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Great Salt Lake Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jill Koford

Senate Sponsor: Scott D. Sandall

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LONG TITLE**General Description:**

This bill addresses issues related to the Great Salt Lake.

Highlighted Provisions:

This bill:

- clarifies metalliferous compounds for purposes of severance tax issues;
- addresses an exception from procurement provisions;
- modifies requirements related to a feasibility assessment for activities on the Great Salt Lake;
- changes provision related to adaptive management berms;
- addresses powers and duties of the Great Salt Lake Commissioner; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

59-5-203, as last amended by Laws of Utah 2024, Chapter 25

63G-6a-107.6, as last amended by Laws of Utah 2024, Chapters 291, 522

65A-6-4, as last amended by Laws of Utah 2024, Chapter 25

65A-17-201, as renumbered and amended by Laws of Utah 2024, Chapter 25

73-32-101, as enacted by Laws of Utah 2023, Chapter 205

73-32-202, as enacted by Laws of Utah 2023, Chapter 205

27

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-5-203** is amended to read:

59-5-203 . Determining taxable value.

30

31 (1) Except as provided in Subsection (3), the basis for computing the gross proceeds, prior
32 to those deductions or adjustments specified in this chapter, in determining the taxable
33 value of the metals, metalliferous minerals, or metalliferous compounds, as defined in
34 Subsection 59-5-202(5), sold or otherwise disposed of, in the order of priority, is as
35 follows:

36 (a) If the metals, metalliferous mineral products, or metalliferous compounds are
37 actually sold, the value of those metals, metalliferous mineral products, or
38 metalliferous compounds shall be the gross amount the producer receives from that
39 sale, provided that the metals, metalliferous mineral products, or metalliferous
40 compounds are sold under a bona fide contract of sale between unaffiliated parties.
41 In the case of a sale of uranium concentrates, gross proceeds shall be the gross
42 amount the producer receives from the sale of processed uranium concentrate or
43 "yellowcake," provided that the uranium concentrate is sold under a bona fide
44 contract of sale between unaffiliated parties.

45 (b)(i) For purposes of a Great Salt Lake extraction operator, as defined in Section
46 59-5-202, if metals, metalliferous minerals, or metalliferous compounds are not
47 sold, but are otherwise disposed of, the gross proceeds shall be the multiple of the
48 recoverable units of finished or unfinished metals, or of the finished or unfinished
49 metals contained in the metalliferous minerals or metalliferous compounds
50 shipped, and the average daily price per unit of contained metals as quoted by an
51 established authority for market prices of metals for the period during which the
52 tax imposed by this chapter is due.

53 (ii) The established authority or authorities under this Subsection (1)(b) shall be
54 designated by the commission by rule adopted in accordance with Title 63G,
55 Chapter 3, Utah Administrative Rulemaking Act.

56 (c)(i) If the metals, metalliferous mineral products, or metalliferous compounds are
57 not actually sold but are shipped, transported, or delivered out of state, the gross
58 proceeds shall be the multiple of the recoverable units of finished metals, or of the
59 finished metals contained in the metalliferous minerals or metalliferous
60 compounds shipped, and the average daily price per unit of contained metals as
61 quoted by an established authority for market prices of metals for the period
62 during which the tax imposed by this chapter is due.

63 (ii) The established authority or authorities shall be designated by the commission by
64 rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative

65 Rulemaking Act.

66 (d) In the case of metals, metalliferous minerals, or metalliferous compounds not sold,
 67 but otherwise disposed of, for which there is no established authority for market
 68 prices of metals for the period during which the tax imposed by this chapter is due,
 69 gross proceeds is determined by allocating to the state the same proportion of the
 70 producer's total sales of metals, metalliferous minerals, or metalliferous compounds
 71 sold or otherwise disposed of as the producer's total Utah costs bear to the total costs
 72 associated with sale or disposal of the metal~~[-]~~ , metalliferous mineral~~[-]~~ , or
 73 metalliferous compound.

