

Part 505 – Non-NRCS Engineering Services

Subpart A - Introduction

MN505.1 State Criteria

Information such as survey data, soil borings, and CADD files may be provided to receivers such as cooperators and contractors if the receiving party signs an NRCS Electronic Data Disclaimer prior to release of the file(s). A sample disclaimer is included in this section.

Cooperators must provide written permission prior to release to a contractor or consulting engineer.

NRCS Sharing Data Disclaimer

Cooperator Name _____ Project _____

Type of Data Being Shared: Electronic Design Files
 Basic Survey Data
 Basic Soil Investigation Data

The Natural Resources Conservation Service (hereinafter referred to as NRCS) will provide data related to the subject project site. All potential users of these files must read the following disclaimer and accept its terms as a prerequisite to the use of these files.

1. These data files were developed using _____ (software or surveying package description). NRCS makes no representation as to the compatibility of these files with other versions of this software or with other software systems.
2. CAD data files are not intended to be used for layout or quantity calculations for bidding purposes. Quantities provided in the plans and bidding documents shall be used for bidding purposes.
3. Utility information, if shown, may not be complete and may not represent actual field locations. Use of these data files does not absolve the Receiver from the obligation of verifying locations of utilities in the project area.
4. NRCS makes no warranty of any kind, express or implied, with respect to the file(s) which are the subject of this agreement. The Receiver assumes all risk and liability for any losses, damages, claims, or expenses resulting from the use or interpretation of any file(s) furnished by NRCS pursuant to this agreement. In the event that a conflict arises between the signed or sealed plans or contract document and the electronic files, the signed or sealed plans or contract document shall govern. By your use of these files, you are not relieved of your duty to fully comply with the plans and contract documents, including the obligation to check and confirm all dimensions and details and to take field measurements and verify field conditions.
5. The Receiver agrees to indemnify, defend, and hold harmless NRCS, its officers, agents, consultants, and employees from and against any and all claims, suits, losses, damages or costs, including reasonable attorney’s fees, arising from or by reason of the Receivers; use or interpretation of the file(s) furnished by NRCS pursuant to this agreement, and such indemnification shall survive acceptance of said file(s) by the Receiver.
6. Since revisions or additions to these files may occur at any time, the Receiver agrees to indemnify, defend and hold harmless NRCS, its officers, agents, and employees from and against any and all claims, suits losses, damages or costs, including reasonable attorney’s fees, arising from the use of outdated files, and such indemnification shall survive acceptance of said file(s) by Receiver.
7. These terms and conditions constitute the complete and final agreement of the parties hereto.

Receiver accepts the aforementioned terms and conditions.

Receiver

Date

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MN505.3 Review of Technical Services Performed by Others

- B. For site specific plans prepared by consultants, other than certified Technical Service Providers (TSP's), the following conditions must be met:
- (1) All plans prepared by a Professional Engineer, which are submitted to the NRCS for approval, should be reviewed by an engineer licensed in Minnesota.
 - (2) An inspection plan prepared by the engineer must be submitted with the plan. Documentation required by the inspection plan will serve as the basis for certification.
 - (3) As a minimum, inspection plans must include a description of critical inspection items, the frequency and timing of inspections, frequency and types of tests required, and qualifications of the inspectors. Inspections specified must be adequate to ensure that critical construction specifications are met and materials utilized are adequate.
- C. Review of work by certified TSP's
- (1) Review of work performed by TSP's for individual landowners will be limited to post reviews described in MN NEM 501.5 unless requested by the producer or TSP.
 - (2) When a TSP prepares a design on a project without TSP payment in the contract, the TSP review process will be followed. The following checklist may be used as a guide for review of pollution abatement engineering plans prepared in accordance with NEM 505.3.

