

Doug Owens proposes the following substitute bill:

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 wetland health and protection.

Highlighted Provisions:

This bill:

▸ directs the Department of Natural Resources to:

- complete a study on wetlands in counties of the first or second class;
- 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 counties of the first or second class, as described in Section 17-60-104.

- 30 (3) The study described in Subsection (2) shall include:
- 31 (a) a determination on how wetland acreage has changed within the previous five years;
- 32 (b) any reclassification or potential reclassification of wetlands in the previous five years
- 33 based on changes to federal law;
- 34 (c) the impact of wetland loss on:
- 35 (i) outdoor recreation, including:
- 36 (A) the hunting of duck and other migratory game birds; and
- 37 (B) any loss of recreational opportunities on lakes and rivers;
- 38 (ii) water quality in rivers and lakes adjacent to wetlands; and
- 39 (iii) aquatic species in greatest need of conservation; and
- 40 (d) recommendations for legislative and administration action to:
- 41 (i) improve the health of wetlands; and
- 42 (ii) mitigate wetland loss and degradation.
- 43 (4) The department shall report to the committee:
- 44 (a) before November 30, 2026, a progress report of the study findings and
- 45 recommendations described in Subsection (3); and
- 46 (b) before October 30, 2027, a complete report of the study findings and
- 47 recommendations described in Subsection (3).
- 48 [~~(2) The department shall publish, on the department's website, the land use permits~~
- 49 ~~collected by the Utah Geological Survey pursuant to Subsection 79-3-202(1)(q).]~~
- 50 [~~(3)(a) The department shall study and make recommendations to the committee on the~~
- 51 ~~viability of an in-lieu fee program for wetland mitigation, including:]~~
- 52 [~~(i) the viability of the state establishing and administering an in-lieu fee program; and]~~
- 53 [~~(ii) the viability of the state partnering with a private organization to establish and~~
- 54 ~~administer an in-lieu fee program.]]~~
- 55 [~~(b) As part of the study described in Subsection (3)(a), the department shall consult~~
- 56 ~~with public and private individuals and entities that may be necessary or helpful to~~
- 57 ~~the establishment or administration of an in-lieu fee program for wetland mitigation,~~
- 58 ~~which may include:]~~
- 59 [~~(i) the Utah Department of Environmental Quality;]~~
- 60 [~~(ii) the United States Army Corps of Engineers;]~~
- 61 [~~(iii) the United States Fish and Wildlife Service;]~~
- 62 [~~(iv) the United States Environmental Protection Agency; or]~~
- 63 [~~(v) a non-profit entity that has experience with the establishment and administration~~

64 of in-lieu fee programs.]

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

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

70 Section 2. **Effective Date.**

71 This bill takes effect on May 6, 2026.