

Effective 5/1/2024

Part 1
General Provisions

65A-17-101 Definitions.

As used in this chapter:

- (1) "Adaptive management berm" means a berm installed in the UP causeway breach to manage salinity to protect the ecosystem of Gilbert Bay.
- (2) "Commercially viable technology" means a technology that:
 - (a) has been successfully implemented on a commercial scale in similar conditions;
 - (b) is shown to be economically viable; and
 - (c) is reasonably compatible with the operator's overall extraction process.
- (3) "Common source of supply" means the mineral or element estate contained within the Great Salt Lake meander line.
- (4) "Correlative right" means the opportunity of each operator to extract a portion of a common source of supply, subject to the state's sovereign lands management responsibilities, without the occurrence of waste.
- (5) "Emergency trigger" means the salinity levels of the Gilbert Bay of the Great Salt Lake do not satisfy the ecological conditions required for healthy brine shrimp and brine fly reproduction.
- (6) "Great Salt Lake elevation" means the elevation of the Great Salt Lake as measured by the United States Geological Survey gauging station 10010000 located at Saltair Boat Harbor, Utah.
- (7) "Great Salt Lake meander line" means the official meander line, completed in 1966, of the Great Salt Lake unless otherwise established by court order or negotiated boundary settlement.
- (8) "Great Salt Lake salinity" means the salinity of the Great Salt Lake as measured by the United States Geological Survey in Gilbert Bay.
- (9) "Healthy physical and ecological condition" means that Gilbert Bay of the Great Salt Lake has sustained salinity levels that satisfy the ecological conditions required for healthy brine shrimp and brine fly reproduction.
- (10) "Mineral or element" means:
 - (a) a rare earth element;
 - (b) a trace element or mineral;
 - (c) a chemical compound that includes a rare earth element or trace element or mineral; or
 - (d) a mineral or element that is attached, embedded to, or is a by-product of another mineral or element.
- (11) "Mitigation plan" means an agreement entered into on or after May 1, 2024, among the operators and the division for resolving issues arising from concurrent operations.
- (12) "Multiple mineral development area" means an area involving the management of various surface and sub-surface resources so that they are used in the combination that will best meet present and future needs.
- (13) "Natural resources of the Great Salt Lake" means the biota, water resources, water quality, the fishery and recreational resources, the wetlands and wildlife resources, and any other naturally occurring resource on the Great Salt Lake.
- (14) "Operator" means a person qualified to do business in the state pursuing the extraction of minerals or elements from the Great Salt Lake.

- (15) "Paying quantities" means the revenue generated from the sale of the mineral or element being produced exceeds the costs associated with obtaining the mineral or element, including any royalty obligation.
- (16) "Public trust assets" means the same as that term is defined in Section 65A-1-1.
- (17) "UP causeway breach" means a breach in the 21-mile Union Pacific Railroad causeway across the Great Salt Lake that separates the Great Salt Lake into Gunnison Bay and Gilbert Bay.
- (18)
 - (a) Except as provided in Subsection (18)(b) and subject to Section 65A-17-305, "waste" means:
 - (i) the failure of an operation to provide the state with a full and fair return on each separately identified mineral or element;
 - (ii) an unnecessary depletion, diminishment, or reduction of the quantity or quality of a mineral or element; or
 - (iii) imprudent and uneconomical operations.
 - (b) "Waste" does not include extraction or removal of a mineral or element that cannot be extracted in paying quantities through commercially viable technology and:
 - (i) that has not been nominated under Subsection 65A-6-4(7)(a); or
 - (ii) for which the division has not established a royalty rate in rule.

Enacted by Chapter 25, 2024 General Session

65A-17-102 Legislative findings.

The Legislature finds that:

- (1) under Section 65A-10-1 the division, as the manager of sovereign lands, has a duty to serve the public interest in managing the Great Salt Lake;
- (2) the Great Salt Lake is a critical resource owned and managed by the state;
- (3) the lake levels of the Great Salt Lake have reached historic lows, requiring action by the state to address significant risks and minimize dangers to protect the ecological integrity of the Great Salt Lake, the state's environment in general, and the welfare of the state's citizens; and
- (4) the management of the Great Salt Lake under this chapter, especially if the emergency trigger is reached, is reasonable and necessary to serve important public purposes and no reasonable alternative meets the interests described in Subsection (3).

Renumbered and Amended by Chapter 25, 2024 General Session

65A-17-103 Application of chapter.

This chapter applies to a mineral lease or royalty agreement in effect on May 1, 2024, or the mineral or element extraction process engaged in on May 1, 2024, and any mineral lease or royalty agreement entered into after May 1, 2024, or mineral or element extraction process engaged in after May 1, 2024.

Enacted by Chapter 25, 2024 General Session