74 (e) In the event of a sale of metals, metalliferous minerals, or metalliferous compounds
 75 between affiliated companies which is not a bona fide sale because the value received
 76 is not proportionate to the fair market value of the metals, metalliferous minerals,
 77 metalliferous compounds or in the event that Subsection (1)(a), (b), (c), or (d) are not
 78 applicable, the commission shall determine the value of such metals, metalliferous
 79 minerals, or metalliferous compounds in an equitable manner by reference to an
 80 objective standard as specified in a rule adopted in accordance with the provisions of
 81 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

82 (2) For all metals except beryllium, the taxable value of the metalliferous mineral sold or
 83 otherwise disposed of is 30% of the gross proceeds received for the metals sold or
 84 otherwise disposed of by the producer of the metal.

85 (3) Notwithstanding Subsection (1) or (4), the taxable value of beryllium sold or otherwise
 86 disposed of by the producer of the beryllium is equal to 125% of the direct mining costs
 87 incurred in mining the beryllium.

88 (4) Except as provided in Subsection (3), if the metalliferous mineral sold or otherwise
 89 disposed of is sold or shipped out of state in the form of ore, then the taxable value is
 90 80% of the gross proceeds.

91 Section 2. Section **63G-6a-107.6** is amended to read:

92 **63G-6a-107.6 . Exemptions from chapter.**

93 (1) Except for this Subsection (1), [~~the provisions of this chapter do~~] this chapter does not
 94 apply to:

95 (a) a public entity's acquisition of a procurement item from another public entity; or

96 (b) a public entity that is not a procurement unit, including the Colorado River Authority
 97 of Utah as provided in Section 63M-14-210.

98 (2) Unless otherwise provided by statute and except for this Subsection (2), [~~the provisions~~

99 ~~of this chapter do]~~ this chapter does not apply to the acquisition or disposal of real
 100 property or an interest in real property, including the acquisition or lease of water or
 101 water rights for the Great Salt Lake.

102 (3) Except for this Subsection (3) and Part 24, Unlawful Conduct and Penalties, [~~the~~
 103 ~~provisions of this chapter do]~~ this chapter does not apply to:

104 (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art
 105 Act;

106 (b) a grant;

107 (c) medical supplies or medical equipment, including service agreements for medical
 108 equipment, obtained by the University of Utah Hospital or the Department of Health
 109 and Human Services through a purchasing consortium if:

110 (i) the consortium uses a competitive procurement process; and

111 (ii) the chief administrative officer of the hospital or the executive director of the
 112 Department of Health and Human Services, as the case may be, makes a written
 113 finding that the prices for purchasing medical supplies and medical equipment
 114 through the consortium are competitive with market prices;

115 (d) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire,
 116 and State Lands, created in Section 65A-1-4, through the federal General Services
 117 Administration or the National Fire Cache system;

118 (e) supplies purchased for resale to the public;

119 (f) activities related to the management of investments by a public entity granted
 120 investment authority by law; or

121 (g) activities of the Utah water agent appointed under Section 73-10g-702.

122 (4) This chapter does not supersede the requirements for retention or withholding of
 123 construction proceeds and release of construction proceeds as provided in Section 13-8-5.

124 (5) Except for this Subsection (5), [~~the provisions of this chapter do]~~ this chapter does not
 125 apply to a procurement unit's hiring a mediator, arbitrator, or arbitration panel member
 126 to participate in the procurement unit's dispute resolution efforts.

127 Section 3. Section **65A-6-4** is amended to read:

128 **65A-6-4 . Mineral leases -- Multiple leases on same land -- Rentals and royalties**
 129 **-- Lease terms -- Great Salt Lake.**

130 (1) As used in this section:

131 (a) "Great Salt Lake element or mineral" means:

132 (i) a rare earth element;

