

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R64-6

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs): [Click or tap to enter a date.](#)

Agency Information

1. Title catchline:		Agriculture and Food, Conservation Commission	
Building:		Taylorsville State Office Building, South Building, Floor 2	
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R64-6. Agriculture Voluntary Incentives Program	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
The department conducted a department wide review of its administrative rule to remove redundant information already found in statute and ensure they align with statutory authority. After reviewing this rule, and the Soil Health Program, it was determined the rule needed to align more with the statutory authority outlined in Section 4-18-108.	
5. Summary of the new rule or change:	
The department is filing this rule as a repeal and reenact to ensure alignment with current statutory authority. The proposed changes integrate the Agriculture Voluntary Incentives Program (AgVIP) under the Soil Health Grant Program. Specifically, the revision incorporates consistent terminology that aligns both the AgVIP and the Soil Health Grant Program. Additionally, the application section clarifies that the Soil Health Advisory Committee would oversees the awarded AgVIP grants. This filing rewrites the contract requirements to enhance clarity and ensure they align with the proper grant application requirements. Finally, the revised reporting requirements clearly specify how AgVIP compliance is met under the Soil Health Grant Program.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This filing will not affect the state's budget because the proposed changes clarify and standardize program terminology and procedures.
B. Local governments:
The proposed changes will not impact on local government's budget because they do not participate in or administer the program.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed changes standardize program terminology and procedures without altering current requirements, resulting in no

anticipated fiscal impact on a small business's budget.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

The proposed changes standardize program terminology and procedures without altering current requirements, resulting in no anticipated fiscal impact on a non-small business budget.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The proposed changes standardize program terminology and procedures without altering current requirements, resulting in no anticipated fiscal impact on a person's budget.

F. Compliance costs for affected persons:

The compliance costs are not changing.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Department of Agriculture and Food, Kelly Pehrson, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 4-18-108	Section 4-18-303	Subsection 4-18-305(6)

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	

Issue or Version	
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B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 05/01/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date: **Time** (hh:mm AM/PM): **Place** (physical address or URL):

Click or tap to enter a date.

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on: 05/08/2026

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Commissioner, Kelly Pehrson	Date:	03/04/2026
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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. Through the Agriculture Voluntary Incentives Program (AgVIP), the UCC may award 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 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 a 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.~~
- ~~_____ (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, or their staff.~~

~~R64-6-3. Purpose—Agriculture Voluntary Incentives Program.~~

~~The purpose of the AgVIP is to help agricultural producers implement comprehensive nutrient management plans and other supporting best management practices that can increase crop yields, improve soil health, and add value to operations while improving water quality using the following methods:~~

- ~~_____ (1) Using a field evaluation to establish a baseline level of conservation that is occurring on a participant's operation;~~
- ~~_____ (2) Developing a conservation plan to identify new practices a participant wants to try, which may include a comprehensive nutrient management plan, and the necessary implementation logistics;~~
- ~~_____ (3) Reevaluating a field's conservation status on a yearly basis; and~~
- ~~_____ (4) Keeping annual management records to verify practices implemented, including nutrient application records if a CNMP is being implemented.~~

~~R64-6-4. Application Requirements.~~

- ~~_____ (1) The UCC will oversee the AgVIP.~~

- _____ (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 Title 63G, Chapter 2, Government Records Access and Management Act (GRAMA)

R64-6-5. AgVIP Advisory Board.

- _____ (1) Pursuant to Subsection 4-18-108(4), the UCC shall assign an advisory board to oversee the program and rank applications.
- _____ (2) The advisory board may 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) Applications submitted during each funding cycle shall 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 before 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;
- _____ (i) applicants who are in default on a department loan are not eligible to participate in the program; and
- _____ (ii) applicants who have failed to make timely payments on a department loan or do not cooperate in good faith regarding repayment of a department loan may be ineligible to participate in the program;
- _____ (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; and
- _____ (c) the benefits that accrue to the public by the awarding of a grant.
- _____ (5) The AgVIP may designate priority areas or application types based on specific water quality and other resource concerns.

R64-6-7. Contracting and Project Requirements.

- _____ (1) Contracts will last for three years.
- _____ (2) Funded applications are required to have a conservation plan in place within the first 12 months of the contract.
- _____ (a) Plans may be revised and updated by the department as needed throughout the contract period to reflect operational or management changes that may occur.
- _____ (b) Each plan must include at least one new conservation practice.
- _____ (3) At the end of each calendar year, a UDAF conservation planner will meet with the producer to review the plan, reevaluate the conservation status of each field and and collect verification documentation for all implemented practices.
- _____ (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 can successfully:
- _____ (a) agree to trying at least one new conservation practice within the three year contract, which may include a CNMP;
- _____ (b) evaluate a fields conservation status annually; and
- _____ (c) provide the required practice verification documents.

