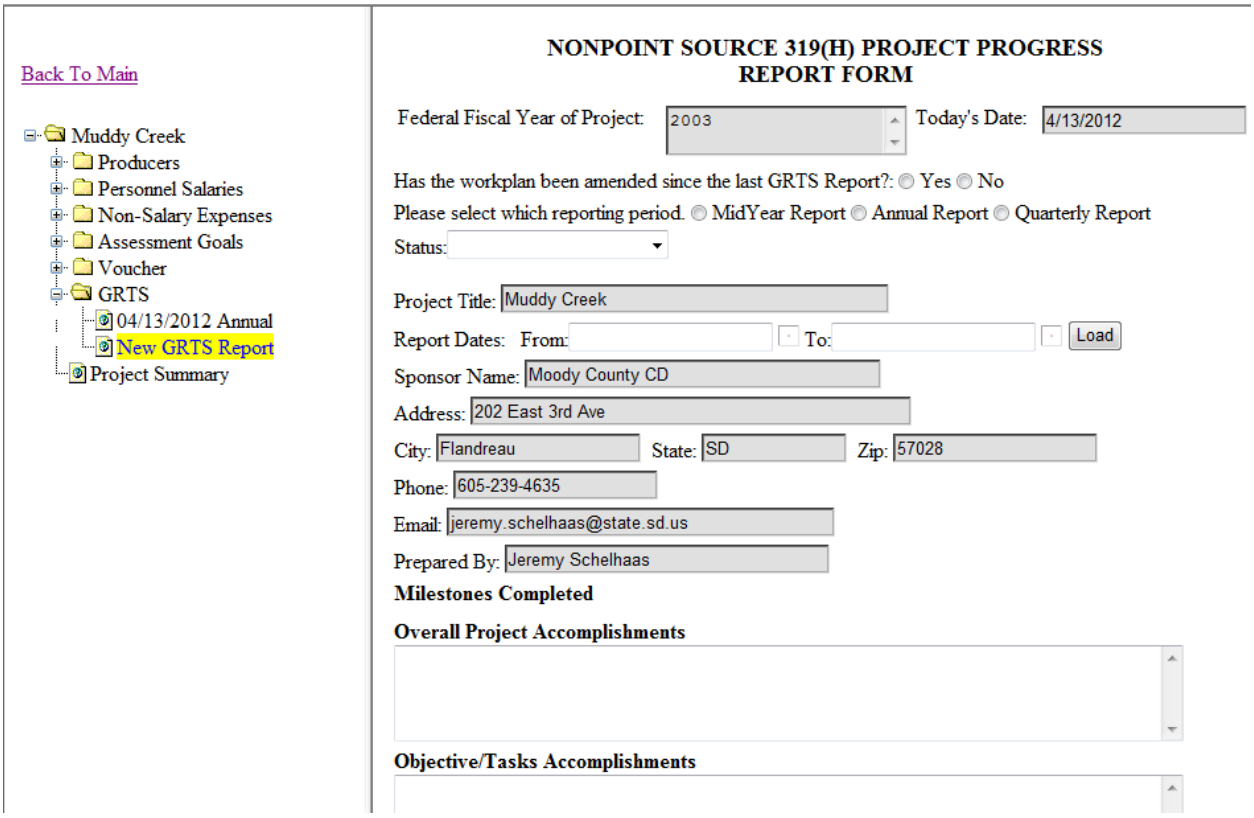


Figure 40: GRTS Page.

Once the report dates are entered, usually beginning of October through end of September for the desired GRTS reporting period, click Load. This will load information into Milestones Completed, Objective/Tasks Accomplishments, load reductions, and GRTS required information. The Overall Project Accomplishments, Objective/Task Accomplishments, and Conclusions text boxes all will need to be manually entered as desired. Even though some information has been pre-loaded into the Objective/Tasks Accomplishments, more information on the BMPs and tasks are needed.

Also make sure to:

- Select a status description from the Status dropdown.
- Check Yes or No if the project has had an amendment since the last GRTS report.

After information has been entered, click Save near the bottom of the page as seen in Figure 41. This will make it so that the report can be brought up again and modified. When done modifying the report, and it is ready to be turned into DENR, click Finalize.

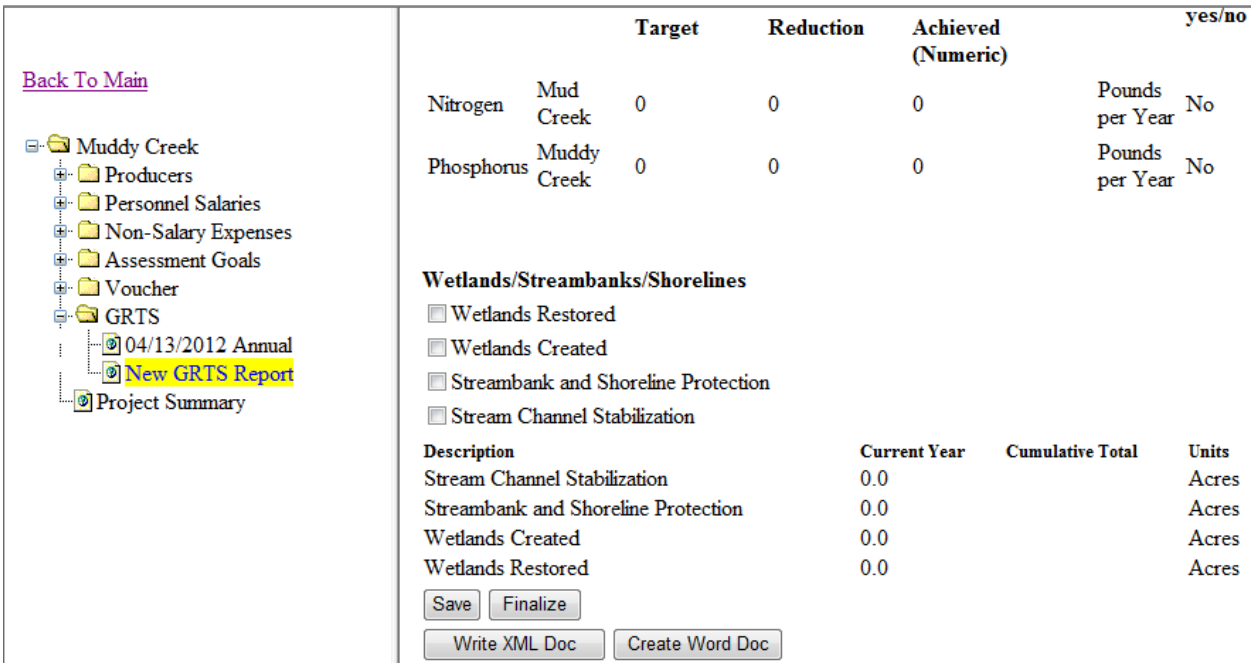


Figure 41: Saving a GRTS Report.

