

HB0118S01 compared with HB0118

~~deleted text~~ shows text that was in HB0118 but was deleted in HB0118S01.

inserted text shows text that was not in HB0118 but was inserted into HB0118S01.

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Representative Casey Snider proposes the following substitute bill:

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}~~ Utah Geological Survey;
- ▶ directs the ~~{Division}~~ Department of ~~{Wildlife}~~ Natural Resources to:
 - publish land use permits that affect wetlands on the ~~{Division's}~~ department's website; and
 - study and make recommendations to the Natural Resources, Agriculture, and

HB0118S01 compared with HB0118

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:

10-9a-521, as enacted by Laws of Utah 2007, Chapter 388

17-27a-520, as enacted by Laws of Utah 2007, Chapter 388

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

ENACTS:

~~{23-14-22}~~ **79-2-406**, Utah Code Annotated 1953

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

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

10-9a-521. Wetlands.

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

(2) A land use authority that issues a land use permit that affects land designated as wetlands by the United States Army Corps of Engineers or another agency of the federal government shall provide a copy of the land use permit to the ~~{Division of Wildlife Resources created}~~ **Utah Geological Survey established** in Section ~~{23-14-1}~~ **79-3-201**.

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

17-27a-520. Wetlands.

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

(2) A land use authority that issues a land use permit that affects land designated as

HB0118S01 compared with HB0118

wetlands by the United States Army Corps of Engineers or another agency of the federal government shall provide a copy of the land use permit to the ~~{Division of Wildlife Resources created}~~ Utah Geological Survey established in Section ~~{23-14-1}~~ 79-3-201.

Section 3. Section ~~{23-14-22}~~ 79-2-406 is enacted to read:

~~{23-14-22}~~ 79-2-406. **Wetlands -- In-lieu fee program study.**

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

(2) The ~~{division}~~ department shall ~~+~~:

~~— (a) collect~~ publish, on the department's website, the land use permits ~~{described in Sections 10-9a-521 and 17-27a-520, and~~

~~— (b) publish the collected land use permits on the division's website}~~ collected by the Utah Geological Survey pursuant to Subsection 79-3-202(1)(r).

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

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

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

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

(i) the Utah Department of Environmental Quality;

(ii) the United States Army Corps of Engineers;

(iii) the United States Fish and Wildlife Service;

(iv) the United States Environmental Protection Agency; or

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

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

(d) The ~~{division}~~ department shall provide a final report of the

HB0118S01 compared with HB0118

~~{division's}~~ department's study and recommendations, including any recommended legislation, during or before the committee's first interim meeting in 2023.

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

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

(1) The survey shall:

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

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

(c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to their economic contents, values, uses, kind, and availability in order to facilitate their economic use;

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

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

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

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

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

(i) study and analyze other scientific, economic, or aesthetic problems as, in the

HB0118S01 compared with HB0118

judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and utilization of lands within the state;

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

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

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

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

(n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;

(o) administer critical paleontological site excavation records;

(p) edit and publish critical paleontological records and reports; [and]

(q) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs, and, in accordance with applicable federal program guidelines, administer federally funded state programs regarding:

(i) renewable energy;

(ii) energy efficiency; and

(iii) energy conservation[-]; and

(r) collect the land use permits described in Sections 10-9a-521 and 17-27a-520.

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

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

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

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

HB0118S01 compared with HB0118

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

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

(i) the action is approved by the board;

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

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