- 133 (ii) a trace element or mineral; or
134 (iii) a chemical compound that includes a rare earth element or trace element or
135 mineral.
- 136 (b) "Operator" means, for purposes of provisions applicable to the extraction of a Great
137 Salt Lake element or mineral, a person qualified to do business in the state who is
138 pursuing the extraction of a Great Salt Lake element or mineral.
- 139 (c) "Rare earth element" is one of the following ores, minerals, or elements located in
140 the brines or the sovereign lands of the Great Salt Lake:
- 141 (i) lanthanum;
 - 142 (ii) cerium;
 - 143 (iii) praseodymium;
 - 144 (iv) neodymium;
 - 145 (v) samarium;
 - 146 (vi) europium;
 - 147 (vii) gadolinium;
 - 148 (viii) terbium;
 - 149 (ix) dysprosium;
 - 150 (x) holmium;
 - 151 (xi) erbium;
 - 152 (xii) thulium;
 - 153 (xiii) ytterbium;
 - 154 (xiv) lutetium; and
 - 155 (xv) yttrium.
- 156 (d) "Trace element or mineral" means an element or mineral that is located in the brines
157 or the sovereign lands of the Great Salt Lake that is not in production by July 1, 2020,
158 and for which the state has not received a royalty payment by July 1, 2020.
- 159 (2)(a) Mineral leases, including oil, gas, and hydrocarbon leases, may be issued for
160 prospecting, exploring, developing, and producing minerals covering any portion of
161 state lands or the reserved mineral interests of the state.
- 162 (b)(i) Leases may be issued for different types of minerals on the same land.
- 163 (ii) If leases are issued for different types of minerals on the same land, the leases
164 shall include stipulations for simultaneous operations, except that for leases
165 related to the Great Salt Lake the leases shall include stipulations for simultaneous
166 operations that will not interfere with, impede, limit, or require changes to

- 167 pre-existing rights.
- 168 (c) No more than one lease may be issued for the same resource on the same land.
- 169 (d) The division shall require a separate royalty agreement for extraction of Great Salt
170 Lake elements or minerals from brines of the Great Salt Lake when:
- 171 (i) a mineral lease, a royalty agreement, or both that are in effect before the operator
172 seeks to extract a particular Great Salt Lake element or mineral do not expressly
173 include the right to extract the particular Great Salt Lake element or mineral; or
- 174 (ii) the proposed operation will use brines from the Great Salt Lake, but will not
175 occupy sovereign lands for the direct production of Great Salt Lake elements or
176 minerals other than for incidental structures such as pumps and intake and outflow
177 pipelines.
- 178 (3)(a) Each mineral lease issued by the division shall provide for an annual rental of not
179 less than \$1 per acre per year, except that a mineral lease issued by the division
180 involving the extraction of a Great Salt Lake element or mineral from brines in the
181 Great Salt Lake shall provide for an annual rental of not less than \$100 per acre per
182 year.
- 183 (b) However, a lease may provide for a rental credit, minimum rental, or minimum
184 royalty upon commencement of production, as prescribed by rule.
- 185 (4) The primary term of a mineral lease may not exceed:
- 186 (a) 20 years for oil shale and tar sands; and
- 187 (b) 10 years for oil and gas and any other mineral.
- 188 (5)(a) In addition to the requirements of Chapter 17, Part 3, Mineral or Element
189 Extraction, and subject to the other provisions of this Subsection (5), for a mineral
190 lease or royalty agreement involving the extraction of Great Salt Lake elements and
191 minerals from brines in the Great Salt Lake, the division shall ensure that the
192 following terms, as applicable, are included:
- 193 (i) an extraction operation or extraction method shall adhere to commercially viable
194 technologies that minimize water depletion;
- 195 (ii) a provision authorizing the division to curtail or limit Great Salt Lake element or
196 mineral production at any time the condition of the Great Salt Lake reaches the
197 emergency trigger, as defined in Section 65A-17-101;
- 198 (iii) a provision authorizing the division to withdraw lands, operations, extraction
199 methods, or technologies from Great Salt Lake element or mineral production or
200 Great Salt Lake element or mineral operations;

