

Part 1 Definitions

17-41-101 Definitions.

As used in this chapter:

- (1) "Advisory board" means:
 - (a) for an agriculture protection area, the agriculture protection area advisory board created as provided in Section 17-41-201;
 - (b) for an industrial protection area, the industrial protection area advisory board created as provided in Section 17-41-201; and
 - (c) for a critical infrastructure materials protection area, the critical infrastructure materials protection area advisory board created as provided in Section 17-41-201.
- (2)
 - (a) "Agriculture production" means production for commercial purposes of crops, livestock, and livestock products.
 - (b) "Agriculture production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.
- (3) "Agriculture protection area" means a geographic area created under the authority of this chapter that is granted the specific legal protections contained in this chapter.
- (4) "Applicable legislative body" means:
 - (a) with respect to a proposed agriculture protection area, industrial protection area, or critical infrastructure materials protection area:
 - (i) the legislative body of the county in which the land proposed to be included in the relevant protection area is located, if the land is within the unincorporated part of the county; or
 - (ii) the legislative body of the city or town in which the land proposed to be included in the relevant protection area is located; and
 - (b) with respect to an existing agriculture protection area, industrial protection area, or critical infrastructure materials protection area:
 - (i) the legislative body of the county in which the relevant protection area is located, if the relevant protection area is within the unincorporated part of the county; or
 - (ii) the legislative body of the city or town in which the relevant protection area is located.
- (5) "Board" means the Board of Oil, Gas, and Mining created in Section 40-6-4.
- (6) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
- (7) "Critical infrastructure materials operations" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
- (8) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
 - (a) owns, controls, or manages a critical infrastructure materials operation; and
 - (b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
- (9) "Critical infrastructure materials protection area" means a geographic area created under the authority of this chapter on or after May 14, 2019, that is granted the specific legal protections contained in this chapter.
- (10) "Crops, livestock, and livestock products" includes:

- (a) land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:
 - (i) forages and sod crops;
 - (ii) grains and feed crops;
 - (iii) livestock as defined in Section 59-2-102;
 - (iv) trees and fruits; or
 - (v) vegetables, nursery, floral, and ornamental stock; or
 - (b) land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.
- (11) "Division" means the Division of Oil, Gas, and Mining created in Section 40-6-15.
- (12) "Industrial protection area" means a geographic area created under the authority of this chapter that is granted the specific legal protections contained in this chapter.
- (13) "Mine operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that, as of January 1, 2019:
- (a) owns, controls, or manages a mining use under a large mine permit issued by the division or the board; and
 - (b) has produced commercial quantities of a mineral deposit from the mining use.
- (14) "Mineral deposit" means the same as that term is defined in Section 40-8-4.
- (15) "Mining protection area" means land where a vested mining use occurs, including each surface or subsurface land or mineral estate that a mine operator with a vested mining use owns or controls.
- (16) "Mining use":
- (a) means:
 - (i) the full range of activities, from prospecting and exploration to reclamation and closure, associated with the exploitation of a mineral deposit; and
 - (ii) the use of the surface and subsurface and groundwater and surface water of an area in connection with the activities described in Subsection (16)(a)(i) that have been, are being, or will be conducted; and
 - (b) includes, whether conducted on-site or off-site:
 - (i) any sampling, staking, surveying, exploration, or development activity;
 - (ii) any drilling, blasting, excavating, or tunneling;
 - (iii) the removal, transport, treatment, deposition, and reclamation of overburden, development rock, tailings, and other waste material;
 - (iv) any removal, transportation, extraction, beneficiation, or processing of ore;
 - (v) any smelting, refining, autoclaving, or other primary or secondary processing operation;
 - (vi) the recovery of any mineral left in residue from a previous extraction or processing operation;
 - (vii) a mining activity that is identified in a work plan or permitting document;
 - (viii) the use, operation, maintenance, repair, replacement, or alteration of a building, structure, facility, equipment, machine, tool, or other material or property that results from or is used in a surface or subsurface mining operation or activity;
 - (ix) any accessory, incidental, or ancillary activity or use, both active and passive, including a utility, private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation, mining waste, conveyor, power line, trackage, storage, reserve, passive use area, buffer zone, and power production facility;