It may also be desired to save this document in a word style version to finish the report and/or to add pictures. To do this click Create Word Doc. This will open a window similar to Figure 42. Here select to save or open the document. If open is selected, it can be modified and saved later. A document similar to the next two page example here will open for further modification.

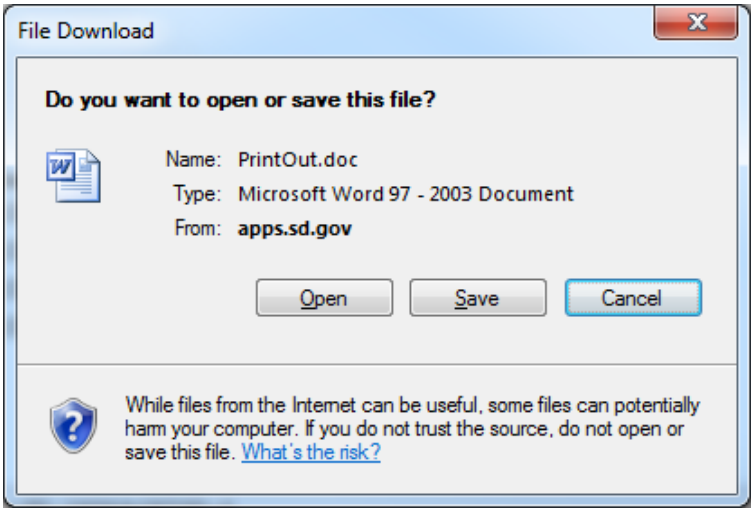


Figure 42. Create GRTS Word Doc.

NONPOINT SOURCE 319(H) PROJECT PROGRESS REPORT FORM

Federal Fiscal Year of Project: 2011 Today's Date: 10/15/2015

Has the workplan been amended since the last GRTS Report?: ☐ Yes ☒ No

Please select which reporting period. ☐ MidYear Report ☒ Annual Report ☐ Quarterly Report

Status: ON SCHEDULE

Project Title: Muddy Creek
Report Dates: From: 10/01/2014 To: 09/30/2015
Sponsor Name: Moody County CD
Address: 202 East 3rd Ave
City: Flandreau State: SD Zip: 57028
Phone: 605-239-4635
Email: JoeUser@mail.com
Prepared By: Joe User

Milestones Completed

		Amount Achieved Since Last Period	Total	Amount Expected To Date	Total
Ag Waste System					
	Waste Management System - 312	2	3	2	2
Riparian Restoration/Protection					
	Riparian Area Management (ac) -	0	17	20	50

Overall Project Accomplishments

There has been a lot of progress in the AG waste Management systems This year. Two systems have been completed, and other producers have shown interest.

Objective/Tasks Accomplishments

Objective 1 Task 1 Ag Waste System. This Task is on Schedule. Two Systems directly along Muddy Creek have been installed. The two Producers are very happy with how they have turned out and are functioning as expected
Objective 1 Task 2 Riparian Restoration/Protection. This Task is on schedule. Not much progress has been made this year on this BMP. High water in Muddy Creek has made more of a need for protection of the stream bank, and some people are showing more interest. All systems that have been installed previously are functioning as expected without any issues.

Conclusions

This project is moving forward, and is expected to exceed the expectations set for it. There will be more attention spent on informing the public on what options they have.

Pollutants	Location	Pollutant Reduction Target	Current Year Pollutant Reduction	Cumulative Pollutant Reduction Achieved (Numeric)	Unit	TMDL yes/no
Nitrogen	Mud Creek	60	433	150	Pounds per Year	No
Phosphorus	Muddy Creek	150	0	99	Pounds per Year	No

Wetlands/Streambanks/Shorelines

- ☐ Wetlands Restored
- ☐ Wetlands Created
- ☐ Streambank and Shoreline Protection
- ☐ Stream Channel Stabilization

Description	Current Year	Cumulative Total	Units
Stream Channel Stabilization	0.0	0.0	Acres
Streambank and Shoreline Protection	0.0	0.0	Acres
Wetlands Created	0.0	0.0	Acres
Wetlands Restored	0.0	0.0	Acres