- 201 (iv) a provision allowing the division to require an existing operator to use
202 commercially viable, innovative technologies to minimize water depletions caused
203 by the planned mineral extraction as a condition of continued operations if the
204 technology:
- 205 (A) has been successfully implemented on a commercial scale in similar
206 circumstances;
 - 207 (B) has been shown to be economically viable; and
 - 208 (C) is reasonably compatible with the operator's overall extraction process; and
- 209 (v) a provision that provides for the reductions of the following after the primary
210 term of a mineral lease or royalty agreement:
- 211 (A) the acreage subject to the mineral lease by the acreage the operator does not
212 use to extract a Great Salt Lake element or mineral during the primary term of
213 the mineral lease under conditions that do not constitute waste, as defined in
214 Section 65A-17-101; and
 - 215 (B) the volume of water that the operator may divert from the Great Salt Lake, by
216 the volume of water that the operator does not use during the longer of the
217 primary term of the mineral lease or seven years if the operator fails to use the
218 volume of water for a beneficial use, except if the failure to use the volume of
219 water is as a result of a reduction of water usage under Section 73-33-201 or is
220 excused under Section 73-1-4.
- 221 (b) If under Subsection (5)(a)(iv) the division requires an existing operator to use a
222 commercially viable, innovative technology, the division may not require use of a
223 technology not yet proven to be commercially viable on the Great Salt Lake and may
224 not require implementation of the technology to begin until after a reasonable period
225 determined by the division that is at least five years but does not exceed seven years.
- 226 (c)(i) If the volume of water that the operator may divert from the Great Salt Lake is
227 reduced under Subsection (5)(a)(v), the division shall pursue a judicial action to
228 declare all or a portion of the water right forfeited under Subsection 73-1-4(2).
- 229 (ii) If the division secures the reduction under this Subsection (5)(c), the division
230 shall petition the state engineer to order a reversal of the application approval in
231 accordance with the terms of the reduction or forfeiture of the water right.
 - 232 (iii) Nothing in this Subsection (5) modifies or otherwise affects Section 73-1-4 or
233 73-3-30.
- 234 (6)(a) Before issuing a royalty agreement under Subsection (2)(d), the division may

235 require an operator to engage in a feasibility assessment and may issue a royalty
 236 agreement without compliance of Subsection (5)(a) if the agreement:

- 237 (i) has a term of 12 months or less; and
 238 (ii) [~~limits use of~~] requires a minimum use of five acre-feet of brines from the Great
 239 Salt Lake [~~to a maximum of five acre-feet~~] during the term of the agreement.

239a **Ĥ→ (b) Subsection (6)(a)(ii) requiring a minimum use of five acre-feet of brines**
 239b **from the Great Salt Lake does not apply to an operator who filed an application with**
 239c **the division for a feasibility assessment before January 1, 2025.**

240 [~~(b)~~] (c) ←Ĥ The division may make rules, in accordance with Title 63G, Chapter 3,
 240a Utah
 241 Administrative Rulemaking Act, for implementing this Subsection (6).

242 (7)(a) Upon nomination from a prospective operator, the division shall by rule, made in
 243 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 244 establish a royalty rate and calculation methodology for a Great Salt Lake element or
 245 mineral that:

246 (i) provides for a full and fair return to the state from the production of the Great Salt
 247 Lake element or mineral;

248 (ii) is consistent with market royalty rates applicable to the production of the Great
 249 Salt Lake element or mineral or of the production of oil and gas;

250 (iii) provides a base royalty rate;

251 (iv) provides a reduced royalty rate from the royalty rate under Subsection (7)(a)(iii)
 252 if the royalty agreement:

253 (A) relates to a non-evaporative method of producing the Great Salt Lake element
 254 or mineral; or

255 (B) provides an incentive to use commercially viable, innovative technology to
 256 minimize water depletion and evaporation as determined by the division;

257 (v) provides a reduced royalty rate from the royalty rate under Subsection (7)(a)(iii) if
 258 the prospective operator for the extraction of lithium demonstrates to the
 259 satisfaction of the division that the prospective operator has an agreement with a
 260 person who will process or manufacture a product in this state, exclusive of any
 261 primary or secondary lithium processing or manufacturing, using the lithium
 262 extracted by the prospective operator; and

263 (vi) subject to Subsection (7)(e), provides for a royalty rate that is based on the
 264 highest market value prevailing at the time of the sale or disposal of the following:

- 265 (A) the Great Salt Lake element or mineral; or
- 266 (B) a product the lessee produces from the Great Salt Lake element or mineral.
- 267 (b) Before entering into a royalty agreement permitting the extraction of Great Salt Lake
- 268 elements or minerals, the operator shall:
- 269 (i) demonstrate the proposed operation's commercial viability;
- 270 (ii) certify before operation begins that the operator is not negatively impacting the
- 271 biota or chemistry of the Great Salt Lake; and
- 272 (iii) obtain the approval of the division and the Department of Environmental Quality
- 273 that the certification supports a finding that the operation will not negatively
- 274 impact the biota or chemistry of the Great Salt Lake.
- 275 (c) A new mineral lease for a Great Salt Lake element or mineral in production in the
- 276 Great Salt Lake as of May 3, 2023, is subject to new royalty rates due to emergent
- 277 technologies.
- 278 (d) An operator who as of July 1, 2020, had a mineral lease with the division but not a
- 279 royalty agreement and who is subject to a severance tax under Subsection 59-5-202
- 279a (5)
- 280 shall pay a royalty under this section in addition to the severance tax.
- 281 (e) The royalty rate described in Subsection (7)(a)(vi) may not be reassessed during the
- 282 primary term of an initial royalty agreement issued under this section, but may be
- 283 reassessed upon the conclusion of the primary term.
- 284 (8)(a) Except as provided in Subsection (8)(b), an operator who extracts a Great Salt
- 285 Lake element or mineral from tailings from the production of Great Salt Lake
- 286 elements or minerals from brines in the Great Salt Lake is subject to this section to
- 287 the same extent as an operator producing a Great Salt Lake element or mineral from
- 288 brines in the Great Salt Lake.
- 289 (b) An operator that, as of May 3, 2023, has an agreement to recover a Great Salt Lake
- 290 element or mineral from existing tailings, discarded material, end-use products, or
- 291 waste products produced from the evaporation and processing of Great Salt Lake
- 292 brines is not subject to this section, except as to the payment of royalties set by the
- 293 division under Subsection (7)(a). The division shall make rules, in accordance with
- 294 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the issuance
- 295 and termination of a royalty agreement for mineral extraction from tailings, discarded
- 296 material, end-use products, or waste products produced from the evaporation and
- 297 processing of Great Salt Lake brines.

- 298 (c) An operator that, as of May 3, 2023, has an underlying agreement to recover a Great
299 Salt Lake element or mineral shall obtain an additional agreement for any additional
300 Great Salt Lake element or mineral produced from the tailings, discarded material,
301 end-use products, or waste products newly produced under the underlying agreement.
302 The additional agreement is subject to this section.
- 303 (9) The division shall annually report to the Natural Resources, Agriculture, and
304 Environmental Quality Appropriations Subcommittee regarding the amount of money
305 collected under this section from royalties provided for in Subsection (7).
- 306 (10)(a) In the issuance of royalty agreements for the extraction of lithium from the Great
307 Salt Lake, the division shall prioritize applicants that do not use evaporative
308 concentration of Great Salt Lake brines in any stage of the extractive process.
- 309 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
310 Administrative Rulemaking Act, creating a process for implementing this Subsection
311 (10).
- 312 (11) Except in relationship to mineral leases related to the Great Salt Lake, the division
313 shall make rules regarding the continuation of a mineral lease after the primary term has
314 expired, which shall provide that a mineral lease shall continue so long as:
- 315 (a) the mineral covered by the lease is being produced in paying quantities from:
- 316 (i) the leased premises;
- 317 (ii) lands pooled, communitized, or unitized with the leased premises; or
- 318 (iii) lands constituting an approved mining or drilling unit with respect to the leased
319 premises; or
- 320 (b)(i) the lessee is engaged in diligent operations, exploration, research, or
321 development which is reasonably calculated to advance development or
322 production of the mineral covered by the lease from:
- 323 (A) the leased premises;
- 324 (B) lands pooled, communitized, or unitized with the leased premises; or
- 325 (C) lands constituting an approved mining or drilling unit with respect to the
326 leased premises; and
- 327 (ii) the lessee pays a minimum royalty.
- 328 (12) For the purposes of Subsection (11), diligent operations with respect to oil, gas, and
329 other hydrocarbon leases may include cessation of operations not in excess of 90 days in
330 duration.
- 331 (13)(a) The division shall study and analyze each mineral lease and mineral royalty

