

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

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**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

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*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.]

(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 administration 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.