

STATE OF UTAH
AGRICULTURE RESOURCE DEVELOPMENT LOAN PROGRAM
(ARDL)

POLICIES AND GUIDELINES

Administered by
Utah Conservation Commission
Through the
Utah Department of Agriculture and Food
4315 South 2700 West
Taylorsville, Utah 84129-2128
PO Box 146500
Salt Lake City, Utah 84114-6500

TABLE OF CONTENTS

	Definitions	3
Part 1	Program Objectives	5
Part 2	Distribution of Agriculture Resource Development Loan Funds	6
Part 3	Practices Eligible for Program	7
Part 4	Responsibility for Technical Phases of Practices	8
Part 5	Loan Application Policy	9
Part 6	Encouraging Public Benefits When Installing Practices	11
Part 7	Application Procedure	12
Part 8	Planning Resource Improvements	13
Part 9	Plan Review and Loan Approval	14
Part 10	Loan Closing	15
Part 11	Implementation of Agreed to Practices	16
Part 12	Loan Structure and Security Policy	18
Part 13	Extending Unsecured Credit to Irrigation Companies	20
Part 14	Program Accountability	21
Part 15	Credit Guidelines and Collection Policy	24
Part 16	Emergency Subprogram	27
Part 17	Watershed Subprogram	28
Part 18	Grant Subprogram	30
Part 19	Eligible Practices	31
Part 20	Emergency Practices	34
Part 21	Financing Crop Storage Facilities And Other Farm Structures	35
Part 22	Financing Manufactured High Tunnels Kits And Aquaponics and Hydroponic Systems	37
Part 23	Financing Manufactured Fodder Systems	39
Part 24	Temporary Water Shortage Emergency Loan Program	40
Part 25	Agricultural Conservation Easement Transaction Cost Subprogram	42
	ARDL Application	45

DEFINITIONS

ARDL PROGRAM COORDINATOR: The Agriculture Loan Administrator for the Utah Department of Agriculture and Food who functions as the supervisor of the Conservation Commission loan staff.

AQUAPONIC SYSTEM: Any system that combines conventional aquaculture (raising aquatic animals such as snails, fish, crayfish or prawns in tanks) with hydroponics (cultivating plants in water) in a symbiotic environment.

BORROWER (contractee): A person borrowing Agriculture Resource Development funds. Also referred to as the cooperator.

COMMISSION (contractor): The Utah Conservation Commission or UCC.

COMMISSIONER: The Commissioner of the Utah Department of Agriculture and Food, who is also chair of the Conservation Commission.

CONSERVATION DISTRICT (CD): Legally created subdivision of state government. CDs are responsible local bodies whose major concern is conservation, protection, and wise use of renewable natural resources.

CONSERVATION DISTRICT BOARD OF SUPERVISORS: Five elected supervisors who are responsible for directing CD activities.

COOPERATOR: One who has signed a Cooperator Agreement with the Commission.

FARM: A tract of land used for the production of crops and/or livestock of at least five (5) acres in size. The net income of the farm must be able to support the payment each year. Smaller tracts of land may be eligible for funding within group projects where that tract of land is an integral part of the group project.

FARMLAND: Irrigated or non-irrigated privately owned or leased land used primarily for the production of crops; such as hay, pasture, grain, truck crops, fruits, nuts, berries, seeds, turf and decorative plants.

HYDROPONIC SYSTEM: A method of growing plants in a water based, nutrient rich solution. Hydroponics does not use soil; instead the root system is supported using an inert medium such as perlite, rockwool, clay pellets, peat moss, or vermiculite.

LOAN ADVISORY SUBCOMMITTEE: A committee from the Utah Conservation Commission membership consisting of three voting members and chaired by the Commissioner or the Commissioner's designee whose purpose is to oversee the award process for loans, approve loans and recommend policies and procedures for the Agriculture Resource Development Fund that are consistent with Utah statute and follow the Open & Public Meetings Act. The first members were nominated on October 18, 2018. Subcommittee members will each serve a two-year term. The Commission will choose a replacement when a members' term expires. New members will be appointed by the Commission on the first meeting of

each calendar year. It is permissible for the Loan Advisory Subcommittee to approve loans via telephone or another electronic format as long as there are a quorum of Subcommittee members present and loans approved are ratified at the following quarterly UCC meeting.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS): The USDA Natural Resources Conservation Service, an agency of the United States Department of Agriculture.

PROGRAM YEAR: The ARDL program is a continuous program subject to future appropriations. For accounting and payment purposes, the program year will be the State fiscal year (currently July 1-June 30).

RANGELAND: Non-irrigated land used primarily for the grazing of domestic livestock and wildlife.

RESOURCE IMPROVEMENT AND MANAGEMENT PLAN: The document which describes practices which have been selected to be implemented, schedule for implementing practices and the estimated cost of implementing practices.

ZONE: A group of CDs that have been combined on a geographic basis to allow for greater efficiency in program management. Currently there are seven zones.

PART 1

PROGRAM OBJECTIVES

- A. The objectives of the Agriculture Resource Development Loan (ARDL) program are to:
1. Conserve soil resources.
 2. Conserve water resources.
 3. Increase agricultural yields for:
 - (a) Cropland
 - (b) Orchards/vineyards
 - (c) Pasture
 - (d) Range
 - (e) Livestock
 4. Maintain and improve water quality.
 5. Conserve and improve wildlife habitat.
 6. Prevent flooding.
 7. Conserve and/or develop on-farm energy.
 8. Mitigate damages to agriculture as a result of flooding, droughts, or other natural disasters.
- B. Decisions concerning the use of loan program funds will be made based on achievement of program objectives. The administration of the program shall emphasize coordinated resource planning and decision making to ensure maximum benefit of loan funds. The program is available to groups such as grazing associations, irrigation companies, and agricultural cooperatives in addition to individuals.
- C. ARDL project improvements must be located on lands within the borders of the State of Utah. Loan security must be within the State of Utah.
- D. ARDL funds may not be used to finance projects primarily for labor savings or operator convenience, or where adequate and efficient conservation resource development projects already exist. All practices funded through this program must be maintained at operator expense throughout the life of the loan.

PART 2

DISTRIBUTION OF AGRICULTURE RESOURCE DEVELOPMENT LOAN FUNDS

- A. Commission allocation of loan funds.
1. The Commission will ensure that available ARDL funds can be borrowed for use in the rangeland, watershed, and energy programs. During periods when funds are not available for all loan applications, the priority will be that 10 percent of the funds be made available for range improvements and 40 percent of the funds will be made available for watershed and energy programs. These priorities need to be observed only if there are sufficient applications with acceptable plans to utilize the required funds for these purposes.
 2. Allocation of ARDL program funds.
 - (a) Each zone will receive ARDL funds based on demonstrated need as indicated by historical data and approved resource improvement and management plans ready for funding.
 - (b) Excess ARDL funds will be allocated to the zones on an as needed basis.
 3. Exceptions for special projects.
 - (a) In cases where there are projects requiring more funds than would be available to a conservation district in a given year, or if there is a project of such a size as to require all or a major portion of funds available to a district for more than one year through the normal allocation process, the Commission may, by a two-thirds majority vote, allocate all or a major part of available ARDL funds to such projects (e.g. a complete watershed).
 - (b) To receive consideration for funding of such projects, the district must provide a completed resource improvement and management plan to the Commission at least one month before a Commission meeting when ARDL funds are allocated to the zones.
 - (c) Districts that receive funds for such projects, upon completion of such projects, will be ineligible for future ARDL funds for as many years as would equal those in which they received preferential ARDL funding. This restriction will not apply if there are insufficient needs by other districts throughout the state to use all available ARDL funds.
 4. For the purposes of protecting its interest in a defaulting loan, the Commission may use either appropriated or repayment monies to purchase or otherwise obtain property in which the Commission has acquired a security interest by any mortgage, trust deed, pledge, assignment, judgment, or other means at any execution, bankruptcy, or foreclosure sale.
 5. The Commission may also operate or lease, if necessary to protect its investment, any property in which it has an interest, or sell or otherwise dispose of such property to recover loaned funds.