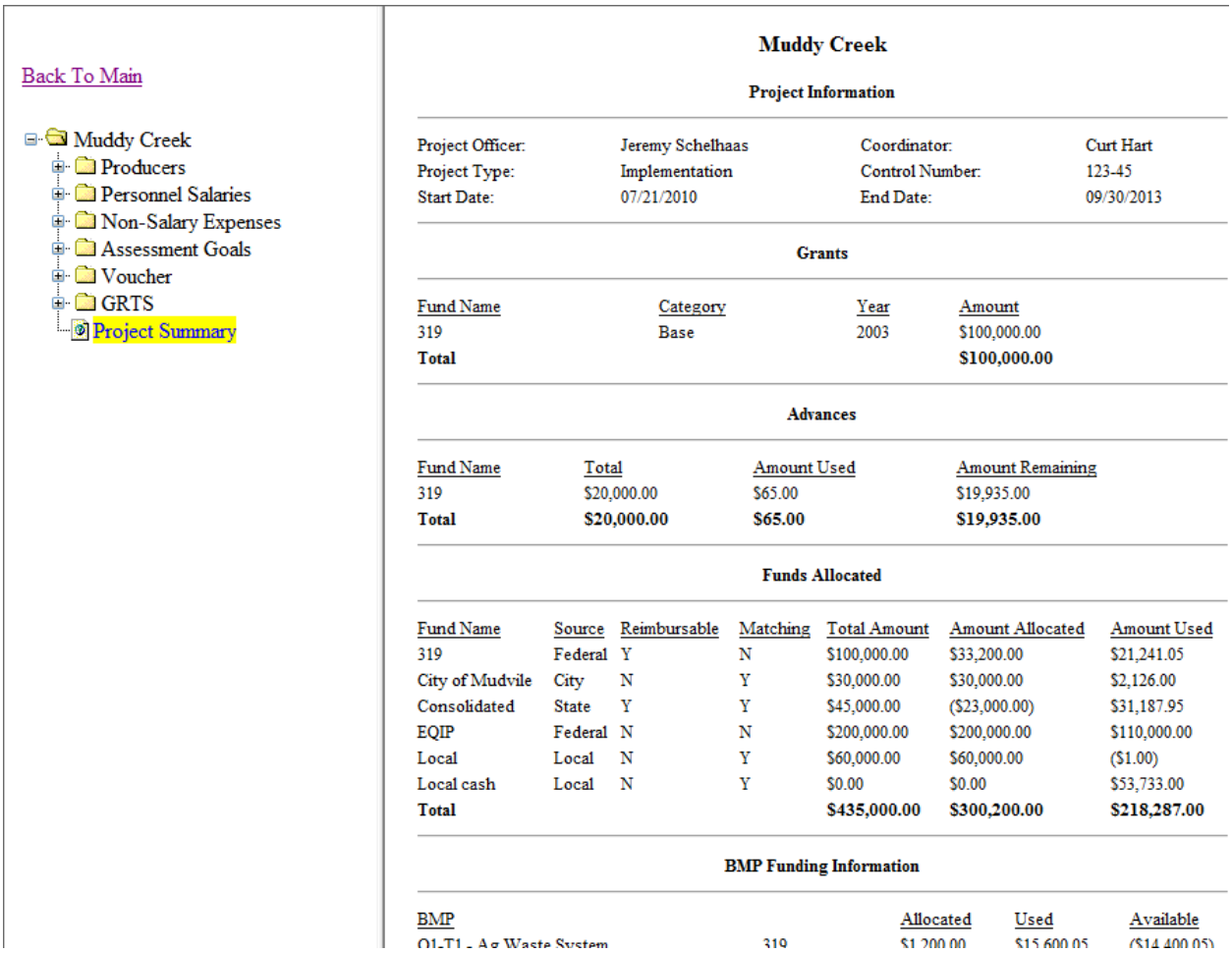
One downfall of the “Export To Word” is that all paragraph returns in the textboxes are lost. This is why the report may not look the same as it did online. This may be another reason why some may want to create and save the report in Tracker then export the document to word to finish it.

9.0 Project Summary

When "Project Summary" is selected, a page similar to Figure 43 will appear. The right side of the page displays the project summary report. This report provides a quick overview of project activities. Use the scroll bar to view the information available using this report.

The items displayed include:

- Project Information, Grants Funds Allocated (including advances)
- BMP Funding Information
- BMP Milestone Information
- Non-Salary Information
- Salary Information
- Assessment Information



Back To Main

- Muddy Creek
  - Producers
  - Personnel Salaries
  - Non-Salary Expenses
  - Assessment Goals
  - Voucher
  - GRTS
  - Project Summary

Muddy Creek

Project Information

Project Officer:	Jeremy Schelhaas	Coordinator:	Curt Hart
Project Type:	Implementation	Control Number:	123-45
Start Date:	07/21/2010	End Date:	09/30/2013

Grants

Fund Name	Category	Year	Amount
319	Base	2003	$100,000.00
Total			**$100,000.00**

Advances

Fund Name	Total	Amount Used	Amount Remaining
319	$20,000.00	$65.00	$19,935.00
Total	**$20,000.00**	**$65.00**	**$19,935.00**

Funds Allocated

Fund Name	Source	Reimbursable	Matching	Total Amount	Amount Allocated	Amount Used
319	Federal	Y	N	$100,000.00	$33,200.00	$21,241.05
City of Mudvile	City	N	Y	$30,000.00	$30,000.00	$2,126.00
Consolidated	State	Y	Y	$45,000.00	($23,000.00)	$31,187.95
EQIP	Federal	N	N	$200,000.00	$200,000.00	$110,000.00
Local	Local	N	Y	$60,000.00	$60,000.00	($1.00)
Local cash	Local	N	Y	$0.00	$0.00	$53,733.00
Total				**$435,000.00**	**$300,200.00**	**$218,287.00**

BMP Funding Information

BMP		Allocated	Used	Available
O1-T1 - Ag Waste System	319	$1,200.00	$15,600.05	($14,400.05)

Figure 43: Project Summary Report.

10.0 Trouble Shooting

Problem: Unable to log into Tracker.

Solution: User names and passwords are case sensitive, and most usernames start with a capital letter, and the initial password for a new user is "Password". If this doesn't work, the password can be reset to "Password" by DENR.

Problem: Cannot find expenses entered into Tracker when putting together a voucher.

Solution: Most of the time this is due to not selecting a fund type when setting up the voucher. Click on the Modify Voucher Name button to select the missing fund.

Problem: Cannot find items selected for a voucher on the voucher summary or detailed page.

Solution: This occurs for funds that are considered "other federal" or funds that are not reimbursable by DENR and don't count as match. These items have been claimed on the voucher, and are used in other reports. If printout is desired, contact DENR.

Problem: Milestones and reductions entered into Tracker are not showing up on the GRTS report.

Solution: The most common reason for this occurring is that a Completion Date has not been entered for the BMP. This date can be seen in Figure 12 on page 9 of the manual.

Problem: Not sure what completion date to use.

Solution: In most cases the date that the BMP is completed, or is put in place, is the day to use. This date should not be filled until that day has been reached. In the case of BMPs like easements and RAM, it is the date when the contract starts.

Problem: How to determine funds remaining.

Solution: This can be done by using the Project Summary page. To determine the amount of 319 a project has, look at the Total Amount and Amount Used under the Funds Allocated. Subtract the Amount Used from the Total Amount of 319. This amount includes any funds that have been entered into Tracker, even if they have not been vouchered, and any advances. This would apply to all the other funds allocated to the Project.

Appendix H

State of South Dakota Subrecipient Questionnaire

Name and Title of Person Completing Form: Date:

Email: Phone:

QUESTIONNAIRE INSTRUCTIONS

A person knowledgeable about the entity's financial, accounting, and processes (e.g., Finance Manager or CFO, etc.) should complete the questionnaire.

Sections A through I: Answer every question on the questionnaire about the entity.

Please include either one or two & if applicable three with completed questionnaire that applies to the entity.

