



2024 Spring Issue Surfacing Meetings

Utah Farm Bureau receives respect from many quarters for our policy development process. The Farm Bureau's policy development process starts each year with county Farm Bureau Spring Issue Surfacing Meetings (SISM). These sessions provide the spring planting for our annual policy work. Issues currently driving the work of our policy team are listed below, along with potential discussion questions. You may wish to consider these or other issues in your county Farm Bureau SISM.

Agricultural Land Preservation

As Utah continues to be among the fastest growing states in the country, agriculture is under increasing development pressure. This year the legislature approved \$1 million in on-going funding for the LeRay McCallister Working Farm and Ranch Protection Fund. Additionally, some counties, Cache being one example, have passed open space preservation bonds.



Potential discussion questions:

How do we preserve farms and farmland for future generations?

How do we ensure agriculture remains viable and resilient in the face of development pressures?

It is generally believed that much more needs to be done to preserve agricultural lands and open space, but what?

Agritourism

Recently the Utah State Legislature approved, and the governor signed, [H.B. 31, Agritourism Amendments](#), sponsored by Rep. Carl Albrecht and Sen. Scott Sandall. This bill, which

originated from recommendations made by the Utah Farm Bureau Agritourism Policy Issue Research Committee, makes important improvements to Utah's existing agritourism statute. Specifically, the bill adds agritourism to Utah's 'Right to Farm' statute, clarifies that an agricultural tourism operation may be included in an agricultural protection area, strengthens liability protections for inherent risks, standardizes warning sign requirements, and sets up a voluntary registry kept by the Utah Department of Agriculture and Food (UDAF).

Potential discussion questions:

Are there any other challenges that agritourism is facing in your area (e.g. zoning)?

Are you aware of any issues related to agritourism and Greenbelt?

Agricultural Water Use

Key state agencies such as UDAF and the Utah Department of Natural Resources (DNR) continue their work to implement water management programs affecting agriculture. Utah Farm Bureau members continue to improve upon their water management practices. Utah State University Extension and other researchers participate in a wide range of research projects. For these programs and activities to benefit agriculture, meet the demands on agriculture to do more with less, and to answer to society's need for food, agricultural producers need timely access to information affecting their water use and their bottom line. Legislators and others will measure the effectiveness of agricultural community water management efforts year by year. State and federal agencies, in their efforts to implement the flood of management mandates from the Legislature and elsewhere, will seek input and involvement from producers and their representatives.

Potential discussion questions:

Are you receiving adequate information regarding the future of water use?

What more should Utah Farm Bureau members, including staff, be doing to engage in the many conversations regarding water supplies, water use, and water research?

Water Infrastructure

In the 2024 General Session of the Utah Legislature, Rep. Snider and Sen. Sandall sponsored [H.B. 280, Water Related Changes](#). This bill addresses the long term stability of water resources by investigating ways to provide a reliable funding system for water infrastructure and ways to prioritize state funds to address the most critical needs. Specifically, the bill requires the Division of Water Resources to publish a state water plan that identifies available water resources, recommends strategies for water resource optimization, and guides efforts to manage available water supplies. In conducting the study, the division must seek input from a wide range of stakeholders, including agriculture.

Additionally, the bill creates a Water Infrastructure Fund and requires the Division to undertake a study related to the financing of water infrastructure, and a separate study on whether changes to the membership of the Water Development Coordinating Council are needed. The bill also modifies the membership of the Water Development Coordinating Council and requires the Council to adopt a unified water infrastructure plan no later than March 1, 2026. Utah Farm Bureau provided significant input on this bill and the bill was changed substantially based on our input. As originally introduced, the bill proposed an undefined fee for water users.

Potential discussion questions:

How do you think water infrastructure should be funded in the State of Utah?

Agricultural Right to Repair

In the 2024 General Session of the Utah Legislature, Sen. Jen Plumb introduced [S.B. 269, Farming Equipment Amendments](#). This bill would have required a manufacturer of agricultural equipment to provide to the owner of the equipment or an unaffiliated repair provider, access to certain data, software, software updates, and parts to allow the owner or unaffiliated repair provider to perform repairs on the equipment.



The bill would have also required manufacturers to provide equipment parts at “fair and reasonable terms and costs.” The Senate Business and Labor Committee voted down the bill, but Sen. Plumb indicated she plans to reintroduce the bill next session.