PART 3

PRACTICES ELIGIBLE FOR PROGRAM

- A. The list of practices eligible for funding under the ARDL program, along with a detailed description of purposes and policies, may be found in Part 19. Reasonable costs of engineering may be included as part of the cost of the plan.
- B. Special practice approval may be requested by preparing a description of the practice, appropriate limits or extent of loan fund assistance, and justification of the need for the special practice. The request may be prepared by CD Boards or the Resource Coordinators and submitted to the Commission for approval.
- C. Standards and specifications for practices will be those found in the NRCS Field Office Technical Guides. If there is a need to establish new standards and specifications for special practices, they should be submitted along with requests for special practice approval to the Commission.

PART 4

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES

- A. A coordinated resource planning process will be used where appropriate to develop the proposed resource improvement and management plan through interagency and interdisciplinary input from appropriate state and federal agencies.

- B. Technical assistance may involve one or more of the following phases:
 - 1. Determination of the need for the practice.
 - 2. Site selection, determination of measures needed, and required planning design and layout of the practice.
 - 3. Providing necessary supervision of installation of a practice to assure conformity with specifications (NRCS approved standards and specifications where applicable - Commission approved standards and specifications when applicable).
 - 4. Inspection to ensure that specifications have been met and the practice is properly deployed.
 - 5. Source of Technical Assistance. The CD Board will identify the members of the interdisciplinary interagency team which will assist in the preparation of the resource improvement and management plan.

- C. Cultural Resources Preservation.
 - 1. Those projects funded solely by ARDL funds will require compliance with Section 9-8-404 of the Utah Code. Compliance will be part of project planning, and those providing technical assistance should consult with the State Historic Preservation Officer (SHPO) or a qualified archaeologist when the project planner and/or other involved persons are aware of the existence of antiquities or other items of historic interest and have determined the project could adversely affect such resources.
 - 2. Those practices listed by NRCS as exempt from culture resource review will not require consultation with SHPO.
 - 3. When submitting a project to SHPO the submission will include at a minimum a description and location of the project and the name of the owner of the applicable land. The project planner will include any written response with the resource improvement and management plan and consider the findings during the planning process.

PART 5

LOAN APPLICATION POLICY

- A. Loan requests will be accepted and processed from eligible applicants regardless of race, age, sex, creed, color, religion, or national origin.
- B. A request for a loan must be in writing on the ARDL Application Form (a copy of which is included at the end of this policy) and filed with the local conservation district.
- C. CD and Conservation Commission require a minimum of 90 days to process, approve, and close a loan.
- D. A request for a loan may be filed at any time during the program year.
- E. An applicant is ineligible for an ARDL loan or grant if they are in default on any other loan from the Department of Agriculture and Food.
- F. An applicant may be ineligible for an ARDL loan or grant if they have failed to make timely payments on another loan from the Department of Agriculture and Food or do not cooperate in good faith regarding the repayment of another loan with the Department of Agriculture and Food.
- G. Approval of loan shall be subject to availability of funds. The CD board will give impartial consideration on the basis of program objectives and priorities approved in the District Agriculture Resource Development Loan Program Plan. It is the CD boards' responsibility to realize with available funds, the maximum economic or conservation benefit with reasonable consideration given to wildlife habitat and cultural resources.
- H. Use of loan money in conjunction with federal or other grant funds is encouraged. Applicants should apply for available federal or other cost-share assistance and ARDL funds on the same project. Applicants must keep in mind, however, that requests for cost-share assistance and for loan approval are handled by different governmental agencies, and approval for one does not guarantee approval for the other. *Applicants must ensure that approval of both requests has been received before proceeding if completion of the project is dependent on funds from both sources. It is recommended that district approval for both grants and loans financing a project be considered simultaneously. This will require coordination between grantors and zone resource coordinators.*
- I. Repair and replacement of practices may be eligible for loan assistance under the loan program and will be considered on a case-by-case basis.
- J. Pooling agreements and special projects. Farmers or ranchers may agree in writing to perform a project as a group to solve a mutual environmental problem on their properties.

Such an agreement would consist of a master project plan, with subsidiary individual plans for each land owner. Each master plan and subsidiary plan would be subject to district approval. Each land owner would be responsible to apply separately for ARDL financing in accordance with Part 9.

- K. Period for performance of approved practice. A specific expiration date will be agreed upon and entered on each approved loan agreement. Prior to the expiration date, the farmer or rancher should report completion of the practice to the CD Board or request an extension of time to complete the practice if circumstances justify the extension of time.
- L. Privilege of appeal. Any person may, within 15 days after notice is received or made available, request the CD Board, or the Conservation Commission in writing to reconsider its determination in any matter affecting the right to or the amount of loan funds with respect to the applicant.
- M. Higher priority for loans will be given to applicants that are full time agricultural producers.

PART 6

ENCOURAGING PUBLIC BENEFITS WHEN INSTALLING PRACTICES

District Boards will encourage persons responsible for any aspect of performing practices to promote public benefit by improving or preserving environmental quality and ecological balance when the practices are being installed. Multiple objective achievements, total resource evaluation and treatment, and a systematic resolution of all resource and economic problems will receive high priority consideration for loan funds. When reviewing loan requests and making loan approvals the following considerations will be observed:

- A. Preventing or abating pollution and other environmental degradation.
- B. Benefiting the community through creation of outdoor recreational opportunities, preserving open space, or enhancing the appearance of the area.
- C. Benefiting wildlife or other desirable life forms.
- D. Preserving historic, archaeological, or scenic sites of interest.
- E. Avoiding the creation of hazards to persons or animals.
- F. Improving the condition of the range.

PART 7

APPLICATION PROCEDURE

- A. Any person or group of persons desiring to participate in the Agriculture Resource Development Loan program must make application through the local Conservation District Board of Supervisors. A CD or UDAF employee or NRCS staff member, if available, will assist in the preparation of the application.
- B. The application must be fully completed and signed.
- C. The completed application will be presented by the applicant (or representative) to the local CD board at a regularly scheduled meeting for planning approval or disapproval. Upon approval for planning, the applicant and appropriate technical personnel will be notified to proceed with planning the resource improvement.
- D. The applicant must sign up and become a district cooperator in order to receive loan assistance.

PART 8

PLANNING RESOURCE IMPROVEMENTS

Applicant(s) and assigned technical personnel will prepare the resource improvement and management plan which will include:

- A. Resource inventories and identified resource problems and applicant objectives.
- B. Land treatment practice(s) and cost estimate, including map or aerial photograph reflecting project location.
- C. Management practice(s) and costs.
- D. Project benefits and resolution of identified resource problems with applicant objectives.
- E. Implementation schedules.
- F. Disbursement schedule, if warranted.
- G. Required clearances, easements, permits, etc.
- H. Any other appropriate documentation needed to complete the implementation of the resource improvement and management plan. NOTE: *All* appropriate resource personnel will be used to assist as necessary.

PART 9

PLAN REVIEW AND LOAN APPROVAL

- A. The resource improvement and management plan will be reviewed with the CD Board of Supervisors. The plan will be reviewed with the applicant(s) or their representative at a scheduled board meeting and forwarded to UDAF for loan approval by the ARDL Program administrator or loan specialist.
- B. The CD Board will either approve or disapprove allocation. The CD Board may request additional information before taking action. When the plan is accepted, the board will allocate funds for the project and forward the plan and application to Commission staff for policy compliance review, credit analysis and underwriting.
- C. *Maximum Loan Limit.* Total borrowings by any one entity will be limited to no more than *four percent* of the total assets of the ARDL Program as reflected on the most recent December 31 financial statement published by the Utah Department of Agriculture and Food or project loan limits set by the Conservation Commission.
- D. *Maximum Loan Amount:* Total borrowings by any one entity or individual will be limited to \$250,000 when available ARDL funds are \$3.5 million or less as of the approval date by the UCC and reflected in the current financial statement published by the Utah Department of Agriculture and Food.

PART 10

LOAN CLOSING

- A. Upon approval Commission staff will prepare loan documents. When all necessary loan documents are executed and returned to staff, the Commissioner will sign and make the final obligation of funds by signing the Contract Agreement. At that point the borrower may proceed with the project as identified in the resource improvement and management plan. Borrowers must understand that if they purchase or contract for equipment or labor prior to this point, they do so at their own risk. The Commission has no obligation to disburse funds prior to the completion of the above-described procedures. Borrowers should employ good business practices in planning for and implementing ARDL Projects.
- B. Applicants will be required to cover any costs incurred for loan closing including escrow fees, title insurance, recording fees, and appraisal when necessary.

