

Wetlands Protection Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor:

LONG TITLE**General Description:**

This bill creates a study related to wetland health and protection.

Highlighted Provisions:

This bill:

- directs the Department of Natural Resources to:

- complete a study on wetlands in the state;

- make recommendations for legislative and administrative action on improving wetland health and mitigating wetland loss; and

- report the study findings and recommendations to the Natural Resources, Agriculture, and Environment Interim Committee; 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.

(2) Before October 30, 2027, the department shall complete a study on the status of wetlands in the state.

(3) The study described in Subsection (2) shall include:

- (a) a determination on how wetland acreage in the state has changed within the previous five years;
- (b) any reclassification or potential reclassification of wetlands in the previous five years based on changes to federal law;
- (c) the impact of wetland loss on:
 - (i) outdoor recreation, including:
 - (A) the hunting of duck and other migratory game birds; and
 - (B) any loss of recreational opportunities on lakes and rivers in the state;
 - (ii) water quality in rivers and lakes adjacent to wetlands; and
 - (iii) aquatic species in greatest need of conservation; and
- (d) recommendations for legislative and administration action to:
 - (i) improve the health of wetlands in the state; and
 - (ii) mitigate wetland loss and degradation.

(4) The department shall report to the committee:

- (a) before November 30, 2026, a progress report of the study findings and recommendations described in Subsection (3); and
- (b) before October 30, 2027, a complete report of the study findings and recommendations described in Subsection (3).

~~[(2) The department shall publish, on the department's website, the land use permits collected by the Utah Geological Survey pursuant to Subsection 79-3-202(1)(q).]~~

~~[(3)(a) The department shall study and make recommendations to the committee on the viability of an in-lieu fee program for wetland mitigation, including:]~~

~~[(i) the viability of the state establishing and administering an in-lieu fee program; and]~~

~~[(ii) the viability of the state partnering with a private organization to establish and administer an in-lieu fee program.]~~

~~[(b) As part of the study described in Subsection (3)(a), the department shall consult with public and private individuals and entities that may be necessary or helpful to the establishment or administration of an in-lieu fee program for wetland mitigation, which may include:]~~

~~[(i) the Utah Department of Environmental Quality;]~~

~~[(ii) the United States Army Corps of Engineers;]~~

~~[(iii) the United States Fish and Wildlife Service;]~~

~~[(iv) the United States Environmental Protection Agency; or]~~

~~[(v) a non-profit entity that has experience with the establishment and administration~~

65 of in-lieu fee programs.]

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

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

71 Section 2. **Effective Date.**

72 This bill takes effect on May 6, 2026.