

Effective 5/1/2024

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