PART 11

IMPLEMENTATION OF AGREED TO PRACTICES

- A. Required technical assistance will be provided by the assigned technical agency. The contractee has the responsibility to schedule with the appropriate technical agency the necessary field assistance. Assigned technical personnel will assist the contractee in implementation activities to ensure well-designed, constructed, and managed practices. The contractee may install their improvements or subcontract work out to a subcontractor. Whatever method is used, the contractee will be responsible for the quality of materials and workmanship in the installation of practices identified in their plan.
- B. Upon completion of the scheduled practice, the assigned technical agency should be notified. The assigned technical agency will then inspect the installed practice and certify completion if it meets the quality standards and construction specifications of the practice.
- C. When certified complete by the technical agency, the borrower may submit all signed invoices and bills along with certification of completion report to the Commission staff for complete disbursement of loan funds.
- D. The ARDL program coordinator or designee will approve all disbursements and prepared warrant (check) request(s) directing the Division of Finance to prepare each warrant payable to both the borrower and the vendor/contractor and mail it to the borrower. If the borrower is satisfied with vendor/contractor's services, they will endorse the warrant and submit it for payment to the vendor/contractor. If the borrower has already paid the invoice, and submits proof of payment, the warrant can be payable to borrower only.
- E. The borrower will implement the practices as scheduled and may draw loan funds as work is completed and invoices are signed and submitted for payment. No more than 80% of the loan amount may be disbursed prior to completion certification. The final 20% will not be advanced until the project is certified complete by the assigned technical agency.
- F. Guidelines for financing previously owned irrigation equipment.
Note: The Commission *discourages* the use of previously owned irrigation equipment on ARDL projects because of difficulties in determining its quality. However, such equipment may be used in accordance with the following procedures:
 - 1. Previously owned irrigation equipment is limited to the above ground portion of an irrigation system including, but not limited to, hand lines and wheel lines. Electrical equipment, such as pumps, is excluded from eligibility under this definition. Any equipment or portion thereof which has previously been installed underground is excluded from eligibility for ARDL funding.
 - 2. Previously owned irrigation equipment must be inspected for quality and value by at least two independent individuals having knowledge of such equipment if the cost is more than \$10,000, one if less. A statement of qualifications of the inspectors must be submitted to the

Commission staff with the inspection reports. The report shall include an estimate of the value of the equipment and a general statement about the quality and condition of the equipment being inspected.

3. The current owner of the equipment shall provide to the Commission staff a signed statement as to the quality and condition of the equipment to the best of their knowledge.
4. Loan advances are limited to 80% of the lowest appraised value of the equipment or 80% of the actual purchase price, whichever is lower.
5. Equipment purchased with loan funds shall be maintained in good working condition for at least the term of the loan. In the event that the equipment should fail, the loan may become due and payable within 60 days of the date of the failure. Equipment failure shall be defined as the time the project no longer meets the water management purpose for which it was installed.

PART 12

LOAN STRUCTURE AND SECURITY POLICY

A. Repayment schedule will be detailed in the loan agreement and promissory note with a 15-year maximum loan term. All loans will be fully amortized with payments due at least annually. Interest rates will vary based on the size of the loan and will be fixed for the term of the loan. The UCC may recalculate interest rates based on consideration of rates charged by other agricultural lenders as well as economic factors such as inflation, weather, and natural disasters, or following a recommendation from program staff.

Loan Amount	Interest Rate	Terms	Maximum LTV
less than \$52,000	3.25%	7 years or 15 Years	70%
\$52,000 to \$103,999	3.00%	15 Years	70%
\$104,000 or more	2.75%	15 Years	70%

One month before payment is due, the ARDL staff will send out an account statement and billing.

B. The Utah Conservation Commission has concerns about the stability and sustainability of the agricultural sector of our economy and the ability to properly secure agricultural loans. To facilitate conservation practices on the land while ensuring the solvency of the program, the following procedures will be followed in securing loans:

1. Loans will be for no more than 70 percent of the value of the debtor's equity in the collateral, Loan to Value (LTV) as established by a valid third-party appraisal or current county tax assessment notice.
2. Applicants will provide a current written appraisal of the market value of all properties which are to be used as collateral (chattel and real estate).
3. Chattel property must be marketable and can be used as collateral on loans for projects of no more than \$50,000 and for a maximum term of seven years.
4. Loans secured by stock in irrigation companies may be written for up to a 15-year term provided the certificates are pledged and the value is established by a valid third party or appraisal acceptable to the ARDL program coordinator or loan specialists.
5. A title insurance commitment is required on all real estate and UCC-1 clearance is required on all chattel properties to be used as collateral to ensure that they are lien free.
6. When the title report indicates an existing lien or encumbrance on property to be used as collateral, the existing lienholder(s) should be requested to subordinate their interest in favor of the Commission.
7. Whenever a corporation, limited partnership, or limited liability company acquires a loan, its principal(s) are required to sign the note personally, except in the case of an irrigation company loan covered under PART 13.
8. Applicants must provide complete financial statements with cash flow projections to demonstrate debt service capacity.
9. A second mortgage (trust deed) can be approved when:
 - (a) First mortgage balance is no larger than *twice* the amount of our second lien.
 - (b) First mortgage balance does not exceed \$200,000.

- (c) Combined loan balances do not exceed 70 percent LTV.
- C. These procedures are reviewed at least annually and amended as needed to meet the needs of the program.
- D. When warranted, and at the discretion of the ARDL program coordinator, existing loans can be combined with a new application for funding in order to enable borrowers to secure all ARDL indebtedness with one trust deed or shares in an irrigation company. The intention is to accommodate borrowers who have sufficient security and repayment capacity. Administrative fees will be paid only on the new funds being borrowed. The following restrictions will apply:
1. Loans can be consolidated one time only.
 2. Loan to value ratio can be no greater than 70 percent.
 3. Principal only can be refinanced.
 4. Term is limited to 12 years maximum.
 5. Only ARDL debt can be refinanced.
- E. The administrative fee was established in 1976 because the original legislation creating the ARDL program required that the administrative expenses for operating the loan fund be covered by the parties to the loan contracts. The funds are remitted to the UDAF to help finance administrative activities and loan marketing if funds become available. The fee was later removed.

On November 30, 2022, the administrative fee was reinstated at one percent (1%). The Conservation Commission may adjust the administrative fee percentage or remove the fee upon recommendation of program staff or based on the available amount of ARDL Funds. A fee shall be required if the amount of available ARDL funds is \$3.5 million or less. The administration fee if assessed will be added to the loan with each disbursement based on fee percentage set by the board. The administrative fee will only be charged on funds disbursed.

PART 13

Extending Unsecured Credit to Irrigation Companies

Irrigation companies within the state of Utah have occasional needs for long term loans for purposes that are consistent with ARDL policy and guidelines. Often, the structure of these companies precludes their qualifying for loans due to lack of assets that are suitable for pledging as loan security. While financing is available from the Division of Water Resources, that process involves significant time for completion and is generally suitable only for larger loans.

Irrigation companies that are classified as such by the Division of Water Resources and incorporated in Utah and in good standing are eligible to apply for loans to finance ARDL qualified projects. The funds may be used for purchase of materials and equipment and/or for labor for such projects.

Unsecured loans to irrigation companies will be considered to applicants based on the following criteria:

- A. The company must be recognized as a canal company by the Utah Division of Water Resources, incorporated in Utah and in good standing.
- B. The bylaws must authorize the company to assess the shareholders for funds to make the loan payments.
- C. The company's financial statements, ownership structure and water right must be valid and support the size of the loan.
- D. The company's credit record must indicate a history of timely payment of all obligations.
- E. The company's board of directors must approve the project and the indebtedness.
- F. Authorized officers of the borrower will sign for the indebtedness. In most cases an individual will not be required to personally endorse or guarantee the loan.
- G. Unsecured loans will be fully amortized over a period not to exceed ten years.

Pricing and approval of all unsecured loans to irrigation companies will be the same as for all other loans under this program.

