

Representative Casey Snider proposes the following substitute bill:

WETLAND AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Derrin R. Owens

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 Utah Geological Survey;
- ▶ directs the Department of Natural Resources to:
 - publish land use permits that affect wetlands on the department'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



26 **Utah Code Sections Affected:**

27 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 **79-3-202**, as renumbered and amended by Laws of Utah 2009, Chapter 344

31 ENACTS:

32 **79-2-406**, Utah Code Annotated 1953

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

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

36 **10-9a-521. Wetlands.**

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

40 (2) A land use authority that issues a land use permit that affects land designated as
41 wetlands by the United States Army Corps of Engineers or another agency of the federal
42 government shall provide a copy of the land use permit to the Utah Geological Survey
43 established in Section **79-3-201**.

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

45 **17-27a-520. Wetlands.**

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

49 (2) A land use authority that issues a land use permit that affects land designated as
50 wetlands by the United States Army Corps of Engineers or another agency of the federal
51 government shall provide a copy of the land use permit to the Utah Geological Survey
52 established in Section **79-3-201**.

53 Section 3. Section **79-2-406** is enacted to read:

54 **79-2-406. Wetlands -- In-lieu fee program study.**

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

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

59 (3) (a) The department 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 department shall consult
65 with public and private individuals and entities that may be necessary or helpful to the
66 establishment or administration of an in-lieu fee program for wetland mitigation, which may
67 include:

68 (i) the Utah Department of Environmental Quality;

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

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

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

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

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

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

79 Section 4. Section **79-3-202** is amended to read:

80 **79-3-202. Powers and duties of survey.**

81 (1) The survey shall:

82 (a) assist and advise state and local agencies and state educational institutions on
83 geologic, paleontologic, and mineralogic subjects;

84 (b) collect and distribute reliable information regarding the mineral industry and
85 mineral resources, topography, paleontology, and geology of the state;

86 (c) survey the geology of the state, including mineral occurrences and the ores of
87 metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface

88 and ground water resources, with special reference to their economic contents, values, uses,
89 kind, and availability in order to facilitate their economic use;

90 (d) investigate the kind, amount, and availability of mineral substances contained in
91 lands owned and controlled by the state, to contribute to the most effective and beneficial
92 administration of these lands for the state;

93 (e) determine and investigate areas of geologic and topographic hazards that could
94 affect the safety of, or cause economic loss to, the citizens of the state;

95 (f) assist local and state agencies in their planning, zoning, and building regulation
96 functions by publishing maps, delineating appropriately wide special earthquake risk areas,
97 and, at the request of state agencies or other governmental agencies, review the siting of critical
98 facilities;

99 (g) cooperate with state agencies, political subdivisions of the state,
100 quasi-governmental agencies, federal agencies, schools of higher education, and others in fields
101 of mutual concern, which may include field investigations and preparation, publication, and
102 distribution of reports and maps;

103 (h) collect and preserve data pertaining to mineral resource exploration and
104 development programs and construction activities, such as claim maps, location of drill holes,
105 location of surface and underground workings, geologic plans and sections, drill logs, and
106 assay and sample maps, including the maintenance of a sample library of cores and cuttings;

107 (i) study and analyze other scientific, economic, or aesthetic problems as, in the
108 judgment of the board, should be undertaken by the survey to serve the needs of the state and to
109 support the development of natural resources and utilization of lands within the state;

110 (j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the
111 work accomplished by the survey, directly or in collaboration with others, and collect and
112 prepare exhibits of the geological and mineral resources of this state and interpret their
113 significance;

114 (k) collect, maintain, and preserve data and information in order to accomplish the
115 purposes of this section and act as a repository for information concerning the geology of this
116 state;

117 (l) stimulate research, study, and activities in the field of paleontology;

118 (m) mark, protect, and preserve critical paleontological sites;

119 (n) collect, preserve, and administer critical paleontological specimens until the
120 specimens are placed in a repository or curation facility;
121 (o) administer critical paleontological site excavation records;
122 (p) edit and publish critical paleontological records and reports; [~~and~~]
123 (q) by following the procedures and requirements of Title 63J, Chapter 5, Federal
124 Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in
125 accordance with applicable federal program guidelines, administer federally funded state
126 programs regarding:

127 (i) renewable energy;
128 (ii) energy efficiency; and
129 (iii) energy conservation[-]; and
130 (r) collect the land use permits described in Sections [10-9a-521](#) and [17-27a-520](#).

131 (2) (a) The survey may maintain as confidential, and not as a public record,
132 information provided to the survey by any source.

133 (b) The board shall adopt rules in order to determine whether to accept the information
134 described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

135 (c) The survey shall maintain information received from any source at the level of
136 confidentiality assigned to it by the source.

137 (3) Upon approval of the board, the survey shall undertake other activities consistent
138 with Subsection (1).

139 (4) (a) Subject to the authority granted to the department, the survey may enter into
140 cooperative agreements with the entities specified in Subsection (1)(g), if approved by the
141 board, and may accept or commit allocated or budgeted funds in connection with those
142 agreements.

143 (b) The survey may undertake joint projects with private entities if:

144 (i) the action is approved by the board;

145 (ii) the projects are not inconsistent with the state's objectives; and

146 (iii) the results of the projects are available to the public.