- 332 agreement issued on the Great Salt Lake and compare and evaluate whether the
333 mineral leases and royalty agreements are representative of current market
334 conditions. As part of this study, the division shall:
- 335 (i) make the following determinations for mineral leases:
 - 336 (A) whether the entire surface area described within the mineral lease is being
337 used; and
 - 338 (B) whether the annual lease payments are representative of current market
339 conditions; and
 - 340 (ii) for royalty agreements, perform studies and comparative analyses to determine
341 whether the state is receiving royalty rates consistent with current market
342 conditions.
 - 343 (b) By no later than the 2023 November interim meeting, the division shall report the
344 division's findings of the study required by this Subsection (13) to the Natural
345 Resources, Agriculture, and Environment Interim Committee.
- 346 (14) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
347 Administrative Rulemaking Act, for implementing this section.
- 348 (15) The provisions in this section related to extraction of a Great Salt Lake element or
349 mineral under a mineral lease or royalty agreement apply to a mineral lease or royalty
350 agreement in effect on May 1, 2024, and any mineral lease or royalty agreement entered
351 into after May 1, 2024.

352 Section 4. Section **65A-17-201** is amended to read:

353 **65A-17-201 . Great Salt Lake -- Management responsibilities of the division.**

354 The division has the following powers and duties:

- 355 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
356 Administrative Rulemaking Act, for the management of the Great Salt Lake that
357 recognize the division's duty to manage public trust assets and balance the following
358 public interest benefits and policies:
 - 359 (a) strategies to effectively and efficiently manage the Great Salt Lake based on the
360 Great Salt Lake's fluctuating lake levels;
 - 361 (b) development of the Great Salt Lake that balances, in a manner that promotes a
362 healthy physical and ecological condition:
 - 363 (i) migratory and shorebirds habitats;
 - 364 (ii) wetlands;
 - 365 (iii) brines, minerals or elements, chemicals, and petro-chemicals;

- 366 (iv) brine shrimp;
- 367 (v) the protection of wildlife and wildlife habitat;
- 368 (vi) the protection of recreational access and facilities; and
- 369 (vii) search and rescue efforts;
- 370 (c) promote water quality management for the Great Salt Lake and the Great Salt Lake's
- 371 tributary streams;
- 372 (d) public access to the Great Salt Lake for recreation, hunting, and fishing;
- 373 (e) temperature moderation, a stable role in the water cycle, and dust mitigation;
- 374 (f) maintain the Great Salt Lake's flood plain as a hazard zone;
- 375 (g) maintain the Great Salt Lake and the marshes as important shorebirds, waterfowl,
- 376 and other waterbird flyway system;
- 377 (h) promote and maintain recreation areas on and surrounding the Great Salt Lake; and
- 378 (i) maintain and protect state, federal, and private marshlands, rookeries, and wildlife
- 379 refuges.
- 380 (2)(a) The division shall prepare and maintain a comprehensive management plan for the
- 381 Great Salt Lake that is consistent with:
- 382 (i) the management duty and public interest benefits described in Subsection (1);
- 383 (ii) policies established by rule made under Subsection (1); and
- 384 (iii) the Great Salt Lake strategic plan adopted under Section 73-32-204.
- 385 (b) The comprehensive management plan described in this section shall integrate the
- 386 land within the Great Salt Lake meander line regardless of whether the land has been
- 387 excluded from water within the Great Salt Lake because of a berm or other
- 388 infrastructure on sovereign land associated with the Great Salt Lake.
- 389 (c) The division shall prepare the comprehensive management plan in consultation with
- 390 the Great Salt Lake commissioner.
- 391 (3) The division may employ personnel and purchase equipment and supplies that the
- 392 Legislature authorizes through appropriations for the purposes of this chapter and
- 393 Chapter 10, Management of Sovereign Lands.
- 394 (4) The division may initiate studies of the Great Salt Lake and the Great Salt Lake's related
- 395 resources.
- 396 (5) The division may publish scientific and technical information concerning the Great Salt
- 397 Lake.
- 398 (6) The division shall define the Great Salt Lake's flood plain.
- 399 (7) The division may qualify for, accept, and administer grants, gifts, or other funds from