1. Most recent annual financial statements

   Or

2. Most recent audited financials
3. And, if applicable, most recently filed IRS form 990

SECTION A: ENTITY INFORMATION

Entity's Name, DBA:

Address:

Contact Person's Email:

Phone: Fax:

Employer Identification Number (EIN): DUNS Number:

Entity's Website:

SECTION B: GENERAL INFORMATION

B1. What type of business/organization is the entity? (e.g., For-Profit, Non-profit, Local Gov't, etc.) :

B1a. State of Incorporation:

B1b. Date Incorporated:

B2. Is the entity required to file an IRS Form 990? ☐ Yes ☐ No

B2a. If yes, list form 990 type (Form 990, Form 990 E-Z, etc.) and filed date.

B3. Has the entity previously managed federal or state grants before? ☐ Yes ☐ No

B3a. Is the entity registered with SAM.GOV? ☐ Yes ☐ No

B4. Does the entity subcontract or contract for any grant related services? (e.g., management, accounting, consulting, etc.) ☐ Yes ☐ No

B4a. If yes, please explain.

B5. Does the entity have an affiliation with another organization (e.g., national, regional, etc.)? ☐ Yes ☐ No

B5a. If yes, please explain.

B6. Does the entity receive management or financial services from any other organizations? ☐ Yes ☐ No

B6a. If yes, please explain.

B7. What is the grant amount requested from *type in your agency name here*. _____

SECTION C: GENERAL STAFF INFORMATION

C1. Number of Employees: Full Time: Part Time:

C2. What is the yearly rate of staff turnover for the last two years? Indicate percentage for the entity.

C2a. Please explain.

C3. Does the entity use volunteers? ☐ Yes ☐ No

C3a. If yes, please explain.

C4. Does the entity's staff have previous experience with this subaward or other subaward or grants? ☐ Yes ☐ No

C4a. If yes, please indicate staff's level of experience [ ] 0-2 years [ ] 2-5 years [ ] 6+ years

SECTION D: FINANCIAL/ACCOUNTING SYSTEMS INFORMATION

D1. Which of the following best describes the entity's accounting system?

☐ Manual ☐ Automated ☐ Combination

D1a. Please explain entity's accounting system (procedures).

D2. Has the entity developed or implemented new or substantially changed software or systems in the last 5 years? ☐ Yes ☐ No

D2a. If yes, please explain.

D3. Does the entity's financial system provide for time and effort reporting? (i.e., time study) ☐ Yes ☐ No

D4. Are timesheets kept for each paid employee? ☐ Yes ☐ No

D4a. If yes, does the employee complete and sign their timesheets? ☐ Yes ☐ No

D4b. If no, please explain.

D5. Is each employee's salary/hourly rate documented in writing? ☐ Yes ☐ No

D6. Are payroll charges checked against program budgets? ☐ Yes ☐ No

D7. Who receives the bank statements? Provide name and title/position:

D8. Does management review the bank statements? ☐ Yes ☐ No

D8a. If yes, provide name and title/position:

D9. Are all bank accounts reconciled monthly? ☐ Yes ☐ No

D9a. If yes, provide name and title/position:

D10. Does management review the bank reconciliations? ☐ Yes ☐ No

D10a. If yes, provide name and title/position:

D11. Are duties separated so that no one individual has complete authority over an entire financial transaction?

☐ Yes ☐ No

D11a. Please explain.

D12. Does the entity have controls through an accounting system, financial system, and/or grants management system, etc. to prevent expenditure of funds in excess of approved, budgeted amounts. ☐ Yes ☐ No

D12a. Please explain.

D13. Are supporting documents (e.g., invoices, vouchers, and timesheets, etc.) for all payments made from award funds obtained? ☐ Yes ☐ No

D13a. If no or if there are circumstances where these documents cannot be or will not be obtained, please explain.

D14. Does the entity have a financial management system or accounting system that separates the receipts and payments of an award from the receipts and payments of other activities? ☐ Yes ☐ No

D15. Does the accounting system, financial system, and/or grants management system record award expenditures according to budget categories? (i.e., salaries, supplies, travel, equipment, etc.) ☐ Yes ☐ No

D15a. If no, please explain.

SECTION E: AUDIT

E1. What is the entity's fiscal year? (month and year)

E2. List the amount of federal funds expended by the entity each year, for the past two fiscal years:

E3. List the amount of current fiscal year-to-date federal funds expended by entity:

E4. Have annual financial statements for the entity been audited by an independent audit firm? ☐ Yes ☐ No

E4a. If Yes – Provide a copy of statements for current fiscal year and audit firm contact information.

E5. Date of Last Single Audit, if applicable: _____(Expended $500,000 or more during fiscal year prior to December 26, 2014 or expended $750,000 or more during fiscal year after December 26, 2014)

E6. Have there been any audit findings or exceptions in the last 5 years? ☐ Yes ☐ No

E6a. If yes, please explain.

E7. Are there currently any unresolved audit issues? ☐ Yes ☐ No

E7a. If yes, please explain.

SECTION F: POLICIES AND PROCEDURES

F1. Does the entity have written policies and procedures for the following categories? For every yes checked, include a copy of the policy or the table of contents.

Pay Rates/Benefits	☐ Yes ☐ No	Time/Attendance	☐ Yes ☐ No
Discrimination	☐ Yes ☐ No	Leave	☐ Yes ☐ No
Travel	☐ Yes ☐ No	Purchasing	☐ Yes ☐ No
Conflict of Interest	☐ Yes ☐ No	Internal Control	☐ Yes ☐ No
Code of Ethics	☐ Yes ☐ No	Accounting	☐ Yes ☐ No

F2. Does the entity maintain an inventory of assets purchased with grant dollars that identifies purchase date, cost, vendor, description, serial number, location, and ultimate disposal data? ☐ Yes ☐ No

SECTION G: CASH MANAGEMENT

G1. What is the entity's total revenue for the past twelve months?

G2. Has the entity obtained any large or unusual debt in the last 6 months? ☐ Yes ☐ No

If yes, answer the following questions:

G2a. What was reason for new debt?

G2b. What is the funding source to payback new debt?

G2c. Is there a repayment plan for new debt? ☐ Yes ☐ No

G2c1. Please explain.