- (x) the construction of a storage, factory, processing, or maintenance facility; and
 - (xi) an activity described in Subsection 40-8-4(19)(a).
- (17)
- (a) "Municipal" means of or relating to a city or town.
 - (b) "Municipality" means a city or town.
- (18) "New land" means surface or subsurface land or mineral estate that a mine operator gains ownership or control of, whether that land or mineral estate is included in the mine operator's large mine permit.
- (19) "Off-site" means the same as that term is defined in Section 40-8-4.
- (20) "On-site" means the same as that term is defined in Section 40-8-4.
- (21) "Planning commission" means:
- (a) a countywide planning commission if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within the unincorporated part of the county and not within a planning advisory area;
 - (b) a planning advisory area planning commission if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within a planning advisory area; or
 - (c) a planning commission of a city or town if the land proposed to be included in the agriculture protection area, industrial protection area, or critical infrastructure materials protection area is within a city or town.
- (22) "Political subdivision" means a county, city, town, school district, special district, or special service district.
- (23) "Proposal sponsors" means the owners of land in agricultural production, industrial use, or critical infrastructure materials operations who are sponsoring the proposal for creating an agriculture protection area, industrial protection area, or critical infrastructure materials protection area.
- (24) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
- (25) "Unincorporated" means not within a city or town.
- (26) "Vested mining use" means a mining use:
- (a) by a mine operator; and
 - (b) that existed or was conducted or otherwise engaged in before a political subdivision prohibits, restricts, or otherwise limits a mining use.

Amended by Chapter 70, 2024 General Session

17-41-102 Study of critical infrastructure materials operations and related mining.

- (1) As used in this section:
- (a) "Association of governments" means an association of political subdivisions established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
 - (b) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.
 - (c) "Related mining" means a mining use related to the critical infrastructure materials operations industry.
 - (d) "Relevant area" means the area included within the boundaries of:
 - (i) a county of the first, second, or third class;
 - (ii) a metropolitan planning organization; or

- (iii) an association of governments that has as a member a county of the first, second, or third class.
- (2) The division shall conduct a study of critical infrastructure materials operations and related mining that includes:
 - (a) an inventory of critical infrastructure materials operations and related mining within the relevant area as of May 1, 2024, to include:
 - (i) both the number and location of critical infrastructure materials operations;
 - (ii) levels of production; and
 - (iii) the extent to which the critical infrastructure materials meet standards used by the Department of Transportation;
 - (b) an inventory of new critical infrastructure materials operations and related mining that may be created by either the establishment of critical infrastructure materials operations or related mining on or after May 1, 2024, or the expansion of existing critical infrastructure materials operations or related mining on or after May 1, 2024, taking into consideration:
 - (i) zoning; and
 - (ii) supply in the market;
 - (c) an assessment of projected future demand for critical infrastructure materials within the relevant area, including:
 - (i) the effects of residential and commercial development; and
 - (ii) known planned projects, such as transportation projects;
 - (d) an analysis of the financial costs related to transporting and distributing critical infrastructure materials to and from the relevant area;
 - (e) an analysis of the impacts of critical infrastructure materials operations and related mining on local infrastructure within the relevant area and possible mitigation of those impacts;
 - (f) an analysis of the regulatory requirements faced by critical infrastructure materials operations;
 - (g) the study of whether critical infrastructure materials operations should be licensed, permitted, or otherwise authorized or regulated by the division, another state agency, or local government; and
 - (h) any other issue the division finds relevant to the study of critical infrastructure materials operations and related mining.
- (3) In conducting the study, the division shall work cooperatively with:
 - (a) the Utah League of Cities and Towns;
 - (b) the Utah Association of Counties;
 - (c) the Department of Transportation;
 - (d) the critical infrastructure materials industry;
 - (e) the related mining industry;
 - (f) the real estate development industry;
 - (g) the home builders industry;
 - (h) a local metropolitan planning organization;
 - (i) at least two representatives from counties of the first, second, or third class; and
 - (j) at least two representatives from municipalities located within a county of the first, second, or third class.
- (4) The division shall complete the initial findings of the study required by this section by no later than November 1, 2024, and report the division's initial findings to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November 2024 interim meeting of that committee.
- (5) The division shall complete the study required by this section and report the division's findings to the Legislature by no later than the first day of the 2025 legislative annual general session.

- (6) Notwithstanding other provisions of this section, the division may not include in the division's study any critical infrastructure materials resources within the relevant area if those critical infrastructure materials resources are only extracted for use within an existing mining operation and not offered for sale to the public.

Enacted by Chapter 87, 2024 General Session