Other states are introducing similar “right to repair” legislation, though only one state (Colorado) currently has a “right to repair” statute specific to agricultural equipment.

Recently, the American Farm Bureau Federation (AFBF) entered into memorandums of understanding (MOU) with five of the largest agricultural equipment manufacturers (John Deere, Case IH, CLAAS, AGCO, and Kubota). AFBF preferred to find a solution within the industry instead of relying on legislative or regulatory action. These MOUs set parameters for addressing issues between farmers and manufacturers and create a mechanism to address farmers’ concerns if a resolution is not achieved. Via a simple portal on the American Farm Bureau website (<https://www.fb.org/files/FORM-Manufacturer-Issue-Reporting-Form.pdf>), any farmer unable to resolve an issue directly with their dealer can provide feedback regarding any manufacturer with a signed MOU. The MOUs also provide for a semi-annual check-in period, so if the American Farm Bureau receives complaints from our members about any violation of any terms of the MOUs, those complaints are raised with the manufacturer during these meetings. If you want to

learn more about Farm Bureau's involvement in these manufacturer MOUs, visit the AFBF website (<https://www.fb.org/topic/mou>). You can also search MOU and the manufacturer you're interested in to read the specific MOU.

Potential discussion questions:

Should Utah Farm Bureau consider adding language to our state policy book related to right to repair?

American Farm Bureau's policy regarding right to repair is as follows:

152 / Farm Machinery

1. We support:
 - 1.1. Prohibiting tampering with hour meters on motorized farm equipment;
 - 1.2. Using a standardized 10-character machinery identification system, which includes components of the National Crime Information Center number;
 - 1.3. Urging manufacturers to designate the year of manufacture in the serial number of the tractor or implement;
 - 1.4. The right to repair one's own equipment by amending the Digital Millennium Copyright Act to require agricultural equipment manufacturers to allow equipment owners and independent repair facilities to have access to the same agricultural equipment diagnostic tools and repair information made available to the manufacturers' dealers and authorized repair facilities. Any penalty for alterations should be limited to the voiding of the warranty, as well as the right of dealers to refuse services and trade on altered equipment;
 - 1.5. The use of standardized communication connectors and test signals for all farm equipment with diagnostic capability;
 - 1.6. Any insulated wire used in equipment, automobiles or otherwise be repellent to rodents and fire ants;
 - 1.7. The creation of a national "Lemon Law" to cover farm machinery; and
 - 1.8. The interoperability of different equipment manufacturers' products.
2. We support equipment owners and/or independent equipment repair facilities being able to:
 - 2.1. Have machine connectivity by way of multiple avenues including onboard screen, smart device, dealer access and other means;
 - 2.2. Look up diagnostic codes in manuals, online or from dealer access;
 - 2.3. Have and keep the right to do general maintenance and daily servicing. Example: Changing oil and filters, periodic servicing and greasing;
 - 2.4. Access repair and technical manuals; and
 - 2.5. Repair and service equipment during the warranty or extended warranty periods.
3. We support the implementation of comprehensive right-to-repair legislation or a negotiated written agreement between ag producers and original equipment manufacturers (OEMs). This legislation or agreement must:
 - 3.1. Be enforceable;
 - 3.2. Guarantee farmer/owner and independent repair technician access to the information, parts and tools that are available to dealerships, including, but not limited to, the

- ability to reset the operating system, acknowledging pricing structures may be different for farmers/owners vs. independent repair technicians. The diagnostic and repair information and tools must be fairly priced and delivered in a timely manner;
- 3.3. Include all OEM equipment, regardless of age, model or years in use at the time of effective date;
 - 3.4. Differentiate between repair (the restoration of hardware to its original intended function) and illegal modification;
 - 3.5. Not require any agricultural equipment owner to agree to any contract that removes existing rights; and
 - 3.6. We would support an agreement that grants farmers/owners and independent repair technicians' access, similar to the agreement reached in the automobile and light truck owners' industries. Absent progress on an agreement, we would consider supporting legislation achieving the same.
4. We oppose:
- 4.1. Any further attempt to restrict or regulate exhaust emissions on new or used farm equipment, heavy equipment or trucks; Any further attempt to restrict or regulate exhaust emissions on new or used farm equipment, heavy equipment or trucks;
 - 4.2. The titling, registration and licensing of farm machinery at the federal level; and
 - 4.3. Equipment manufacturers requiring that general maintenance be conducted by one of their dealers to keep the manufacturer's warranty intact.