SECTION H: LEGAL

H1. Are any of the entity's officials bonded? ☐ Yes ☐ No

H2. Are any of the entity's principals, board members, management, staff, etc. presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from receiving federal grants? (2CFR180) ☐ Yes ☐ No

H3. Are there any pending lawsuits against the entity, board members, management, staff, etc.? ☐ Yes ☐ No

H3a. If yes, please explain the nature and impact on entity's finances.

H4. Has the organization, in the past five years, settled a lawsuit? ☐ Yes ☐ No

H4a. If yes, please explain the nature and impact on entity's finances.

H5. Has the entity had any contracts/grants terminated in the past two years? ☐ Yes ☐ No

H5a. If yes, please explain.

SECTION I: OTHER FEDERAL OR STATE AWARDS

I1. Indicate the dollar amount of grants (e.g., federal, state, etc.) awarded to your entity during the last 2 years. List the amount per year and agency.

I2. Under which federal programs, if any, does the entity receive federal funds? List program(s):

I3. What percentage of the organization's budget is from grants? (e.g., federal, state, etc.)

Risk Assessment Scoring Sheet

Entity:	Date:
Grant:	

Directions: Enter score for each answer from questionnaire using scoring criteria.

For scoring listed as sliding scale use scale of 0 - 3 based upon answer given on questionnaire. Zero (0) would be lowest risk and three (3) would be highest risk. The state agency's judgment and professional skepticism will help determine the sliding scale scoring on applicable questions. Additional research or investigation may be necessary to support score. Space is provided to explain score given. For each section use the provided drop down box for entering the level of risk using the scoring range scale listed below.

Question	Scoring Criteria	Enter Score
	B. General information	
B1		
B1a		
B1b	Within 6 months = 2, 1 year = 1, 2+ years = 0	
B2		
B2a		
B3	Yes = 0 No = 3	
B3a		
B4	Yes = 2 No = 0	
B4a	Sliding scale 0 - 3	
Explanation for score:		
B5	Sliding scale 0 - 3	
Explanation for score:		
B5a	Sliding scale 0 - 3	
Explanation for score:		
B6	Sliding scale 0 - 3	
Explanation for score:		
B6a	Sliding scale 0 - 3	
Explanation for score:		
B7		
General Information Risk Total		
General Information Level of Assessed Risk		

	Scoring Range	Risk
	0 - 6	**Low**
	7 - 12	**Medium**
	13 - 25	**High**

	C. General Staff Information	
C1		
C2	0% = 0, 1% - 15% = 1, 16% - 35% = 2, 36%+ = 3	
C2a	Sliding scale 0 - 3	
Explanation for score:		

C3	Yes = 1 No = 0	
C3a	Sliding scale 0 - 3	
Explanation for score:		
C4	Yes = 0 No = 3	
C4a	0-2 yrs = 2, 2-5 years = 1, 6+ years = 0	
General Staff Information Risk Total		
General Staff Information Level of Assessed Risk		

	Scoring Range	Risk
	0 - 4	**Low**
	5 - 8	**Medium**
	9 - 15	**High**

D. Financial/Accounting Systems Information		
D1	Manual = 2, Automated = 0, Combination = 1	
D1a	Sliding scale 0 - 3	
Explanation for score:		
D2	Yes = 1 No = 0	
D2a	Sliding scale 0 - 3	
Explanation for score:		
D3	Yes = 0 No = 2	
D4	Yes = 0 No = 2	
D4a	Yes = 0 No = 2	
D4b	Sliding scale 0 - 3	
Explanation for score:		
D5	Yes = 0 No = 1	
D6	Yes = 0 No = 1	
D7	Sliding scale 0 - 3	
Explanation for score:		
D8	Yes = 0 No = 2	
D8a	Sliding scale 0 - 3	
Explanation for score:		
D9	Yes = 0 No = 2	
D9a	Sliding scale 0 - 3	
Explanation for score:		
D10	Yes = 0 No = 2	
D10a	Sliding scale 0 - 3	
Explanation for score:		
D11	Yes = 0 No = 3	
D11a	Sliding scale 0 - 3	
Explanation for score:		
D12	Yes = 0 No = 3	
D12a	Sliding scale 0 - 3	
Explanation for score:		
D13	Yes = 0 No = 3	
D13a	Sliding scale 0 - 3	
Explanation for score:		
D14	Yes = 0 No = 3	
D15	Yes = 0 No = 2	

D15a	Sliding scale 0 - 3	
Explanation for score:		
Financial/Accounting Systems Information Risk Total		
Financial/Accounting Systems Information Level of Assessed Risk		

	Scoring Range	**Risk**
	0 - 16	**Low**
	17 - 32	**Medium**
	33 - 64	**High**

E. Audit		
E1		
E2		
E3		
E4	Yes = 0 No = 1	
E4a		
E5	If N/A = proceed, If should have filed and did not = 10	
E6	Yes = 2 No = 0	
E6a	Sliding scale 0 - 3	
Explanation for score:		
E7	Yes = 2 No = 0	
E7a	Sliding scale 0 - 3	
Explanation for score:		
Audit Risk Total		
Audit Level of Assessed Risk		

	Scoring Range	**Risk**
	0 - 5	**Low**
	6 - 10	**Medium**
	11 - 21	**High**

F. Policies and Procedures		
F1	For Each No = 1 Enter Grand Total =	
F2	Yes = 0 No = 1	
Policies and Procedures Risk Total		
Policies and Procedures Level of Assessed Risk		

	Scoring Range	**Risk**
	0 - 3	**Low**
	4 - 6	**Medium**
	7 - 11	**High**

G. Cash Management		
G1		
G2	Yes = 1 No = 0	
G2a	Sliding scale 0 - 3	

Explanation for score:		
G2b	Sliding scale 0 - 3	
Explanation for score:		
G2c	Yes = 0 No = 1	
G2c1	Sliding scale 0 - 3	
Explanation for score:		
Cash Management Risk Total		
Cash Management Level of Assessed Risk		

	Scoring Range	Risk
	0 - 3	**Low**
	4 - 6	**Medium**
	7 - 11	**High**

H. Legal		
H1	Yes = 0 No = 1	
H2	Yes = STOP State of SD cannot proceed with Entity, No = proceed	
H3	Yes = 2 No = 0	
H3a	Sliding scale 0 - 3	
Explanation for score:		
H4	Yes = 1 No = 0	
H4a	Sliding scale 0 - 3	
Explanation for score:		
H5	Yes = 2 No = 0	
H5a	Sliding scale 0 - 3	
Explanation for score:		
Legal Risk Total		
Legal Level of Assessed Risk		