R64-6-8. 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 shall submit annual practice verification records.
- _____ (3) Ag VIP participants shall evaluate a field's conservation status on an annual basis.
- _____ (4) Annual field evaluations and record keeping following the 3 year AgVIP contract period is encouraged but not required.
- _____ (5) The AgVIP shall gather the following information related to program participants:
- _____ (a) annual field evaluation results;
- _____ (b) number of acres enrolled;
- _____ (c) which practices are being implemented on each field; and
- _____ (d) other relevant information as needed.
- _____ (6) Information gathered shall be presented as aggregated data to protect individual private information.]

R64-6. Utah Soil Health Grant Program.

R64-6-1. Authority.

Sections 4-18-108, 4-18-303, and Subsection 4-18-305(6) authorize this rule.

R64-6-2. Purpose.

This rule establishes the procedures for grants awarded under the Utah Soil Health Program and the Agriculture Voluntary Incentives Program (AgVIP).

R64-6-3. Definitions.

In addition to the terms below, the terms defined in Section 4-18-103 shall apply to this rule.

(1) "AgVIP" means the Agriculture Voluntary Incentives Program, which is a grant program of the Utah Conservation Commission.

(2) "Eligible entity" means a public, governmental, or private entity as defined in Section 4-18-302.

(3) "Soil Health Advisory Committee" or "Committee" means the committee created in Section 4-18-306.

R64-6-4. Application Requirements.

(1) The commission, with the assistance of the Utah Soil Health Advisory Committee, shall oversee the AgVIP.

(2) The department shall publish information for each program funding cycle, which may include:

(a) an application period;

(b) specific information required for each application; and

(c) ranking criteria that will be used to evaluate applications

(3)(a) Applications and personal information submitted to the department are subject to Title 63G, Chapter 2, Government Records Access, and Management Act (GRAMA).

(b) Pursuant to Section 4-18-307, the department may not disclose a record that identifies the agricultural practices of a specific landowner or producer.

R64-6-5. Criteria for Awarding Grants.

(1) The Committee shall evaluate and rank all complete applications submitted during a funding cycle and provide recommendations to the commission.

(2) The commission shall have final approval of all grant awards.

(3) As part of the evaluation under this rule, the department may determine an applicant ineligible if the applicant:

(a) is in default on a department loan;

(b) has failed to make timely payments on a department loan; or

(c) does not cooperate in good faith regarding repayment of a department loan.

(4) The commission may designate priority areas or application types based on specific resource concerns.

R64-6-6. Contracting Requirements.

(1) An applicant who receives an AgVIP grant shall enter a contract with the department for a term of up to three years.

(2) The contract shall stipulate that the grantee has a conservation plan in place within the first 12 months of the contract, and the plan shall:

(a) be based its content on a field assessment;

(b) include at least one new conservation practice;

(c) include a Comprehensive Nutrient Management Plan (CNMP), if applicable to the operation.

(3) The department may revise and update the plan as needed throughout the contract period to reflect operational or management changes, in coordination with the completion of the annual conservation assessment.

(4) The contract shall require the AgVIP grantee to meet with the department annually to:

(a) review the plan;

(b) reassess the conservation status of each field; and

(c) provide verification documentation for all implemented practices.

(5) The Committee may apply total contract payment limitations based on available funding for the program each year.

R64-6-7. Reporting Requirements.

(1) The department may share program information with the Division of Water Quality(DWQ) for the purpose of awarding regulatory incentives from DWQ.

(2) An AgVIP grantee shall submit annual practice verification records to the department as specified in the contract.

(3) AgVIP participants shall evaluate a field's conservation status on an annual basis.

(4) Annual field assessments and record keeping following the three-year AgVIP contract period are encouraged but not required.

(5) The department shall gather the following information related to program participants:

(a) annual field assessment results;

(b) number of acres enrolled;

(c) which practices are being implemented in each field; and

(d) other relevant information as needed.

(6) The department shall present information gathered under this rule as aggregated data to protect private information, as required in Section 4-18-307.

KEY: AgVIP, nutrient management plan, water quality, soil health, grants,

Date of Last Change: June 24, 2025

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