Wolf Reintroduction in Colorado

In 2020, Colorado voters approved Proposition 114, which directed the Colorado Parks and Wildlife Commission to develop a plan to restore and manage gray wolves in Colorado. In December 2023, ten wolves were reintroduced in Colorado. The DNR, UDAF, and the U.S Fish & Wildlife Service (FWS) have plans in place for when wolves cross over into Utah. Any gray wolf that is outside of Colorado, with the exception of wolves in the States of Idaho, Minnesota,



Montana, Wyoming, and portions of the States of Oregon, Washington, and Utah, is considered endangered. Any wolf originating from Colorado and dispersing beyond its borders may be managed by the wolf management regulations established for that area or may be returned to Colorado.

Potential discussion questions:

What concerns do you have regarding wolf reintroduction in Colorado?

What further actions should the State of Utah take to ensure Utah livestock owners are protected from gray wolf predation?

Are you facing any other issues with predators in your area?

Fencing Policy

In recent months, Utah Farm Bureau has received numerous calls regarding county fencing policies for livestock. Many of these calls are related to cattle killed on roadways. Dating back to Utah Territorial days, Utah has been a fence-in state. This means those who own or care for livestock have the primary responsibility to ensure livestock does not trespass onto another's property. Fence-out, on the other hand, largely pertains to open range lands. In recent decades, most counties have adopted a county ordinance that supports local and county interests such as agricultural needs, historic practices, growth patterns and trends. Not all counties have adopted the same ordinance. Utah Farm Bureau policy supports current law which grants authority to county legislative bodies to declare and enforce general policies on fencing within their own jurisdictions. We favor a fence out policy on traditional open range areas of all counties.

Potential discussion questions:

Does your county have a specific fencing ordinance?

Is your county policy clear and understandable?

Bureau of Land Management Draft Utility-Scale Solar Energy Development Programmatic Environmental Impact Statement

The Bureau of Land Management (BLM) recently released its Draft Utility-Scale Solar Energy Development Programmatic Environmental Impact Statement (Draft Solar Programmatic EIS). This Programmatic EIS updates the BLM's 2012 Western Solar Plan. The Draft Solar Programmatic EIS evaluates five action alternatives, each opening different amounts of public land to solar development applications under different criteria such as proximity to transmission infrastructure. The BLM is requesting public input to inform a Final Solar Programmatic EIS and Record of Decision. The BLM would then conduct further project-level analyses for solar energy proposals prior to any project approval to ensure project siting is appropriate and location-specific. You can comment on the Draft Solar Programmatic EIS until April 18, 2024 by visiting this site: <https://eplanning.blm.gov/eplanning-ui/project/2022371/510>.

Utah Farm Bureau policy opposes the loss of animal unit months (AUMS) to wind, solar, and geothermal projects on state and federal lands. Our policy also opposes the issuance of solar/renewable energy leases on SITLA managed land where the same SITLA land is already under a grazing lease, until the current grazing lease expires.

Potential discussion questions:

Beyond potential loss of AUMs and grazable acreage, what other concerns do you have about solar or other renewable energy projects on BLM or other federal and state lands?

Do you have any additional concerns regarding the impact on local economies?

U.S. Fish & Wildlife Service Biological Integrity, Diversity, and Environmental Health Proposed Rule

The FWS recently released a proposed rule and updated policy for “biological integrity, diversity, and environmental health (BIDEH)” on the National Wildlife Refuge System for public comment. These proposals will impact refuges that currently have agricultural activities on them as a use. In the proposed rule under “management activities and uses with potential to ensure biological integrity, diversity, and environmental health” the following language is found:

“(3) Use of genetically engineered organisms. We prohibit the use of genetically engineered organisms unless their use is determined necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health.

(4) Invasive species management. We pursue actions to control invasive species as part of an integrated pest management plan when necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health.

(5) Pesticide use. We may allow the use of pesticides, following review and approval of their use as part of an integrated pest management plan, when necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health. Such use must not result in adverse effects on populations of non-target species.