	Scoring Range	Risk
	0 - 4	**Low**
	5 - 8	**Medium**
	9 - 15	**High**

I. Other Federal or State Awards		
I1	Sliding scale 0 - 3	
Explanation for score:		
I2	Sliding scale 0 - 3	
Explanation for score:		
I3	Sliding scale 0 - 3	
Explanation for score:		
Other Federal or State Awards Risk Total		
Other Federal or State Awards Level of Assessed Risk		

	Scoring Range	Risk
	0 - 2	**Low**
	3 - 4	**Medium**

	5 - 9	**High**

Were all requested documents from questionnaire provided? Yes = 0, No = 1	
General Information Level of Assessed Risk	
General Staff Information Level of Assessed Risk	
Financial/Accounting Systems Information Level of Assessed Risk	
Audit Level of Assessed Risk	
Policies and Procedures Level of Assessed Risk	
Cash Management Level of Assessed Risk	
Legal Level of Assessed Risk	
Other Federal or State Awards Level of Assessed Risk	
Overall Total Risk Score	
Overall Level of Assessed Risk	

	Scoring Range	**Risk**
	0 - 43	**Low**
	44 - 86	**Medium**
	87 - 129	**High**
	130 - 172	**Extreme High**

If an entity is assessed as an extreme high risk, the agency should consider if it is in the State of South Dakota's best interest to do business with the entity. The state agency also needs to weigh if the extra time, effort, and expense for monitoring outweighs the benefit of doing business with the entity.

Completed by:	Date:

Comments:

§200.331 Requirements for pass-through entities.
(3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521 Management decision. (e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), ***the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals: (1) Providing subrecipients with training and technical assistance on program-related matters; and (2) Performing on-site reviews of the subrecipient's program operations; (3) Arranging for agreed-upon-procedures engagements as described in §200.425 Audit services.*** (f) Verify that every subrecipient is audited as required by Subpart F—Audit Requirements of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in §200.501 Audit requirements. (f) Verify that every subrecipient is audited as required by Subpart F—Audit Requirements of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in §200.501 Audit requirements. (g) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records. (h) Consider taking enforcement action against noncompliant subrecipients as described in §200.338 Remedies for noncompliance of this part and in program regulations.

Purpose: This document is a tool to assist with type of monitoring plan to use on a subrecipient. This is determined by two factors 1) Dollar Amount of Grant and 2) risk assessment based upon the pre-award questionnaire

Directions: Circle the colored box on right to determine monitoring level based upon grant dollar amount and risk assessment level results.

	Level of Assessed Risk from Questionnaire		
Grant Threshold Amount	Low	Medium	High
≤ $x For agency to determine	Financial Review	Desk Review	Desk Review
$x- $x For agency to determine	Desk Review	Desk Review	Onsite Review
$x & Up For agency to determine	Desk Review	Onsite Review	Onsite Review

Financial Review	Review Audit Reports thru Federal Clearinghouse
	Review Invoices to ensure the following:
	1. Timeliness, completeness, accuracy
	2. Programmer reviews invoice and write OK TO PAY on document
	3. Confirm the work is performed during period of performance
	4. Compliance of Special Terms per Federal Grant, if applicable
	5. Prior to payment of subrecipient invoice, review performance and financial reports/information to ensure that payments are reasonable in relation to performance
	6. Follow-up and ensure that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the sub award. Deficiencies can be identified through on-site reviews, audits, and other means
	7. Participate in "during the award monitoring" reviews if selected by Agency. Notify program staff and finance staff
	8. Other as determined by agency (pass-through entity)
	9. If errors are found in the steps above consider providing training and performing monitoring activities as found in next level and reevaluate risk assessment
Desk Review	Do all the above in Financial review and the following listed below:
	1. Obtain and review quarterly financial and programmatic reports prior to reimbursement
	2. if findings exits in subrecipient's audit report, determine how material they are and the risk(s) involved (operational, financial, or compliance risks)
	3. Elevate potential risks to Finance Staff, etc
	4. Request monitor invoices more frequently, (monthly vs. quarterly)
	5. Request and review financial reports more frequently if possible
	6. Other as determined by agency (pass-through entity)
	7. If errors are found in the steps above consider providing training and performing monitoring activities as found in next level and reevaluate risk assessment
Onsite Review	Do all Above in Desk Review and Financial Review and the following listed below:
	1. Obtain, Review Monthly financial and programmatic reports prior to reimbursement
	2. Exercise your right to audit and or performing a site visit
	3. Request supporting detail for all financial invoices and expenses
	4. Request and have regular contact with the subrecipient
	5. Document conversations and archive important emails
	6. if necessary, withhold payments
	7. Other as determined by agency (pass-through entity)
	8. If errors are found in the steps above consider other remedies for noncompliance as found in 2 CFR 200.338

EXHIBIT C

United States Environmental Protection Agency

EPA's Final Financial Assistance Conflict of Interest Policy

Related Information

- EPA's Revised Interim Financial Assistance Conflict of Interest Policy applicable (05/22/2015)
- EPA's Interim Financial Assistance Conflict of Interest Policy (12/26/2014 to 05/22/2015)

On this page:

- 1.0 Purpose
- 2.0 Applicability, Effective Date and Relationship to other Policies
- 3.0 Definitions
- 4.0 Situations Requiring Disclosure
- 5.0 Disclosure requirements by applicant/recipient type
- 6.0 Disclosure Requirements
- 7.0 Timing of disclosures
- 8.0 Content of disclosures
- 9.0 EPA actions

1.0 Purpose

As required by Title 2 of the Code of Federal Regulations (CFR) section 200.112, EPA has established the following final policy governing disclosure of actual and potential conflicts of interest (COI Policy) by applicants for, and recipients of, federal financial assistance awards from EPA. This policy is intended to prevent personal and organizational conflict of interests in the award and administration of EPA financial assistance.

