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Wetlands Study Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Doug Owens
Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill creates a study related to wetlands.

Highlighted Provisions:

This bill:

- directs the Department of Natural Resources (department) to:
 - complete a study on wetlands in counties of the first or second class;
 - make recommendations for legislative and administrative action; and
 - report the study findings and recommendations to the Natural Resources, Agriculture, and Environment Interim Committee;
- restores a requirement that the department publish land use permits for wetlands collected by the Utah Geological Survey; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

79-2-406, as last amended by Laws of Utah 2024, Chapter 88

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

Section 1. Section **79-2-406** is amended to read:

79-2-406 . Wetlands -- Study.

[~~(1) As used in this section, "committee" means the Natural Resources, Agriculture, and Environment Interim Committee.~~]

- 29 (1) Before October 30, 2027, the department shall complete a study on the status of
 30 wetlands in counties of the first or second class, as described in Section 17-60-104.
- 31 (2) The study described in Subsection (1) shall include:
- 32 (a) a determination on how wetlands have changed or may change, including any
 33 reclassification or potential reclassification of wetlands based on changes to federal
 34 law;
- 35 (b) the impact or potential impact of wetland changes on outdoor recreation, including:
 36 (i) the hunting of duck and other game birds; and
 37 (ii) water quality in rivers and lakes adjacent to wetlands; and
- 38 (c) recommendations for legislative and administrative action.
- 39 (3) The department shall report to the Natural Resources, Agriculture, and Environment
 40 Interim Committee:
- 41 (a) before November 30, 2026, a progress report of the study findings and
 42 recommendations described in Subsection (2); and
- 43 (b) before October 30, 2027, a complete report of the study findings and
 44 recommendations described in Subsection (2).
- 45 [(2)] (4) The department shall publish, on the department's website, the land use permits
 46 collected by the Utah Geological Survey [pursuant to] in accordance with Subsection
 47 79-3-202(1)(q).
- 48 [(3)(a)] The department shall study and make recommendations to the committee on the
 49 viability of an in-lieu fee program for wetland mitigation, including:]
- 50 [(i) the viability of the state establishing and administering an in-lieu fee program; and]
 51 [(ii) the viability of the state partnering with a private organization to establish and
 52 administer an in-lieu fee program.]
- 53 [(b) As part of the study described in Subsection (3)(a), the department shall consult
 54 with public and private individuals and entities that may be necessary or helpful to
 55 the establishment or administration of an in-lieu fee program for wetland mitigation,
 56 which may include:]
- 57 [(i) the Utah Department of Environmental Quality;]
 58 [(ii) the United States Army Corps of Engineers;]
 59 [(iii) the United States Fish and Wildlife Service;]
 60 [(iv) the United States Environmental Protection Agency; or]
 61 [(v) a non-profit entity that has experience with the establishment and administration
 62 of in-lieu fee programs.]

63 ~~[(e) The department shall provide a report on the status of the department's study during~~
64 ~~or before the committee's November interim meeting in 2022.]~~

65 ~~[(d) The department shall provide a final report of the department's study and~~
66 ~~recommendations, including any recommended legislation, during or before the~~
67 ~~committee's first interim meeting in 2023.]~~

68 Section 2. **Effective Date.**

69 This bill takes effect on May 6, 2026.