(6) Agricultural uses. We prohibit the use of agricultural practices unless they are determined necessary to meet statutory requirements, fulfill refuge purposes, and ensure biological integrity, diversity, and environmental health, and where we cannot achieve refuge management objectives through natural processes.”

The public comment period for this proposed rule is open now and will close on May 6. You can submit comments through this site: <https://www.regulations.gov/docket/FWS-HQ-NWRS-2022-0106>

Bears Ears National Monument Resource Management Plan

The BLM and U.S. Forest Service (USFS) recently released the Draft Resource Management Plan (DRMP), Environmental Impact Statement (EIS), and related proposed recreational shooting closures, and proposed Areas of Critical Environmental Concern for Bears Ears National Monument. Utah Farm Bureau is currently reviewing the DRMP and will be preparing comments to submit for consideration. The comment period for this DRMP and EIS is open now and will close on June 11, 2024. Members of the public can read the proposed plan and provide comments through this site: <https://eplanning.blm.gov/eplanning-ui/project/2020347/510>

Additionally, the BLM and USFS are hosting five in-person and two virtual public meetings, which will provide forums for the public to learn more about the Draft Resource Management Plan. During the open houses, the agencies will provide a brief presentation twice (once at 6 p.m. and 7 p.m.). Dates, times, and locations of the meetings are:

Virtual Meeting on Tuesday, April 16, 2024, from 3 p.m. to 4:30 p.m. MDT
Register [to attend on Zoom](#).

Salt Lake City, UT open house on Thursday, April 18, 2024, from 6 p.m. to 8 p.m.
MDT
Marriot – University Park, 480 S Wakara Way, Salt Lake City, UT, 84108

Blanding, UT open house on Tuesday, April 23, 2024, from 6 p.m. to 8 p.m. MDT
Utah State University Blanding, 576 West 200 South, Blanding, UT, 84511

Virtual Meeting on Thursday, May 2, 2024, from 6 p.m. to 7:30 p.m. MDT
[Register to attend on Zoom](#).

Twin Arrows, AZ open house on Monday, May 6, 2024, from 6 p.m. to 8 p.m. MST
Twin Arrows Casino Resort, 22181 Resort Boulevard, Twin Arrows, AZ, 86004

Albuquerque, NM open house on Tuesday, May 7, 2024, from 6 p.m. to 8 p.m. MDT
ABQ Marriott Courtyard, 5151 Journal Center Boulevard., Albuquerque, NM, 87109

Monument Valley, UT open house on Thursday, May 16, 2024, from 6 p.m. to 8 p.m.
MDT
Monument Valley High School, US State Highway #163, Monument Valley, UT, 84536

2021 Greater Sage-grouse Land Use Plan Amendments

The BLM recently announced plans to amend specific greater sage-grouse goals, objectives, and management from previous planning efforts in 77 resource management plans across ten western states (California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming). The BLM's stated goals are to enhance greater sage-grouse conservation through management of sagebrush habitats on BLM-managed lands.

The BLM has made the Draft Resource Management Plan Amendments (DRMPA) and EIS for Greater Sage-Grouse Rangeland Planning available for public review. Utah Farm Bureau is currently reviewing the draft plan and will be preparing comments to submit for consideration. The comment period for this Draft RMPA/Draft EIS is open now and will close on June 13, 2024. You can read the DRMPA/Draft EIS and comment on this site:
<https://eplanning.blm.gov/eplanning-ui/project/2016719/510>

Endangered Species Act Listing Petition for Wilson's Phalarope

A group of environmental organizations recently filed a petition with the FWS asking the federal government to list Wilson's phalarope as endangered under the Endangered Species Act (ESA). Wilson's phalarope are inland shorebirds that use saline lakes in the Great Basin along their

migratory route to South America. This listing petition initiates a strict process for FWS to act on the petition.

This petition is likely the first of several ESA petitions focused on species reliant on Great Salt Lake. Brigham Daniels and Beth Parker with the University of Utah's S.J. Quinney College of Law recently published a blog post entitled "Understanding the petition to list the Wilson's phalarope." This post

provides helpful information on the ESA listing process and the challenges the State of Utah is facing. You can read the full post here: <https://www.law.utah.edu/news-articles/understanding-petition-to-list-wilsons-phalarope/>