PART 14

PROGRAM ACCOUNTABILITY

- A. Accountability for the ARDL program will be achieved by:
1. Review of loan requests will be made by local CD Board of Supervisors. The ARDL program coordinator or designee will approve credit for each borrower from financial information submitted.
 2. Technicians will certify quality control of applied practices through the use of NRCS accepted standards and specifications, when applicable.
 3. Commission staff will prepare an annual report covering loan activity and utilization of funds.
- B. The following describes those responsible for the program.

Administrative and Technical Assistance Responsibilities With Position Titles

STATE LEVEL	STATE LEVEL	DISTRICT LEVEL
Utah Department of Agriculture and Food UDAF		
Conservation Commission UCC	Administration	Conservation District (CD)
UCC:	UDAF:	Board:
Eleven member policy group who facilitate the development and implementation of the strategies and programs per Utah Code 4-18-105		Five members locally appointed supervisors. There are 38 CD's in the state. The Board gives district level program direction and accountability. Administers guidelines at district level, advertises program, distributes applications, and assists in legislative effort for future funding.
Chairman:	Director, Plant Industry and Conservation: UDAF	
Commissioner or Commissioner's designee, (UDAF) May not vote except in the event of a tie, in which case the Commissioner or the Commissioner's designee shall cast the deciding vote.		
	Director, Plant Industry and Conservation: UDAF	

	Utah Conservation Commission Administrator, UDAF Overall state level program management for UCC and CD's. Interpret guidelines, oversee ARDL loans, UCC staff, watershed personnel, and grant coordination Statewide. Administers guidelines and assists in legislative effort for future funding.	
	Administrator Loan Programs, UDAF. Overall state level program management. Interprets guidelines, oversees loan underwriting and disbursement, accounting and collection, and supervises accounting and clerical work.	

Planners will determine a coordinated resource planning process to be used to develop the proposed resource improvement and management plan through interagency and interdisciplinary input from appropriate state and federal agencies.	Resource Coordinator UDAF Assists state-level ARDL program administrator to carry out specific tasks of loan program source.	Resource Coordinator Liaison between UCC Administrator and CDs. Supports technical assistance for planners and NRCS Planners. Planners will determine a coordinated resource planning process will be used to develop the proposed resource improvement and management plan through interagency and interdisciplinary input from appropriate state and federal agencies.
	ARDL Special Projects UCC Project Grants Partner with Federal, State and Non-Governmental Organizations to protect and enhance natural resource projects.	
TECHNICAL ASSISTANCE		
	Planners, UDAF Planners will determine a coordinated resource planning process will be used to develop the proposed resource improvement and management plan through interagency and interdisciplinary input from appropriate state and federal agencies.	
	Water Shed Coordinators, UDAF Manages Watershed coordinators to improve, plan, develop and implement programs and projects within watersheds to sustain and improve water quality.	
Utah Weed Supervisors Association		
USU Extension Representative		

Div of Water Quality, Utah Dept of Environment Quality		
Utah Department of Natural Resources		

TECHNICAL ASSISTANCE		
NRCS	NRCS	NRCS
NRCS State Conservationist	NRCS qualified planners serving resource project planning	NRCS qualified planners serving resource project planning through- out districts,

PART 15

CREDIT GUIDELINES AND COLLECTION POLICY

These credit guidelines are established to provide for reasonable management of risk to the program and to protect borrowers from excessive debt. Even though these loans are made at a low interest rate for the purpose of encouraging conservation and resource development, they must still be repaid. This section sets forth the requirements for determining the eligibility of an operator for a loan. UDAF loan specialists will serve as loan officers for all loan applications.

- A. Standards for acceptable loans:
 - 1. There shall be adequate assets and primary collateral for security to protect the State from loss.
 - 2. The borrower must demonstrate the capacity to repay.
 - 3. Qualifying Irrigation Companies may borrow unsecured, but must demonstrate creditworthiness.

- B. Credit information shall be sufficient to support the loan requested, and reasonably verified.

- C. Information needed from individual operators prior to loan approval:
 - 1. All loans - documents/forms required.
 - (a) Loan application.
 - (b) Financial statements.
 - (i) A current balance sheet, no older than six months.
 - (ii) Income and expense statement for the most recent two years and federal tax returns.
 - (c) Credit reports.
 - (i) On all new loan applications, a credit report should be obtained to establish past payment history and obtained available information regarding suits, judgments, etc.
 - (ii) Searches of public records, such as County Clerk, Recorder, Department of Commerce (UCC filings), etc. when required.
 - (d) Field inspections are required for large or unusual transactions.
 - (i) They are useful in determining loan and security positions, providing repayment estimates, and verifying agricultural assets.
 - (ii) A properly completed field report will comment on the applicant's management ability.
 - (iii) They should be used to secure a complete and accurate description of collateral from the security agreement on such items as equipment, livestock, crop locations, etc.
 - (e) Budget and cash flow projection.
 - (i) Projections should be prepared on any complex loan where the cash flow analysis will aid in making a credit decision.
 - (ii) Cash budget should be prepared by the applicant and reviewed by the loan officer.
 - (iii) May be waived on less complex loans and loans that have an abundance of collateral.

2. Real estate secured loans.
 - (a) Title insurance commitment reflecting *exact* legal description and title vesting is required.
 - (b) Real estate documentation of value will consist of one of the following:
 - (i) Real estate valuation can be determined by a copy of current county tax assessor valuation notices. Irrigated land values require applicable water rights.
 - (ii) A copy of an appraisal report, no older than one year, made by a certified general appraiser and reviewed by loan officer.
 - (c) If the State is a junior lien holder, a Request for Notice of Default should be recorded.
- D. Liens on all personal property (chattel) security will be properly perfected in accordance with applicable laws. Where applicable, a security agreement is required. A lien search will be obtained on all non-purchase money chattel security.
- E. All new credit will be approved by the Commission or the Loan Advisory Subcommittee and must follow the Open & Public Meetings Act. It is permissible for the Loan Advisory Subcommittee to approve loans via telephone that would require a quorum of the voting members. Members may receive the agenda and documents pertaining to the agenda at least 24 hours prior to the scheduled meeting. All credit approved on this basis will be reported to the UCC at the following quarterly meeting after the approval. Applications of less than \$5,000 will not be accepted.
- F. All property within the State of Utah having readily identifiable market value may be considered as acceptable security for these loans.
- G. Collection Policy. The following procedures will be followed on delinquent loans:
 1. *30 Days Past Due*: If payment has not been received within 30 days after due date, a delinquent notice reflecting the amount due including penalty will be sent to the borrower.
 2. *60 Days Past Due*: If payment has not been received within 60 days after due date, a second delinquent notice will be sent out. Personal contact will also be made by the CC staff with the borrower during this time period to try to collect the payment. The Conservation District involved with the project may also be notified.
 3. *90 Days Past Due*: If payment has not been received within 90 days after due date, a third delinquent notice will be sent out. This notice may also advise the borrower that payment must be made or other satisfactory arrangements made with the commission staff within 30 days or the account will be assigned to our Agency Counsel for appropriate action. Attempts to make personal contact by UCC staff will be made during this period of time to try to collect the payment or make acceptable arrangements with the borrower.
 4. *120 to 180 Days Past Due*: Commission staff will work with the borrower to make satisfactory arrangements for payment of past due amounts. This may include modifying of the terms of the original contract to meet the borrower's ability to perform on the obligation. Taking additional or substitute collateral if the lender is deemed insecure, or any other appropriate actions to provide service for the borrower and protect against loss should be done. As a last resort, if it appears that the borrower will be unable to pay the loan, the account will be assigned to the Attorney General's office for collection and

foreclosure proceedings. These actions would be at the discretion of the Loan Program Coordinator.

H. When warranted, and at the discretion of the loan staff, existing loans can be modified, and fee adjustments can be made. Requirements:

1. The Director of Conservation (Director) will sign all modification agreements.
2. Any changes to an existing loan will have a documented reason, either in the loan servicing system or in the file.
3. Any modifications that are extreme circumstances, and at the discretion of the director, will be taken to the UCC for approval. All meeting minutes having UCC approval regarding a modification will be placed in the file.
4. Any fee adjustments over the threshold of \$100 will need to have the Director's approval otherwise it will be at the discretion of the loan staff.
5. The financial analyst will input all modifications and fee adjustments into the loan servicing system as standard operating procedure; however, the loan staff may enter this information if the Director has approved.

