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Wetlands Protection Modifications
2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor:

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LONG TITLE

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General Description:

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

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Highlighted Provisions:

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This bill:

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► directs the Department of Natural Resources to:

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- complete a study on wetlands in the state;

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- make recommendations for legislative and administrative action on improving wetland

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health and mitigating wetland loss; and

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

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- makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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79-2-406 . Wetlands study.

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

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

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

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

44 (4) The department shall report to the committee:

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

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

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

53 [(i) ~~the viability of the state establishing and administering an in-lieu fee program; and~~]
54 [(ii) ~~the viability of the state partnering with a private organization to establish and~~
55 ~~administer an in-lieu fee program.~~]

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

60 [(i) ~~the Utah Department of Environmental Quality;~~]
61 [(ii) ~~the United States Army Corps of Engineers;~~]
62 [(iii) ~~the United States Fish and Wildlife Service;~~]
63 [(iv) ~~the United States Environmental Protection Agency; or~~]
64 [(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.