2.0 Applicability, Effective Date and Relationship to other Policies

This COI Policy, except as noted below, applies to all individuals and non-Federal entities requesting and receiving EPA financial assistance in the form of new initial awards or incremental/supplemental funding on or after October 1, 2015 and supersedes EPA's May 22, 2015 Revised Interim COI Policy and December 26, 2014 Interim COI Policy. It is distinct from and different than EPA policies governing scientific integrity and those implementing the Standards of Ethical Conduct for Employees of the Executive Branch. In addition, nothing in this COI Policy supersedes the conflict of interest provisions of EPA Order 5700.5A1, Policy for Competition of Assistance Agreements (02/06/2014) (EPA's Competition Policy).

This COI Policy does not apply to:

(a) Awards to foreign governments and international organizations covered by the International Organizations Immunity Act (e.g. the World Health Organization).

(b) Internal transfers of funds within the recipient's organization (e.g. between departments of a tribal government or institution of higher education).

3.0 Definitions

Applicant: An individual (including applicants for competitive fellowships under 40 CFR Part 46) or non-Federal entity who submits a competitive proposal and/or final Standard Form 424, Application for Federal Assistance (SF-424) (PDF) (3 pp, 265 K, About PDF), following selection by EPA to receive a federal financial assistance award under competitive or noncompetitive procedures.

Conflicts of Interest (COI): An actual or potential COI situation described at 2 CFR 200.318(c)(1) or (c)(2) or equivalent provisions of the Procurement Standards of 40 CFR Part 30 and 40 CFR 31.36 for recipients who have delayed compliance with the Procurement Standards of 2 CFR Part 200. 1 The term also includes situations that create, or may create, an unfair competitive advantage, or the appearance of such, for an applicant in competing for federal financial assistance from EPA.

COI Point of Contact: The individual designated by the applicant or recipient to disclose and resolve COI for Federal financial assistance awards or subawards. A COI Point of Contact for applicants for competitive funding may be the **Authorized Representative** specified on the Standard Form 424, Application for Federal Financial Assistance, unless the applicant designates another official. Applicants for noncompetitive funding and recipients may designate the Authorized Representative or another employee or officer of the Non-Federal Entity or another entity (e.g. consultant or attorney) expressly authorized by the Non-Federal Entity to speak on its behalf.

Federal Financial Assistance: This term is defined at 2 CFR 200.40.

Non-Federal Entity: This term is defined at 2 CFR 200.69.

Immediate Family: This term is defined at 2 CFR 200.465(c)(4).

Individual: A natural person.

Pass-through entity: This term is defined at 2 CFR 200.74.

Recipient: This term is defined at 2 CFR 200.86 and for the purposes of this COI Policy also includes individuals who receive awards under EPA statutes authorizing direct Federal financial assistance to individuals.

State: This term is defined at 2 CFR 200.90. For the purposes of this COI Policy, institutions of higher education that are instrumentalities of a state under their state's laws are subject to the same disclosure obligations as state government agencies.

Subaward: This term is defined at 2 CFR 200.92. For the purposes of this COI Policy subawards do not include loans, loan guarantees, interest subsidies and principal forgiveness, purchases of insurance or similar transactions entered into with borrowers by recipients of revolving loan fund capitalization grants or other EPA financial assistance agreements where Agency funds may be used for lending activities. However, the terms and conditions of these EPA assistance agreements may include COI provisions applicable to transactions with borrowers.

Subrecipient: This term is defined at 2 CFR 200.93 and for the purpose of this COI Policy also includes individuals (who are not program beneficiaries) who receive subawards.

4.0 Situations Requiring Disclosure

This policy addresses the following COI situations:

(a) **COIs related to Competitive Assistance Agreements.** All EPA solicitations will include a clause requiring the applicant's COI Point of Contact to notify the EPA contact identified in Section VII of the solicitation of any actual or potential conflict of interest that they are aware of that may provide the Applicant with an unfair competitive advantage in competing for EPA financial assistance awards. Examples of an unfair competitive advantage include but are not limited to situations in which an EPA employee reviewed and commented on or drafted all or part of an applicant's proposal. EPA will promptly take appropriate action upon receiving any such notification from the Applicant. In addition, assistance agreement awards made under the solicitation will include a term and condition notifying recipients that they must have procedures in place to ensure that they address, disclose and resolve actual and/or potential conflicts of interest as described in this COI Policy in awarding subawards and/or contracts under the EPA assistance agreement award.

(b) **COIs related to the selection, award and administration of recipient or subrecipient contracts.** Any COI described at 2 CFR 200.318(c)(1), 40 CFR 30.42, or 40 CFR 31.36(b)(3), as applicable, involving a procurement contract regardless of amount including, but not limited to, consulting fees or other compensation paid by contractors to employees, officers, agents of the recipient or subrecipient and/or members of their Immediate Families.

(c) **Recipient or subrecipient procurement actions raising organizational COIs with a parent,**

affiliate or subsidiary organization that is not a State, local government or Indian Tribe. Any organizational COI described at 2 CFR 200.318(c)(2) or governed by 40 CFR 40.43 or 40 CFR 31.36(c), as applicable, involving a procurement contract regardless of amount. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. For the purpose of this disclosure requirement, the non-Federal entity should use the definition of **affiliate** at 2 CFR 180.905 for guidance.

(d) **Subaward COIs.** Consistent with OMB's Frequently Asked Questions on 2 CFR 200.112 (PDF) (30 pp, 773 K, About PDF), any COI in the award, administration, or monitoring of subawards regardless of amount that would arise due to:

i. COIs similar to those described at 2 CFR 200.318(c)(1) including consulting fees or other compensation paid to employees, officers, agents of a pass-through entity or members of their Immediate Families by subrecipients or their procurement contractors receiving EPA funding under a subaward.

ii. Organizational COI similar to those described at 2 CFR 200.318(c)(2) between the subrecipient or other subrecipients receiving EPA funding under a subaward.

5.0 Disclosure requirements by applicant/recipient type

(a) Consistent with 2 CFR 200.317, Authorized Representatives or other designated officials for states must provide COI disclosures to EPA only when competing for EPA funding under the solicitation provision described in Section 4.0(a) or as a Pass-Through Entity under 5.0(d).

(b) Individuals applying for EPA Fellowship awards under 40 CFR Part 46 are only subject to the disclosure requirements under the competitive solicitation provision described in Section 4.0(a). They are not subject to any other COI disclosure requirements.

(c) Non-federal entities (other than states) and individuals (other than fellowship recipients) must provide COI disclosures to EPA under the situations described in Section 4.0(a) through 4.0(d).

