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WETLAND AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the collection and publication of wetland data and a study of the viability of an in-lieu fee program for wetland mitigation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires land use authorities to provide a copy of a land use permit that affects wetlands to the Division of Wildlife Resources;
- ▶ directs the Division of Wildlife Resources to:
 - publish land use permits that affect wetlands on the Division's website; and
 - study and make recommendations to the Natural Resources, Agriculture, and Environment Interim Committee regarding the viability of an in-lieu fee program for wetland mitigation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 [10-9a-521](#), as enacted by Laws of Utah 2007, Chapter 388

29 [17-27a-520](#), as enacted by Laws of Utah 2007, Chapter 388

30 ENACTS:

31 [23-14-22](#), Utah Code Annotated 1953



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

34 Section 1. Section **10-9a-521** is amended to read:

35 **10-9a-521. Wetlands.**

36 (1) A municipality may not designate or treat any land as wetlands unless the United
37 States Army Corps of Engineers or other agency of the federal government has designated the
38 land as wetlands.

39 (2) A land use authority that issues a land use permit that affects land designated as
40 wetlands by the United States Army Corps of Engineers or another agency of the federal
41 government shall provide a copy of the land use permit to the Division of Wildlife Resources
42 created in Section [23-14-1](#).

43 Section 2. Section **17-27a-520** is amended to read:

44 **17-27a-520. Wetlands.**

45 (1) A county may not designate or treat any land as wetlands unless the United States
46 Army Corps of Engineers or other agency of the federal government has designated the land as
47 wetlands.

48 (2) A land use authority that issues a land use permit that affects land designated as
49 wetlands by the United States Army Corps of Engineers or another agency of the federal
50 government shall provide a copy of the land use permit to the Division of Wildlife Resources
51 created in Section [23-14-1](#).

52 Section 3. Section **23-14-22** is enacted to read:

53 **23-14-22. Wetlands -- In-lieu fee program study.**

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

56 (2) The division shall:

57 (a) collect the land use permits described in Sections [10-9a-521](#) and [17-27a-520](#); and

58 (b) publish the collected land use permits on the division's website.

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

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

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

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

67 (i) the Utah Department of Environmental Quality;

68 (ii) the United States Army Corps of Engineers;

69 (iii) the United States Fish and Wildlife Service;

70 (iv) the United States Environmental Protection Agency; or

71 (v) a non-profit entity that has experience with the establishment and administration of
72 in-lieu fee programs.

73 (c) The division shall provide a report on the status of the division's study during or
74 before the committee's November interim meeting in 2022.

75 (d) The division shall provide a final report of the division's study and
76 recommendations, including any recommended legislation, during or before the committee's
77 first interim meeting in 2023.