

Effective 5/13/2014

Superseded 5/12/2015

4-18-105 Conservation Commission -- Functions and duties.

- (1) The commission shall:
 - (a) facilitate the development and implementation of the strategies and programs necessary to:
 - (i) protect, conserve, utilize, and develop the soil, air, and water resources of the state; and
 - (ii) promote the protection, integrity, and restoration of land for agricultural and other beneficial purposes;
 - (b) disseminate information regarding districts' activities and programs;
 - (c) supervise the formation, reorganization, or dissolution of districts according to the requirements of Title 17D, Chapter 3, Conservation District Act;
 - (d) prescribe uniform accounting and recordkeeping procedures for districts and require each district to submit annually an audit of its funds to the commission;
 - (e) approve and make loans for agricultural purposes, through the advisory board described in Section 4-18-106, from the Agriculture Resource Development Fund, for:
 - (i) rangeland improvement and management projects;
 - (ii) watershed protection and flood prevention projects;
 - (iii) agricultural cropland soil and water conservation projects;
 - (iv) programs designed to promote energy efficient farming practices;
 - (v) development and implementation of coordinated resource management plans, as defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and
 - (vi) programs or improvements for agriculture product storage or protections of a crop or animal resource;
 - (f) administer federal or state funds, including loan funds under this chapter, in accordance with applicable federal or state guidelines and make loans or grants from those funds to land occupiers for:
 - (i) the conservation of soil or water resources;
 - (ii) maintenance of rangeland improvement projects; and
 - (iii) the control or eradication of noxious weeds and invasive plant species:
 - (A) in cooperation and coordination with local weed boards; and
 - (B) in accordance with Section 4-2-8.7;
 - (g) seek to coordinate soil and water protection, conservation, and development activities and programs of state agencies, local governmental units, other states, special interest groups, and federal agencies;
 - (h) plan watershed and flood control projects in cooperation with appropriate local, state, and federal authorities, and coordinate flood control projects in the state;
 - (i) assist other state agencies with conservation standards for agriculture when requested; and
 - (j) when assigned by the governor, when required by contract with the Department of Environmental Quality, or when required by contract with the United States Environmental Protection Agency:
 - (i) develop programs for the prevention, control, or abatement of new or existing pollution to the soil, water, or air of the state;
 - (ii) advise, consult, and cooperate with affected parties to further the purpose of this chapter;
 - (iii) conduct studies, investigations, research, and demonstrations relating to agricultural pollution issues;
 - (iv) give reasonable consideration in the exercise of its powers and duties to the economic impact on sustainable agriculture;

- (v) meet the requirements of federal law related to water and air pollution in the exercise of its powers and duties; and
 - (vi) establish administrative penalties relating to agricultural discharges as defined in Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.
- (2) The commission may:
- (a) employ, with the approval of the department, an administrator and necessary technical experts and employees;
 - (b) execute contracts or other instruments necessary to exercise its powers;
 - (c) take necessary action to promote and enforce the purpose and findings of Section 4-18-102;
 - (d) sue and be sued; and
 - (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and Subsections (2) (b) and (c).