

## **R64. Agriculture and Food, Conservation Commission.**

### **R64-6. Agriculture Voluntary Incentives Program.**

#### **R64-6-1. Authority.**

This rule is enacted pursuant to Subsection 4-18-108(1) which allows the Utah Conservation Commission (UCC) to award grants to eligible entities that are designated in department rule. Specifically, through the Agriculture Voluntary Incentives Program (AgVIP), the UCC awards grants for the costs of plans or projects to address environmental issues on a farm or ranch operation, pursuant to Subsection 4-18-108(1)(b) and improve water quality pursuant to Subsection 4-18-108(1)(c).

#### **R64-6-2. Definitions.**

- (1) "Advisory board" means a board appointed by the UCC to oversee the AgVIP program and rank applications.
- (2) "Commission" or "UCC" means the Utah Conservation Commission created by Section 4-18-104, chaired by the Commissioner of the Utah Department of Agriculture and Food.
- (3) "CNMP" means comprehensive nutrient management plan.
- (4) "Department" or "UDAF" means the Utah Department of Agriculture and Food.
- (5) "Grantee" means a person who has received funding through the AgVIP program.
- (6) "Nutrients" means dry or liquid commercial fertilizer, manure, compost, soil amendments, or liquid waste.
- (7) "Program Manager" means a department employee assigned to oversee the day-to-day activities of the AgVIP program, or their staff.

#### **R64-6-3. Purpose- Agriculture Voluntary Incentives Program**

The purpose of the AgVIP program is to help agricultural producers implement practices that can increase crop yields, improve soil health, and add value to operations while improving water quality using the following methods:

- (1) implementing CNMPs;
- (2) taking soil tests on an annual basis to determine nutrient loading in soils;
- (3) keeping annual nutrient application records; and
- (4) taking manure or compost tests to determine nutrient availability.

#### **R64-6-4. Application Requirements.**

- (1) The UCC will oversee the AgVIP program.
- (2) Each program funding cycle may have specified information for that cycle including:
  - (a) an application period;
  - (b) required information needed for each application; and
  - (c) ranking criteria.
- (3) Ranking criteria will be used to evaluate funding potential for each application submitted.
- (4)(a) The UCC may apply total contract payment limitations based on available funding for the program each year.
  - (b) Small acreage payments may be utilized at amounts determined reasonable by the UCC.
- (5) Applications and personal information will be protected under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA)

**R64-6-5. AgVIP Advisory Board.**

(1) Pursuant to Utah Code Subsection 4-18-108(4)), the UCC shall assign an advisory board to oversee the program and rank applications.

(2) If appointed, the advisory board will include one representative from each of the following groups:

- (a) Utah Association of Conservation Districts;
- (b) Natural Resources Conservation Service;
- (c) Utah State University Extension;
- (d) The department;
- (e) Utah Division of Water Quality (DWQ); and
- (f) Utah Farm Bureau.

(3) The advisory board shall include at least three representatives who are agricultural producers within the state.

(4) Day-to-day activities of the program will be directed by a program manager.

(5) Advisory board representatives will have four-year terms.

**R64-6-6. Criteria for Awarding Grants.**

(1) All applications submitted during each funding cycle will be evaluated and ranked by the advisory board.

(2) Previously determined ranking criteria will be followed for each funding cycle.

(3) Applications that are recommended for funding by the advisory board shall receive final approval from the UCC prior to contracting.

(4) Pursuant to Subsection 4-18-108(2)(a), in considering applications, the UCC shall consider the following criteria in addition to any published ranking criteria:

- (a) the ability of the grantee to pay for the costs of proposed plans or projects;
- (b) the availability of matching funds provided by the grantee or another source or the availability of material, labor, or other items in value provided in lieu of money by the grantee or another source;

(c) the benefits that accrue to the general public by the awarding of a grant.

(5) The AgVIP program may designate priority areas or application types based on specific water quality concerns.

**R64-6-7. Contracting and Project Requirements.**

(1) Contracts will last for three years.

(2) All funded applications are required to have a comprehensive nutrient management plan in place within the first 12 months of the contract.

(a) Once the CNMP is in place, the producer will be responsible for implementing the plan, as written, for the remainder of the contract period.

(b) CNMPs may be revised and updated by the department as needed throughout the contract period to reflect operational or management changes that may occur.

(3) At the end of each calendar year, a UDAF conservation planner will meet with the producer to review the CNMP and collect nutrient application records.

(4) At the discretion of the program manager, monetary and regulatory incentives may be awarded to the producer on an annual basis so long as the producer is able to successfully:

- (a) implement the nutrient management plan;
- (b) provide appropriate nutrient application records;
- (c) provide the required soil tests; and
- (d) provide the required manure or compost tests.

**R64-6-9. Reporting Requirements.**

(1) Program information may be shared as needed with DWQ in accordance with guidelines agreed upon in the most current UDAF-DWQ Memorandum of Understanding.

(2) AgVIP participants submit annual manure, compost, and commercial fertilizer application records.

(3)(a) Any fields enrolled in AgVIP shall have at least one soil test completed during the 3-year contract.

(b) One manure or compost test shall be completed for each type of organic nutrient applied during the 3-year contract.

(4) Annual record keeping following the 3-year AgVIP contract period is encouraged, but not required.

(5) The AgVIP will gather the following information related to program participants:

- (a) annual nutrient application records; soil tests;
- (b) manure or compost tests as applicable;
- (c) number of acres under current CNMPs; and
- (d) other relevant information as needed.

(6) Information gathered will be presented as aggregated data to protect individual private information.

**KEY: AgVIP, nutrient management plan, water quality**

**Date of Enactment: 2024**

**Authorizing, and Implemented or Interpreted Law: 4-18-108**