PART 16

EMERGENCY SUBPROGRAM

- A. Pursuant to Utah Code Subsection 4-18-106(4)(i), the purpose of this part is to provide loan funds for installing conservation practices and watershed protection measures necessary due to unusual and extraordinary circumstances such as flood, drought, or other natural disasters, and to aid the sustainability of agriculture during and immediately following a declared disaster by providing loan funds for costs incurred due to directly related losses not covered by indemnity or other compensation
- B. *Watershed Designation.* Areas where damage has occurred or is about to occur are eligible for designation by the Commission. The Commission shall designate areas eligible for funding based on degree and severity of damage and amount of loss as demonstrated in the Agricultural Damage Report as considered by the County and State Emergency Boards. Priority will be given to those areas with the highest total agricultural loss.
- C. *Eligible Activities.* Those activities that minimize future damage will be given highest priority. Descriptions of eligible practices can be found in Part 18. For specifications and standards see the local NRCS office.
- D. *Other requirements.*
1. *Coordination:* The nature of disaster situations requires that special emphasis be placed on the program coordination. Coordination of activities will minimize problems and maximize output. Coordination will be accomplished at the local level through the County Emergency Boards. The Boards shall be informed of all applications through this program.
 2. *Permits:* All necessary permits must still be obtained prior to practice installation.
 3. *Plans and Specifications:* These will remain as found in the Farm Service Agency (FSA), and Emergency Watershed Program (EWP) guidelines. Local Conservation Districts may request exceptions from the Commission based on site specific differences.
- E. *Applications.*
1. Loan applications under this part are made through the local Conservation Districts. Application requirements are the same as those found in Part 7, except that a statement of the type and nature of the emergency shall be included in the application.
 2. Applications may receive expeditious treatment through emergency CD meetings held for the sole purpose of processing emergency loan requests.

PART 17

WATERSHED SUBPROGRAM

- A. The Commission recognizes that water quality for agriculture and the public may be improved by focusing on impaired watersheds. These needs may be met with loans provided to operators within priority watersheds. This section has been established in recognition of such needs, and the purpose of this part is to set aside funds for priority watersheds as identified by the Commission. The priority watershed designation does not exclude funding under any other part of this policy. Applications under this section should be designed to improve water quality by identifying pollution, erosion sources, or flood and fire control needs not suited to individual solution.
- B. The purposes of this part are to:
1. Provide the necessary administrative framework and financial assistance for the implementation of measures to meet non-point source water pollution abatement, erosion control, and flood and fire control needs.
 2. Provide coordination with elements of the conservation program in order to ensure that all activities and limited resources are fully utilized in the achievement of program objectives.
 3. Focus limited technical and financial resources in critical geographic locations through the selection of priority and most feasible watersheds where impairments have been identified and plans completed.
 4. Provide technical and financial assistance to individuals in the application of necessary measures for the control of pollution and erosion from agricultural activities, and enhance water quality and quantity.
- C. *Priority watershed designation.*
1. When needed, the Commission will designate annually no less than five or more than ten priority watersheds. Priority watersheds must be watersheds that contribute to the flow of a designated priority stream segment as identified by the Utah Department of Environmental Quality in the annual 305(b) Water Quality Report. Priority watersheds must contribute significantly to non-point source water pollution, erosion or flooding and such source must be primarily agricultural and must present reasonable opportunity for restoration or control.
 2. The Commission will review each watershed with the advice of staff and local districts based on factors listed in (3.) below.
 3. The following factors may be considered in establishing priority watersheds:
 - (a) Size of watershed.
 - (b) Impairment(s).
 - (c) Public input.
 - (c) Soil loss rating - degree of erosion.
 - (d) Degree of flooding experienced or potential for future flooding.
 - (e) Other federal, state, or local agency input.
 - (f) Cost of restoration.

- (g) Benefits of restoration activities.
- (h) Impact to agriculture.
- (i) Land use.
- (j) Wildlife values.
- (k) Water resource values.
- (l) Potential for development.
- (m) Economics.
- (n) Social values.
- (o) Esthetics.
- (p) Water quality.

D. *Eligible activities.* All those activities and practices eligible for funding, under other sections of this program, are eligible under this section provided that such activity is beneficial to the purposes of this part.

E. *Project development.*

1. In addition to the regular individual application, proposals under this section should include the following information: (It is not necessary to repeat the information for each individual in a group project.)
 - (a) Name of priority watershed.
 - (b) Problem resolved or reduced by practice implementation.
 - (c) Anticipated project benefits and description of project purpose as related to this section.
 - (c) Description of other funding sources.
 - (d) Implementation schedule.
 - (e) Coordination mechanisms.
 - (f) Monitoring and evaluation plan.
 - (g) Project cost benefit ratio.
2. The local CD will review the completed proposal as to adequacy and appropriateness. If the district approves the proposal, it will be submitted to the Commission for consideration. The district may disapprove the proposal if it does not comply with this part, or request further information.
3. Group projects are encouraged under this section and these will be given highest priority. Consolidation of individual projects, where appropriate to meet the purposes of this part, is permissible.
4. The Commission may consider watershed project loan requests when proposed. If funding is not sufficient to meet all requests deemed appropriate to this section, then the Commission utilizing the following criteria shall prioritize applications:
 - (a) Project benefit cost ratio.
 - (b) Time frame for implementation.
 - (c) Public input.
 - (d) Input and/or funding from other agencies.

F. All agreements entered into under this part shall be subject to all applicable procedures and requirements under other parts of this program.

PART 18

GRANTS SUBPROGRAM

- A. Under Utah Code Subsection 4-18-108(1), the Commission may make a grant from the ARDL fund to an eligible entity for:
 - 1. Control or eradication of noxious weeds and invasive plant species in cooperation and coordination with a local weed board
 - 2. The costs of plans or projects to improve manure management, control surface water runoff, or address other environmental issues on a farm or ranch operation, including the costs of preparing or implementing a nutrient management plan.
 - 3. The improvement of water quality.
 - 4. The improvement of water quantity and flows.
 - 5. Hydroponic fodder production.
 - 6. The development of watershed plans.
 - 7. A program to address other environmental issues.
- B. An "eligible entity" for the purposes of this part includes any agricultural producer located in the State of Utah using granted funds for an eligible purpose within the State of Utah.
- C. Under Subsection 4-18-108(2) in awarding a grant, the Commission shall consider:
 - 1. The ability of the grantee to pay for the costs of the proposed plans or projects.
 - 2. The availability of matching funds or materials, labor, or other items of value provided by the grantee or another source.
 - 3. The benefits that accrue to the public by the awarding of the grant.
- D. The Commission may consider awarding grants under this part if the balance of available ARDL funds is at least \$10 million. For the purposes of this Part, the \$10 million balance calculation shall not include any funds appropriated for the Temporary Water Shortages Emergency Program created under Utah Code Chapter 73-3d.
- E. At the discretion of the Commission, grant funds under this part may be disbursed to local conservation districts to be granted to eligible entities within their districts and used for purposes that conform with the requirements of Part 18 and Section A and are consistent with the purposes of the ARDL program listed in Part 1 Section A.
- F. The amount of grant funds that may be allocated to conservation districts under this Part and the selection of conservation districts that receive funds shall be at the discretion of the Commission.

