

Salt Lake County's Opposition to HB527: Mining Operations Amendments

Sponsor: Rep. Keven Stratton

HB527 Mining Operations Amendments changes two portions of Utah Code: Title 17 Chapter 41, [Vested Mining Use](#), and Title 40 Chapter 8, the [Utah Mined Land Reclamation Act](#). The Title 17 revisions *substantially* expand the “vested mining use” concept with far-reaching consequences, including private property devaluation and other adverse impacts to the owners of land within the vicinity of any of the 35,000 open mining claims in our state. In fact, should HB527 pass, it could trigger a flood of litigation by those impacted by this dramatic shift in mining law.

Salt Lake County supports many of the Title 40 changes, with minor revisions, but ***opposes the Title 17 changes***.

Why Oppose Title 17 Changes?

The “vested mining rights” concept allows property owners who wish to pursue mining activities to bypass local land use authority. The right is extraordinary in this regard, and it also poses a serious threat to any neighboring private property owners who will most likely see a diminution in value of their property. The changes to Title 17 also represent a significant departure from the law’s original intent, which was to protect *existing mining operations*, not to facilitate *entirely new, unrelated mines*. The bill expands the concept of a “vested mining right” by:

- Making it easier for a party to establish a vested mining right ([See Lines 143-145](#));
- Imposing additional hurdles for any party wishing to challenge a vested mining right ([See Lines 202-205](#)); and
- Creating a new venue for resolution of a vested mining right dispute by redirecting claims from district courts, where property rights are routinely litigated, to a DOGM administrative process ([See Lines 200-201](#)).

The law related to mining rights/operations is highly complex, and the Title 17 revisions could have significant ramifications for private property rights, land use authority, the tourism and recreation industries, and the health and safety of our community. Title 17 also intersects with another complex subject, namely “critical infrastructure materials operations” (i.e., sand, gravel, and rock aggregate, not minerals and precious metals). Those two subjects should be considered in tandem, not separately.

The potential scope of impact that the proposed Title 17 changes will have on existing property rights is vast. Currently, there are approximately 35,000 open mining claims in the state. Based on data available through BLM, estimates suggest those active mining claims cover nearly 800,000 acres statewide. See [link](#) for the locations/size of active mine permits.

Protect Private Property Rights and Local Control

Some proponents of HB527 suggest the Title 17 changes are limited to process revisions and clarification of ambiguities in current law. We strongly disagree. The proposed changes substantively alter the definition of a “vested mining right,” and will negatively affect both private property owners throughout our state and local governments. The vested mining rights concept is an extraordinary right, and one that should not be expanded at the expense of a local jurisdiction’s right to make decisions regarding their community and the health, safety, welfare and private property rights of their residents.

Impact of Title 17 Changes on Proposed Mine in Parleys Canyon

Although the Title 17 changes have broad applicability from a statewide basis (both now and well into the future), Salt Lake County (County) is immediately concerned with how these changes might affect a current, highly controversial mine proposal in Parleys Canyon called the I-80 South Quarry. In fact, it is possible this proposed bill has been specifically crafted to allow the parties who are pursuing that proposed mine to overcome potentially insurmountable defects with the claim they already possess a valid vested mining right, and therefore the authority to develop a 600+ acre open pit mine without the need to go through local land use authority.

The County joins many partners in opposing the I-80 South Quarry. In a rare 7-1 (with one abstention) bipartisan vote, the County Council voted to clarify mining restrictions in its forestry and recreation zones. Along with neighboring local jurisdictions, the County has grave concerns over the mine proposal, including the devastating impacts it could have on local air quality, critical watersheds, enhanced wildfire risk, our region's ongoing drought crisis, cherished recreational opportunities and historic sites, potential impairment to a successful Olympic bid, and other major economic and quality of life concerns. The forestry and recreation zone has a stated mission of permitting development that is *"compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations."* The public overwhelmingly supports the County's position on this proposed development. The County should continue to have the right to exercise its legitimate land use authority to address health, safety, and community concerns within its borders. That is what local jurisdictions do best.

"Before" and "After" Artist's Renderings of the Proposed Parleys Mine

Before



After