NRCS POLLUTION ABATEMENT SYSTEM REVIEW CHECKLIST

1. Has a manure management plan been prepared either by NRCS or Consultant? (GM 190, Part 405)
2. Is the manure storage volume adequate to meet manure management plan requirements? (Standard 313)
3. Is all contaminated runoff and silage leachate stored or adequately treated? (MPCA Rules, EQIP special provisions)
4. Is a plan view included, which shows all drainage directions near the feedlot? (SOW 313 or 635)
5. Are all roofs and drainage areas to open lots diverted away or included in storage volume computations? (Standard 313)
6. For dairy operations, is the milk parlor wash water stored or properly treated? (Standard 629)
7. Are all wells shown? Do they meet MN Department of Health setback requirements? (Standard 313, MN Rules Chapter 4725.4450)
8. Are any lots to be abandoned clearly identified along with time frame and requirements? (SOW 313, 367, EQIP special provisions)
9. Were a minimum of 2 soil borings taken (of adequate depth) for storage facilities, and are any special geologic conditions accounted for in design? (Standard 313)
10. Are storage pond liners adequate? (Standard 313)
11. Is water table control adequate (type, depth, filter, outlet, etc) if needed? (Standard 313)
12. For concrete tanks, is the floor slab reinforced? (Standard 313)
13. For concrete structures near feedlots, are requirements for equipotential plane met? (National Electrical Code, NEM 537)
14. Are safety signs, fences, grates, etc., specified where needed? (Standard 313)
15. Is access adequate for agitation and or emptying of storage facilities? (Should be pointed out as a consideration) (Standard 313)
16. Is vegetation specified for disturbed areas? (Standard 313)
17. Does the inspection plan specify the timing of inspections, qualifications of the inspector, surveys required, testing required, and documentation needed? (NEM 505)
18. Does the O&M plan address operational and safety aspects (including confined spaces warning if appropriate) of the planned structures? (Standard 313)
19. Do any parts of the plan present a potential operation or maintenance problem? These should be pointed out to the cooperater, but a resolution is not required for NRCS acceptance of the plan. (NEM 505)
20. Is the NRCS Standards certification statement on the plan and signed? (NEM 505)
21. Is the proper PE certification present? (MN statute 326.12)
22. Is the NRCS certification statement included on construction certification documents? (NEM 505)

Part 505 – Non-NRCS Engineering Services

Subpart B – Use of Non-NRCS Engineering Services

MN505.11 Non-Project Activities

C. Assistance to Individual Land Users

- (1) The NRCS will normally furnish engineering assistance to individual landowners or operators in the planning, design, and supervision of construction of those commonly used soil conservation and water management practices that are part of a resource management system, and soil and water conservation measures that are installed with cost share programs.
- (2) The NRCS will normally not provide services for design and supervision of construction of engineering measures in the following categories:
 - (i) All jobs where the total time required for planning, design and supervision of construction exceeds 60 staff days.
 - (ii) All ponds, lakes and drainage facilities for real estate development (includes mobile home developments)
 - (iii) Engineering practices in urban areas, except where practices are minor in scope. Refer to GM Title 450, Part 408 for policy on providing technical assistance in urban areas.
 - (iv) Engineering practices or systems with job approval class greater than Class VI. Exceptions to the above limitations in providing technical service must be justified in writing, recommended by the ASTC(FO) and approved by the State Conservationist.
- (3) When private engineers or others perform engineering work involving soil conservation and water management practices, NRCS may provide technical services on inventories and evaluations, design criteria and procedures, specifications and construction techniques so that the work will carry out the intended conservation objectives.
- (4) NRCS encourages conservation district cooperators and others whom it assists to follow applicable Technical Guide Standards when conservation work is done for them by private engineers. If NRCS has technical responsibility, the work must comply with standards acceptable to NRCS.

D. Assistance to Groups of Land Users.

- (1) The NRCS will normally furnish engineering assistance to groups in the planning, design, and supervision of construction of such measures as drainage facilities, ponds for agricultural water supply, small floodwater and erosion control structures and other groups' practices that are within the approval authority of the engineer(s) assigned to the area staff.
- (2) Normally, group project sponsors will obtain the services of private engineers for investigations, design and supervision of construction of engineering measures in the categories outlined in MN505.11(C)(2).