(d) Recipients, including states, acting as a Pass-through entity must require subrecipients receiving or being considered for a subaward to disclose to the recipient the COI situations described in Section 4.0(b), (c) and (d). The Pass-through entity must in turn disclose the COI to EPA.

(e) EPA only requires that Applicants/Recipients disclose any COI, if any, as described in Section 6.0. If Applicants/Recipients do not discover a COI, they do not need to advise EPA of the results of their inquiries.

6.0 Disclosure Requirements

(a) Under Section 4.0(a), the Applicant's COI Point of Contact need only disclose to EPA situations that they are personally aware of at the time the applicant submits its competitive

proposal to EPA or subsequently becomes aware of prior to being notified by EPA of the outcome of the competition. Additionally, EPA's assistance agreement with successful applicants will include a term and condition requiring the recipient to notify EPA of any competition related COI described in Section 4.0(a) of the COI Policy that the COI Point of Contact discovers after award. EPA does not require that COI Points of Contact make additional inquiries regarding situations covered in Section 4.0(a).

(b) Recipients (other than states and fellowship recipients under 40 CFR Part 46) must have systems in place to address, resolve, and disclose to EPA the COI situations described in Sections 4.0(b) and (c), and (d) that affect any contract or subaward funded under an EPA financial assistance agreement in accordance with the terms and conditions of their award.

(c) Pass through entities, including states, must impose COI disclosure requirements on Non-federal entities and individuals being considered for, or receiving subawards, that are at a minimum in accordance with sections 5.0(d) and 7.0(c) of this COI Policy.

7.0 Timing of disclosures

(a) For awards EPA will make competitively, the Applicant's COI Point of Contact must provide disclosures, if any, covered by Section 4.0(a) to EPA's point of contact identified in Section VII of the solicitation within 10 calendar days of becoming aware of the COI.

(b) For COI disclosures required by Sections 4.0(b), (c), and (d) recipients must provide their COI disclosure, as applicable, within 30 calendar days of discovery of the COI to EPA in accordance with the terms and conditions of their award.

(c) Pass-through entities (including states) must require that subrecipients disclose COI described in Sections 4.0(b), (c), and (d) to them within 30 calendar days of discovery. In turn, Pass-through entities must disclose subrecipient COI's to EPA within 30 calendar days of receiving notification of a COI by the subrecipient unless the pass-through entity requests that EPA grant a longer period of time to resolve the subrecipient COI.

8.0 Content of disclosures

(a) All COI disclosures must be in writing preferably through email communication.

(b) In situations covered under Section 4.0(a), applicants must describe the unfair competitive advantage (e.g., proposal preparation assistance they received from an EPA employee and the approximate time frame in which the assistance was provided) circumstances.

(c) For the COIs described in Sections 4.0(b), 4.0(c) and 4.0(d), recipients must provide EPA with any information regarding measures to eliminate, neutralize, mitigate or otherwise resolve the COI.

9.0 EPA actions

(a) EPA will notify applicants of their COI disclosure obligations prior to award through the solicitation clause described in 4.0(a) and include a term and condition in all awards describing the recipients COI disclosure obligations under 4.0(b), 4.0(c) and 4.0(d) after award. The notifications and terms and conditions will identify EPA's point of contact for COI disclosures.

(b) The Agency will review COI disclosures under 4.0(b), 4.0(c) and 4.0(d) and measures recipients propose to resolve the COI and advise applicants/recipients of EPA's determination on the effectiveness of the measures within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation. Disclosure of a potential COI will not necessarily result in EPA disallowing costs, with the exception of procurement contracts that the Agency determines violate 2 CFR 200.318(c)(1) or (2), provided the recipient notifies EPA of measures the recipient or subrecipient has taken to eliminate, neutralize or mitigate the conflict of interest when making the disclosure.

---

1 EPA implemented OMB Circular A-110 (2 CFR Part 215) in 40 CFR Part 30 and OMB Circular A-102 in 40 CFR Part 31.

Last updated on February 25, 2016

Pass-Through Entity Requirements

(Directions to fill out Exhibit D)

Introductory section: Fill out entire section completely.

Number 1: Enter the specific information required.

Difference between (vi), (vii), and (viii) - If you only have one subaward, for example $10,000, then all three lines would be $10,000. If you later amend the award and add $10,000, then line (vi) would be $10,000 and line (vii) and (viii) would be $20,000. The only time line (viii) would be different than (vii) is if you put in your grant that the total was $50,000 and you were only going to award $10,000 at a time. In the example about line (vi) would be $10,000, line (vii) would be $20,000 and line (viii) would be $50,000. I do not know of any instances where that has happened in DENR.

Numbers 2-6: Enter the requirements or list the specific section (Paragraph, page #, etc.) of the grant agreement that includes the requirements listed.

Number 4 – If indirect cost are applied to any costs reimbursed by the Department document how it was derived. If no indirect costs are applied by the subrecipient, put N/A on this line.

Audit requirements: Enter the requirements or list the specific section (Paragraph, page #, etc.) of the grant agreement that includes the requirements listed.

Pass-Through Entity Requirements

Exhibit D

State Agency _____
Program Name _____
CFDA # _____
Name of Entity Receiving Funds _____
Contract / Agreement Number _____
Funding Source(s) _____
CFR # 200.331_____

§200.331 Requirements for Pass-Through Entities

(1) Federal Award Identification:

(i) Subrecipient name (which must match the name associated with its unique entity identifier or Duns #):_____

(ii) Subrecipient's unique entity identifier or Duns #:_____

(iii) Federal Award Identification Number (FAIN):_____

(iv) Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency:_____

(v) Subaward Period of Performance Start and End Date:_____

(vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient:
_____

(vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation:_____

(viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity:
_____

(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA):_____
_____

(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity:_____

(xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement:_____
_____

(xii) Identification of whether the award is R&D:_____

(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs):_____

For items below enter requirements or list specific section of grant agreement that includes these requirements.

(2) All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award:

_____

_____

(3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports:_____

_____

(4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f):_____

_____

(5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part:_____

_____

(6) Appropriate terms and conditions concerning closeout of the subaward:_____

_____

§200.501 Audit requirements

A non-federal entity that expends $750,000 or more of Federal awards during the fiscal year is subject to the audit requirements of 2 CFR 200.501_____

_____

State Agency Review / Approval _____ _____

(Enter name of person approving) (Date)

Comments:

_____

_____

_____

_____