- 400 the federal government and other sources, for carrying out any functions under this
401 chapter and Chapter 10, Management of Sovereign Lands.
- 402 (8) The division shall determine the need for public works and utilities for the lake area.
- 403 (9) The division may implement the comprehensive plan described in Subsection (2)
404 through state and local entities or agencies.
- 405 (10) The division shall coordinate the activities of the various divisions within the
406 Department of Natural Resources with respect to the Great Salt Lake.
- 407 (11) The division shall retain and encourage the continued activity of the Great Salt Lake
408 technical team.
- 409 (12) The division shall administer Chapter 16, Great Salt Lake Watershed Enhancement
410 Program.
- 411 (13) The division shall administer Section 65A-17-202 when the Great Salt Lake
412 emergency trigger is reached.
- 413 (14)(a) The division shall manage the adaptive management berm in the UP causeway
414 breach to keep salinity of Gilbert Bay within target ranges, raising and lowering the
415 adaptive management berm as needed to achieve that goal.
- 416 (b) In pursuing the goal described in Subsection (14)(a), the division shall:
- 417 (i) consider the other management objectives enumerated in this section, including
418 the preservation of Gunnison Bay;
- 419 (ii) raise the adaptive management berm if the Great Salt Lake elevation is 4,190 feet
420 or lower; and
- 421 (iii) comply with a plan and schedule required by Subsection (14)(c).
- 422 (c) Before raising the adaptive management berm, the division shall have a plan and
423 schedule to lower the adaptive management berm by no later than [~~nine~~] 18 months
424 after raising the adaptive management berm, with an objective of equalizing the
425 elevations of Gilbert Bay and Gunnison Bay to be within two feet of each other.
- 426 (d) The division will consult with the Great Salt Lake commissioner:
- 427 (i) before modifying the adaptive management berm; and
- 428 (ii) concerning the adoption of the plan and schedule described in Subsection (14)(c).
- 429 (15) Notwithstanding a statute to the contrary and except for activities that interfere with
430 the authority granted the state engineer under Title 73, Water and Irrigation, the division
431 may construct, operate, modify, or maintain infrastructure related to protecting the Great
432 Salt Lake and adjacent wetlands and may engage in planning and provide staff to
433 manage the infrastructure.

434 (16) The division may perform acts other than those described in Subsections (1) through
 435 (15) that are reasonably necessary to carry out this chapter and Chapter 10, Management
 436 of Sovereign Lands.

437 (17) The division shall complete an analysis to determine the infrastructure and engineering
 438 needs related to salinity management within the Great Salt Lake meander line.

439 (18) The division shall consult with the Division of Wildlife Resources to identify projects
 440 on sovereign lands that benefit wildlife habitat through the improved flow of water and
 441 management of both native and invasive plant species.

442 (19) This chapter may not be interpreted to override, supersede, or modify any water right
 443 within the state, or the role and authority of the state engineer.

444 Section 5. Section **73-32-101** is amended to read:

445 **73-32-101 . Definitions.**

446 As used in this chapter:

447 (1) "Account" means the Great Salt Lake Account created in Section 73-32-304.

448 (2) "Agricultural water" means water placed to beneficial use on land in agricultural use as
 449 defined under Section 59-2-502.

450 [(2)] (3) "Commissioner" means the Great Salt Lake commissioner appointed under Section
 451 73-32-201.

452 [(3)] (4) "Council" means the Great Salt Lake Advisory Council created in Section
 453 73-32-302.

454 [(4)] (5) "Department" means the Department of Natural Resources.

455 [(5)] (6) "Office" means the Office of the Great Salt Lake Commissioner created in Section
 456 73-32-301.

457 [(6)] (7) "State agency" means a department, division, board, council, committee, institution,
 458 office, bureau, or other similar administrative unit of the executive branch of state
 459 government.