PART 19

ELIGIBLE PRACTICES

The following list includes the eligible practices for the (Utah) ARDL Program. It has been developed from the USDA NRCS Conservation Practices list, with all inapplicable practices eliminated. For further information and details of these practices, please refer to the NRCS Conservation Practices Handbook or consult the internet under https://efotg.sc.egov.usda.gov/api/CPSFile/28990/UT_IDX_December_2020

		Current	Current	Current	Current
	Practice	National	Utah	Utah	Utah
Practice Name & Unit(s)	Code	Standard	Supplement	Specs.	Job Sheet
Access Road (ft.)	560	Jul-10	Aug-10		
Aquaculture Ponds (ac)	397	Jan-10	Apr-10		
Brush Management (ac.)	314	Sep-09	Apr-82		
Channel Bank Vegetation (ac.)	322	Oct-77			
Channel Bed Stabilization (ft)	584	Sep-10			
Clearing & Snagging (ft.)	326	Oct-80			
Composting Facility (no.)	317	Dec-90			
Conservation Power Plant (no)	716	Apr-09			
Constructed Wetland (ac.)	656	Aug-98			
Contour Buffer Strips (ac.)	332	Mar-97			
Critical Area Planting (ac.)	342	Oct-77	May-77		Spec. Sh.
Cross Wind Ridges (formerly 589A) (ac)	588	Jul-02			
Cross Wind Traps (formerly 589C) (ac)	589	Feb-05			
Dam, Diversion (no.)	348	Oct-77		Jul-91	
Dam, (no. & ac.ft.)	402	Oct-77			
Dike (ft.)	356	Oct-80		Jul-91	
Diversion (ft.)	362	Oct-85	May-89	Feb-91	
Drainage Water Management	554	Sep-08			
Farmstead Energy Improvement	374				
Fence (ft.)	382	Apr-95	Nov-82		Spec. Sh.
Filter Strip (ac.)	393	Mar-97			
Firebreak (ft.)	394	Jun-94	Jul-93		Spec. Sh.
Fish Raceway or Tank (m., ft. & m3/s., ft3/s.)	398	Jun-84	Jan-82		
Fishpond Management (no.)	399	Oct-77	Jul-82		Spec. Sh.
Floodwater Diversion (ft.)	400	Oct-77			
Floodway (ft.)	404	Oct-77			

Forage and Biomass Planting	512	Apr-10			
Forest Harvest Trails & Landings (ac.)	655	May-96			
Forest Site Preparation (ac.)	490	Jun-94			
Forest Stand Improvement (ac.)	666	Jun-94	Jul-93		
Grade Stabilization Structure (no.)	410	Oct-85		Jul-91	
Grassed Waterway/Vegetated Filter System (ac.)	412	Oct-85			
Grazing Land Mechanical Treatment (ac.)	548	Apr-95	May-82		
Hedgerow Planting (ft.)	422	Oct-77			
Herbaceous Wind Barriers (ft.)	422A	Jun-94			
Irrigation Canal or Lateral (ft.)	320	Oct-77			
Irrigation Land Leveling (ac.)	464	Oct-80		May-89	
Irrigation Reservoir (no. & ac. ft.)	436	Oct-77			
Irrigation System					
Trickle (no. & ac.)	441	Apr-82		May-89	
Sprinkler (no. & ac.)	442	Oct-87		May-89	
Sprinkler (no. & ac.) Center Pivot				Jul-91	
Sprinkler (no. & ac.) Wheel Line				Jul-91	
Surface & Subsurface (no. & ac.)	443	Oct-78	Jul-99	May-89	
Irrigation System, Tailwater Recovery (no.)	447	Oct-78	Apr-81		
Irrigation, Ditch Lining	428	Sep-09			
Flexible Membrane (ft.)	428B	Sep-09			
Irrigation Pipeline	430	Sep-09			
Land Clearing (ac.)	460	Oct-77	Apr-81		
Lighting System Improvement	670				
Lined Waterway or Outlet (ft.)	468	Oct-77			
Mulching (ac.)	484	Oct-77	Jun-82		
Obstruction Removal (ac.)	500	Oct-80	Apr-81		
Open Channel (ft.)	582	Oct-87		May-89	
Pipeline (ft.)	516	Oct-85	May-85	Jul-91	
Pond (no.)	378	Oct-87	May-89	May-89	
Pond Sealing or Lining					
Flexible Membrane (no.)	521A	Jun-84			
Soil dispersant (no.)	521B	Oct-77			
Bentonite Sealant (no.)	521C	Oct-77			
Compacted Clay Treatment	521D	Sep-09			
Prescribed burning (ac.)	338	Jun-94	Apr-85		
Prescribed Grazing (ac.)	528	Jun-94			
Pumping Plant for Water Control (no.)	533	Oct-77		Jul-91	
Range Planting (ac.)	550	Apr-95		Aug-87	Spec. Sh.
Renewable Energy System	671				
Riparian Forest Buffer (ac.)	391	May-96			
Riparian Herbaceous Cover (ac.)	390	Aug-98			
Rock Barrier (ft.)	555	Oct-77			
Roof Runoff Management (no.)	558	Jun-84			
Runoff Management System (no. & ac.)	570	Oct-78			

Salinity and Sodic Soil Management (ac)	610	Sep-10			
Sediment Basin (no.)	350	Oct-78			
Shallow Water Development and Management	646	Aug-98			
Spoil Spreading (ft.)	572	Oct-80	Apr-81	Jul-91	
Spring Development (no.)	574	Oct-87		Jul-91	
Stream Habitat Improvement and Management	395	Jun-07			
Streambank & Shoreline Protection (ft.)	580	Oct-85		Jul-91	
Stripcropping Field	585	Sep-08			
Structure for Water Control (no.)	587	Oct-77		May-89	
Subsurface Drain (ft.)	606	May-88	Apr-83		
Surface Drainage					
Field Ditch (ft.)	607	Oct-78			
Main or Lateral (ft.)	608	Oct-78			
Terrace (ft.)	600	Apr-82	Aug-87	Feb-91	
Tree/Shrub Establishment (ac.)	612	Jun-94	Jul-93		Pltng Plan
Tree/Shrub Pruning (ac.)	660	Jun-94	Jul-93		
Underground Outlet (ft.)	620	Dec-90			
Upland Wildlife Habitat Management (ac.)	645	Aug-98			
Vegetative Barriers (ft)	601	Jan-10			
Vertical Drain (no.)	630	Oct-77			
Waste Facility Closure (no.)	360	Jul-11			
Waste Storage Facility (no.)	313	Oct-03			
Waste Treatment Lagoon (no.)	359	Jun-84	Jan-95	Sep-94	
Waste Recycling (ac.)	633	Oct-03	Jun-97		
Water Harvesting Catchment (no.)	636	Oct-78			
Water & Sediment Control Basin (no.)	638	Oct-85		Feb-91	
Watering Facility (no.)	614	Sep-10			
Water Spreading (ac.)	640	Oct-85	Jan-88	Jan-88	
Well (no.)	642	Apr-80		Jul-91	
Wetland Creation (ac.)	658	Aug-98			
Wetland Enhancement (ac.)	659	Aug-98			
Wetland Restoration (ac.)	657	Aug-98			
Wildlife Watering Facility (no.)	648	Aug-98	Oct-97		
Windbreak/Shelterbelt Establishment (ft.)	380	Jun-94	Jul-96	Jul-96	Spec. Sh.
Windbreak/Shelterbelt Renovation (ft.)	650	Jun-94			

In addition, any other resource conservation practices specifically approved by the Commission.

Hay Storage Structure	Oct-14
Grain Storage Structure	Oct-14
Milk Storage Tank	Oct-14
Fruit/Vegetable Cellars	Oct-14
Calving or Lambing Sheds	Oct-14
Hydroponic or Aquaponics Systems	May-18

PART 20

EMERGENCY PRACTICES

A. Removing debris from farmland.

1. Apply this practice to farmland, including farmsteads and roadways on farms on which debris has been deposited by wind, flood, or other disaster.
2. Loans are authorized for removing from farmland debris that meet one of the following criteria:
 - (a) It materially affects the productive capacity of the land.
 - (b) It is of magnitude that requires heavy or specialized equipment to handle.
 - (c) Its disposition on farmsteads and roadways significantly interferes with normal farming operations.
3. Specifications - project plan shall provide details of any requirements (such as type of debris to be removed, manner of disposition, costs, etc.) upon which loans are conditioned.
- 4 . Technical Responsibility - Assigned to appropriate technician.

B. Other emergency practices will be handled under the provisions of Part 19, or through special consideration by the Commission.

PART 21

FINANCING CROP STORAGE FACILITIES AND OTHER FARM STRUCTURES

- A. This part describes the eligible on-farm structures approved for ARDL financing.
 - 1. Financing will be provided for crop storage facilities including structures for temporary storage and protection of crops and other raw products directly produced on the farm or ranch. (See eligible practices in Part 19).
 - 2. Financing will be provided for structures to protect animal resources such as calving or lambing sheds.
 - 3. The following structures will not be eligible for financing under this program:
 - (a) Structures for storing processed products.
 - (b) Structures not located on the farm or ranch.
 - (c) Structures that have internal dividing walls which are not necessary for the intended purpose of the building.
- B. Project plans will be the responsibility of the applicants, in that trained technical specialist may not have standards and specifications by NRCS or UACD for these projects. The assigned technical specialist will ensure the plan is reviewed by a qualified engineer or other licensed professional. Costs of the design and oversight are considered part of the project cost and can be financed.
- C. The project plan submitted must provide drawings and specifications, and give estimates of costs of materials and labor to justify the amount of the loan request. The information must be complete, and must be included in the application process. All proposed improvements must be in conformity with applicable laws, ordinances, codes, and regulations.
- D. Structures built as part of the ARDL plan will be, as far as practicable, used for the original purpose represented by the applicant at the time the loan is granted. Exceptions must be granted by formal request to the ARDL Program Administrator who will then report all exceptions to the Commission. Loan terms will not exceed the expected life of the improvements. Use of fabric or non-structural material must be maintained or replaced as necessary to ensure that the intended function of the project is maintained.
- E. Seasonal exceptions will be permitted, for example, a hay shed that is temporarily empty because of sale or use of the crop stored within may be used to protect farm equipment until the next crop is harvested and placed in the structure. Other property, such as recreational equipment may not be stored in the structure. Failure to comply with this policy would result in the loan being in technical default the same as the failure to implement any other ARDL project during the term of the loan.

- F. Loans will be limited to no more than \$400,000 each for projects to finance practices eligible under this part. Any exceptions to this cap limit or the listed eligible practices in Part 19 must be approved by the Commission.

PART 22

FINANCING MANUFACTURED HIGH TUNNELS KITS AND AQUAPONICS AND HYDROPONIC SYSTEMS

- A. This describes what is eligible for ARDL financing under Part 21.
1. Financing can be provided for only **manufactured high tunnel kits** that meet NRCS standards and that can be funded under project code 325. Growing method may negate NRCS/EQIP funding; however, ARDL funding would still be available.
 - (a) Manufactured high tunnel kits may be used for growing crops in the natural soil profile or in mediums that support aquaponics and hydroponic systems.
 - (b) Manufactured high tunnel kits **may include upgrades** to the structures that protect crops grown in the soil or used for aquaponics and hydroponic systems. These upgrades are:
 - 1 Upgrades to higher gauged plastics or twin wall polycarbonate
 - 2 Install heating and cooling systems
 3. Install water pumping and irrigation systems
 4. Install other building equipment consistent in use with aquaponics and hydroponic systems.
 - (c) Installing electrical to your manufactured high tunnel may require a permit through local county planning & zoning departments. If so, permits must be part of the project plan.
 2. Manufactured high tunnel kit frames must support any upgrades to the kits listed above in 1 (b).
 3. Manufactured high tunnel kit frames must be set with footings if the above listed upgrades or aquaponics and hydroponic systems are financed.
- B. Manufactured high tunnel kits must meet NRCS specifications. Any changes to a frame must be provided and certified by an engineer and must meet county wind and snow loads. The assigned planner will ensure all manufactured high tunnels meet NRCS specifications or certified engineered plans provided. Costs of the design and oversight are considered part of the project cost and can be financed.
- C. The project plan submitted must provide drawings and specifications, a Planning and Zoning permit, if necessary, and give estimates of costs of materials and labor to justify the amount of the loan request. The information must be complete, and must be included in the application process. All proposed improvements must be in conformity with applicable laws, ordinances, codes, and regulations of each county.
- D. Structures built as part of the ARDL plan will be, as far as practicable, used for the original purpose represented by the applicant at the time the loan is granted and throughout the life of the loan. Exceptions must be granted by formal request to the Commission. Loan terms will not exceed the expected life of the improvements. Use of fabric or non-structural material must be maintained or replaced as necessary to ensure that the intended function of the project is maintained. Inspections may occur during the life of the loan.

- E. Each manufactured high tunnel kit and system will be limited to no more than \$100,000 each. Projects to finance may include more than one manufactured high tunnel and system on one application. Any exceptions to this cap limit must be approved by the Commission.
- F. Aquaponics and hydroponic systems may be placed in leased buildings or buildings owned by the applicant to accommodate urban farmers. No loans will be extended to retrofit existing buildings.
 - 1. Signed leases must be provided for the length of the loan.
- G. Aquaponics and hydroponic systems must be purchased as a system only. Do-it-yourself systems cannot be financed. All aquaponics and hydroponic systems must be collateralized with real estate with water or water stock.
- H. All approved borrowers names will be submitted to the Utah Department of Agriculture and Food Regulatory Safety Produce Manager and or Fish Health Manager.
- I. All aquaponics and hydroponic applicants must submit a market analysis narrative prior to any funds received.
- J. All high tunnels and aquaponics and hydroponic equipment must be maintained properly for the life of the loan.

PART 23

FINANCING MANUFACTURED FODDER SYSTEMS

- A. This describes what is eligible for ARDL financing under Part 23.
 - 1. Financing for **Fodder Systems** must be purchased as a complete system and must be certified by the manufacturer.
 - (a) Manufactured Fodder Systems may include prefabricated shipping containers or enclosed buildings that protect crops grown.
 - (b) Installing electrical or plumbing to your fodder system may require a permit through local county planning & zoning departments. If so, permits must be part of the project plan.
- B. Fodder System buildings must be certified by an engineer or contractor and must meet county wind and snow loads. An assigned planner will ensure all Fodder Systems meet specifications or certified engineered plans provided. Costs of the design and oversight can be considered as part of the project cost and can be financed.
- C. The project plan submitted must provide drawings and specifications, a Planning and Zoning permit, if necessary, and give estimates of costs of materials and labor to justify the amount of the loan request. The information must be complete and must be included in the application process. All proposed improvements must be in conformity with applicable laws, ordinances, codes, and regulations of each county.
- D. Structures built as part of the ARDL plan will be, as far as practicable, used for the original purpose represented by the applicant at the time the loan is approved and throughout the life of the loan. Exceptions must be approved by formal request to the Commission. Loan terms will not exceed the expected life of the improvements.
- E. Each Fodder System will be limited to no more than \$400,000 each. Projects to finance may include more than one Fodder System on one application. Any exceptions to this cap limit must be approved by the Commission.
- F. Fodder Systems may be placed in buildings owned by the applicant to accommodate farmers. No loans will be approved to retrofit existing buildings.
- G. Fodder Systems must be purchased as a system only. Do-it-yourself systems cannot be financed. All Fodder Systems must be collateralized with real estate with water or water stock.
- J. All Fodder System equipment must be maintained properly for the life of the loan.

PART 24

TEMPORARY WATER SHORTAGE EMERGENCY LOAN PROGRAM

- A. This describes what is eligible for ARDL financing to persons whose water use is interrupted during a temporary water shortage emergency.
- (1) An interrupted user is eligible to receive one or more 0% interest loans of up to \$150,000 each from the commission if:
 - (a) the governor declares a temporary water shortage emergency via an executive order specifying:
 - (i) the time period for the emergency;
 - (ii) the area subject to the order;
 - (iii) a list of persons entitled to make a request to preferentially use water; and
 - (iv) the purposes for which a person who is entitled may take the water; and
 - (b) water held by an interrupted user is used by a preferential user.
 - (2) The purpose of a loan under this rule shall be to compensate an interrupted use user while they are waiting to receive payment of compensation from a preferential user under Section 73-3d-402.
 - (3) Pursuant to Subsection 73-3d-301(4) the preferential user shall meter the water Used and provide this information to the interrupted user and the department.
- B. An interrupted user who is eligible for a loan may apply on a department provided application. The application may be submitted at any time during the executive order declaring the temporary water shortage emergency is in place.
- C. Included with the application, the interrupted user shall provide sufficient information to establish:
- (1) the basis by which the person is entitled to use of the water;
 - (2) the use of water that would have been made by the person without the interruption;
 - (3) the length of the interruption;
 - (4) a good faith estimate of the amount of water the person entitled to the use of water would otherwise have made;
 - (5) an estimate of the value of the water used, crop losses, and consequential damages incurred as a result of the interruption; and
 - (6) whether the interrupted user has previously received a loan from the commission for the same interruption of water use.
 - (7) The interrupted user shall provide any other information requested by the department, including any documentation related to the value of the water used, crop losses, and consequential damages.
- D. The applications shall be reviewed for eligibility and to ensure that the loan amount does not exceed the amount of \$150,000.