460 [(7)] (8) "Strategic plan" means the plan prepared by the commissioner under Sections
 461 73-32-202 and 73-32-204.

462 Section 6. Section **73-32-202** is amended to read:

463 **73-32-202 . Duties and authorizations of the commissioner.**

464 (1) The commissioner shall:

465 (a) subject to Section 73-32-204, prepare an approved strategic plan for the long-term
 466 health of the Great Salt Lake and update the strategic plan regularly;

467 (b) oversee the execution of the strategic plan by other state agencies as provided in

- 468 Section 73-32-203;
- 469 (c) maintain information that measures Great Salt Lake levels, salinity, and overall
470 health;
- 471 (d) meet regularly with the executive director of the department and with the executive
472 director of the Department of Environmental Quality;
- 473 (e) consult with the Division of Forestry, Fire, and State Lands regarding Title 65A,
474 Chapter 16, Great Salt Lake Watershed Enhancement Program;
- 475 (f) monitor the integrated water assessment conducted under Chapter 10g, Part 4, Great
476 Salt Lake Watershed Integrated Water Assessment;
- 477 (g) inform the governor, the president of the Senate, and the speaker of the House of
478 Representatives, at least annually, about the status of the strategic plan and the
479 progress regarding implementation of the strategic plan;
- 480 (h) at least annually report to the Executive Appropriations Committee regarding the
481 expenditure of money under this chapter;
- 482 (i) coordinate and work collaboratively with water conservancy districts that serve water
483 users within the Great Salt Lake watershed; ~~and~~
- 484 (j) consult on projects funded by state appropriations that are designed to acquire or
485 lease water or water rights for the Great Salt Lake to ensure the project is consistent
486 with the strategic plan; and
- 487 ~~[(j)]~~ (k) annually report to the Natural Resources, Agriculture, and Environment Interim
488 Committee regarding the activities of the commissioner.
- 489 (2) The commissioner may:
- 490 (a) access information from other state or federal agencies related to the Great Salt Lake;
- 491 (b) develop cooperative agreements between the state, political subdivisions, and
492 agencies of the federal government for involvement in the strategic plan;
- 493 (c) produce research, documents, maps, studies, analysis, or other information that
494 supports the strategic plan for the Great Salt Lake;
- 495 (d) facilitate and coordinate the exchange of information, comments, and
496 recommendations on Great Salt Lake policies between and among:
- 497 (i) state agencies;
- 498 (ii) political subdivisions;
- 499 (iii) institutions of higher education that conduct research relevant to the Great Salt
500 Lake;
- 501 (iv) nonprofit entities; and

- 502 (v) private business;
- 503 (e) communicate with the Great Salt Lake Watershed Council created under Chapter
- 504 10g, Part 3, Watershed Councils Act; ~~and~~
- 505 (f) subject to Subsection (3), negotiate agreements, leases, or other means to acquire or
- 506 lease water or water rights for the Great Salt Lake pursuant to the exemption under
- 507 Subsection 63G-6a-107.6(2); and
- 508 ~~[(f)]~~ (g) perform other duties that the commissioner considers necessary or expedient to
- 509 carry out the purposes of this chapter.
- 510 (3)(a) A change application for a water right acquired or leased under Subsection (2)(f)
- 511 for use on sovereign lands in the Great Salt Lake shall be administered in accordance
- 512 with Section 73-3-30.
- 513 (b) The commissioner shall consult with the commissioner of the Department of
- 514 Agriculture and Food regarding terms and conditions for leasing agricultural water
- 515 for the Great Salt Lake.
- 516 ~~[(3)]~~ (4) In fulfilling the duties under this chapter, the commissioner shall consult and
- 517 coordinate, as necessary, with:
- 518 (a) the department;
- 519 (b) the Department of Agriculture and Food;
- 520 (c) the Department of Environmental Quality;
- 521 (d) other applicable state agencies;
- 522 (e) political subdivisions of the state;
- 523 (f) federal agencies;
- 524 (g) elected officials; and
- 525 (h) local tribal officials.

526 Section 7. **Effective Date.**

527 This bill takes effect on May 7, 2025.