- E. The amount determination in Subsection R64-5-4(5) shall be based on reliable third-party market and producer information, when available, as close as possible to the beginning date of the water delivery interruption.
 - (1) The determination may be based on agricultural based data sets from state, federal, university, and documentation provided by the interrupted user to establish historical product or records.
 - (2) For non-agricultural products and services, the department may consider information from state, federal, and industry leaders within Utah, or other available information or experts.

- F. The Commission shall award loan contracts in the order of completed and eligible applications are received upon receipt of executed documents.

- G. An interrupted user shall repay a loan in accordance with rule R64-5-1 within 30 days of the day the interrupted user is paid in full by a preferential user.
 - (1) If it is determined a borrower fails to repay a loan in accordance with this rule, the department may bring suit in a court of competent jurisdiction to require repayment of the loan by the preferential user or interrupted user.
 - (2) If the department prevails in an action brought under Subsection R64-5-4(2) the department may recover amounts owed, court costs, and reasonable attorney fees.
 - (3) The commission may delegate responsibilities under this rule to a commission appointed advisory board pursuant to Subsection 4-18-106(7).

PART 25

AGRICULTURAL CONSERVATION EASEMENT TRANSACTION COST SUBPROGRAM

A. The Utah Conservation Commission recognizes that the loss of farm and ranch land is a major threat to the future of our state. This ARDL subprogram seeks to promote agricultural land conservation by assisting landowners pursuing conservation easements on working lands by offering affordable financing to defray the up-front costs associated with pursuing the sale or donation of a conservation easement, referred to collectively as “transaction costs.” Agricultural conservation easements ensure the protection of vital farmland, promote sustainable agricultural practices, and safeguard the long-term viability of agricultural communities and markets in Utah. They also provide a wealth of other benefits to the public by preserving access to local foods, scenic open space, wildlife habitat, and maintaining critical ecosystem functions.

B. The purposes of this part are to:

1. Alleviate the up-front financial burden on the private landowner for pursuing a land conservation project that is in the public interest.
2. Provide low or no-cost financing to landowners who are pursuing the sale or donation of a conservation easement on their privately owned working farm and ranch land.
3. Pay for up-front transaction costs that may otherwise be a barrier to the easement project going forward.
4. Increase the pace of agricultural land conservation by allowing UDAF and our partner organizations to close easements more efficiently.

C. Requirements:

1. Applications under this subprogram shall be signed by the landowners along with a signed Letter of Intent (LOI) or purchase option agreement between the landowner(s) and the Utah Department of Agriculture and Food or another qualified easement holding entity such as a land trust organization, state agency, or political subdivision, indicating their intent to proceed with the sale or donation of an agricultural conservation easement on their working farm or ranch.
2. Applicants must pass a detailed credit check and provide sufficient evidence of their ability to repay the full amount of the loan.
3. Applicants will be required to cover any costs required for the approval and closing of the ARDL loan including escrow fees, title insurance, recording fees, and appraisal when necessary.

4. During the conservation easement due diligence period, loans will be made with 0% interest for a period of up to 2 years with the option to extend up to 1 year at a time to allow the conservation easement transaction to close. If requesting an extension, the borrower must provide an updated project timeline and an updated letter of intent or purchase option agreement between the landowner and the qualified easement holder at the time of the extension request.
5. Loan balance must be repaid in full at the closing of the easement. Any exceptions due to extraordinary circumstances must be with the express authorization of the UCC. The borrower must provide ARDL program staff at least 60 days notice before closing to facilitate coordination with the closing services provider.
6. At any time, if any party to the easement transaction in their sole discretion determines that the conservation easement project is no longer viable, and does not wish to proceed with the easement, they must notify the other party and loan staff in writing. The borrower will then have the option to (1) repay the principal loan balance in full within 30 days of the written notification with no interest added, or (2) begin repayment of the loan with interest. The repayment schedule will be detailed in the loan agreement and promissory note. All loans will be fully amortized with payments due at least annually. The interest rate will be 3.25% and fixed for the term of the loan.
7. There is a 1% administrative fee on disbursed funds added to the principal balance at loan funding.
8. The loan maximum for this subprogram is \$40,000. Loans requested above this amount will require approval of an exception by the Utah Conservation Commission.
9. Acceptable collateral shall be required to secure loans under this subprogram.
10. Loan funds for allowable costs may be disbursed up to 100% of the approved loan amount with no reserve set aside.
11. Allowable transaction costs include:
 - a. Attorney Fees
 - b. Tax advisor fees
 - c. Title, water rights, and mineral rights research by a title company or landman
 - d. Environmental report preparation (database search, Phase I/II ESA)
 - e. Baseline Documentation Report (BDR) preparation by an environmental consultant

- f. Survey & legal description of areas offered for easement
- g. Agricultural conservation easement appraisal
- h. Other costs reasonably related to development of an agricultural conservation easement. Documentation of the purpose of other costs must be provided to loan staff and receive pre-authorization from loan staff to ensure compliance with program policy.

D. All agreements entered into under this part shall be subject to all applicable procedures and requirements under other parts of this program.



Date Rec'd:	_____
SCD:	_____ # _____
Zone:	_____
Loan Amt:	_____
\$	_____

Signed: _____

 Zone Coordinator

UTAH CONSERVATION COMMISSION

P O Box 146500
 Salt Lake City, Utah 84114-6500

Application for
AGRICULTURE RESOURCE DEVELOPMENT LOAN (ARDL)
 (Project planning approval and financing)

Complete all sections, type or print legibly.

1. Full Name: _____ Social Security Number _____
 Co-applicant's Full Name: _____ Social Security Number _____

Name of any partnership or corporation: _____

Address: _____

Street number PO Box City State Zip

Please include your correct mailing address in addition to your street address if they are not the same.

Home Phone: (____) _____ - _____ Business Phone: (____) _____ - _____

Email Address: _____

2. LOAN PURPOSE: Please check applicable conservation program(s):

Range Development Water Conservation Manure Management
 Flood Damage Watershed Improvement Energy Conservation
 Other Disaster Mitigation Other

3. Total Project Cost: _____ USDA Grants _____ Amount: \$ _____

Other funding _____ Amount: \$ _____

4. Estimated amount of ARDL funds needed: \$ _____

5. Loan term requested: (Maximum is 15 years for real estate secured, 5-7 years for chattel. Secured, Consolidated loans 12 years, Irrigation Company loans 10 years): _____.

6. Describe location of the project (relative to town or other well-known landmark), and acreage affected. _____

7. Describe the conservation problem to be addressed by your proposed plan:

8. Describe specific improvements and major items required:

9. Describe the benefits to be realized by the project:

10. Are you currently a district cooperator? yes no

11. full time part time farmer/rancher landowner lessor

12. Total acreage worked _____ Estimated acreage to be improved by project _____

13. Estimated value of land to be improved: Before improvements: \$ _____

After improvements: \$ _____

14. Proposed security for loan: Real estate Water stock Chattel.
(Loans of more than \$52,000 and for more than seven years may not be secured by chattel).

15. List two credit references:

Name/company	Address	Phone
_____	_____	_____
_____	_____	_____

I am willing to: (1) Comply with all applicable laws and work with designated technical personnel as assigned by the Conservation District (CD) in preparation of proposed land treatment practices; (2) allow continued monitoring and evaluation of the impacts resulting from the land treatment and management activities implemented on my property throughout the duration of the loan; and (3) submit detailed financial information to the Conservation Commission as requested for evaluation to determine repayment ability.

Signature(s) Date

.....
TO BE COMPLETED BY CONSERVATION DISTRICT BOARD

Application approved for planning by: Conservation District Chairman or designee

Signature: _____

Date: _____

Technical assistance and monitoring assigned to:

Note: ARDL funds can be used to improve land located within the boundaries of the State of Utah. All such loans will be secured by marketable real and/or personal property.

Referred to UDAF Loan Office _____

Resource Coordinator

Date _____