

AGENDA ITEM # IX-A.

Diane Lamoreaux

From: Eric Clarke <Eric.Clarke@wcattorney.com>
Sent: Wednesday, January 22, 2014 9:42 AM
To: Diane Lamoreaux
Subject: RE: Open Meeting Law Training

Diane,

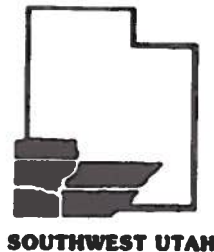
Last week in the OPMA training I spoke more than usual about records retention, so I figured I'd double check my stuff today—and I misspoke. I told you that you could keep minutes of closed meetings and destroy the recording after a year. The county records retention schedule has us keep recordings for three years, not one. Also, it has some language that interprets the closed meeting minutes differently than I did. It says the recording is the permanent record and should be stored permanently as a recording. So, in light of that, I recommend you always keep the recordings of closed meetings. (I assume you use the county retention schedule from the state archives. If not, let me know and I can check to see if the one you use is different from ours.

Thanks, and sorry!
Eric

Five County Association of Governments

1070 West 1600 South, Building B
St. George, Utah 84770

Fax (435) 673-3540



Post Office Box 1550
St. George, Utah 84771

Office (435) 673-3548

January 13, 2014

The Honorable Mike Lee
United States Senate
316 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Lee:

The Steering Committee of the Five County Association of Governments in southwestern Utah has requested the appropriation status of the Fiscal Year (FY) 2014 federal program, Payments in Lieu of Taxes, PILT in the Bipartisan Budget Act of 2013. PILT is authorized at \$425 million for FY 2014.

As you know, the PILT program provides payments to counties and other local governments to offset losses in tax revenues due to the presence of substantial acreage of federal land in their jurisdictions. Since local governments are unable to tax the property values of, or resources derived from federal lands, these payments are essential to support vital community services such as schools, firefighting, police protection, transportation infrastructure, and providing health care in rural communities. This program is extremely important to our rural communities because more than 78 percent of the lands in our region are federally controlled and provide no tax revenues.

We are deeply aware of the limitations presented by our current federal fiscal situation. However, we remain firm in our belief that the federal government has an inherent obligation to provide funds to support local governments when the federal government continues to control such a vast percentage of lands in Utah, thereby denying it to support the local tax base as private lands do in a vast majority of the states. For these reasons, we respectfully request that you explore ways to bring the PILT program to its fully authorized funding level. Doing so will demonstrate a commitment to the local communities and counties that depend on these funds, and begin the long-overdue process of fairly and accurately compensating local governments that have federal lands within their boundaries.

Thank you for your service to the constituents of Utah, and I look forward to your response so I can provide the Steering Committee with a PILT status for FY 2014.

Sincerely,

Bryan Thiriot
Executive Director
Five County Association of Governments

AGENDA ITEM # IX-A. (Continued)

MICHAEL S. LEE
UTAH

BOYD C. MATHESON
CHIEF OF STAFF

United States Senate

WASHINGTON, DC 20510-4404

COMMITTEES:

JUDICIARY

ENERGY AND
NATURAL RESOURCES

ARMED SERVICES

JOINT ECONOMIC
COMMITTEE

January 27, 2014

Dear Commissioner/Council Member:

As you know, Senator Lee has been very involved in the ongoing efforts to ensure that all Utah counties receive their PILT funding for 2014. As he has repeatedly made clear, **he is 100% supportive of the PILT program**, and recently gave a speech on the Senate floor specifically talking about how PILT is vital to so many Utah counties. He later had a conference call specifically for county commissioners in which he discussed this issue, including what actions he is taking to ensure that all counties receive this critical funding.

We are writing to let you know that Senator Lee is keenly aware not only that the uncertainty surrounding PILT funding can both complicate and cripple your budgetary process, but that he understands how enormously frustrating that is to you and your county. As he has repeatedly made clear, PILT is not an entitlement program, and the Senate should not treat it as one.

During the last several weeks, the Senator, numerous members of his staff in Washington, and many staff members here in Utah including myself and Victor Iverson (St. George), have spoken at length with commissioners about our progress on this issue. As promised, we are writing to provide you an update of the current status of PILT funding.

First of all, Senator Lee is 100% committed to ensuring funding for the PILT program. He is also opposed to what he sees as an effort to begin using PILT as a yearly tool to extort members of the Senate—particularly Western senators whose states have extensive federal lands—into voting for otherwise objectionable bills such as the farm bill. That this is the almost-certain future of PILT is clear from the fact that, just today, our office received word that **the current farm bill does not actually fund PILT for multiple years, as has been done in the past, but merely extends current funding for only one year.**

As background, two weeks ago, Congress wrote a 1,582-page, \$1.1 trillion dollar omnibus spending bill behind closed doors. Senator Lee and other Republicans were given only a few days to read through it before being asked to cast a vote. While generous funding was provided for programs such as the “Obamaphone” program, funding for PILT was taken out completely. This was not an oversight. It was a deliberate effort to buy support for another controversial bill, a bill in which PILT had **never** been placed: the farm bill. The farm bill is a classic example of

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Washington's "everything but the kitchen sink" approach to legislating. Based on its name, one would assume that the farm bill deals primarily with agriculture, but spending for the food stamp program comprises nearly eighty percent of the bill's spending.

To place this alarming development in its proper context, while PILT has always been funded since it was first authorized in 1976, **this would mark the first time that PILT funding itself—and only one year of funding at that—is contingent on funding agricultural subsidies.** To simply lump PILT in with other entitlement programs effectively concedes—once and for all—that PILT itself is nothing more than a crass county entitlement program; no different than a government subsidy payment for rice or peanuts.

If we concede that PILT is simply one more entitlement program, then PILT—from this moment on—will always be treated as one more entitlement program. Instead of counties relying on PILT funding with confidence, as they always have, Senator Lee will be forced to engage in a yearly battle for PILT funding. In short, the budgetary anxiety that all of our counties have recently confronted over PILT will become an annual event. And, in the minds of many Senators, this concession will effectively reduce PILT to nothing more than an entitlement program for counties in Western states, which it most emphatically is not.

By placing this vital program into the farm bill, the obvious intent is to create so much angst among commissioners and county officials that the Senators from those states will feel pressured into voting for it regardless of its contents. More problematic, individual senators may even be pressured by certain advocacy groups into committing their support for the bill even before its contents are known. For obvious reasons, Senator Lee has made clear that **he will not commit his support to a bill that he has not even seen.** After all, it no longer requires any imagination to conceive what happens when a majority of the Senate commits to support a bill it has not even seen.

By placing PILT in the farm bill for the first time since the PILT program was authorized in 1976, and by cynically extending current funding for only one-year, we are setting ourselves on a course that virtually ensures that—beginning this year—PILT will forever be a program whose funding is in doubt. Rather than a program legitimately compensating counties, one funded for multiple years at a time, this new path will convert PILT into just one more garden-variety entitlement program which, in the end, may or may not be funded each year. As Senator Lee has made clear, this is not only disastrous for our counties, this is simply unacceptable. **Senator Lee's objective is not only to ensure that PILT is funded for 2014, but that it is funded for decades to come.**

As Senator Lee's Deputy Chief of Staff and Utah State Director, I can assure you that the Senator has not only spent countless hours agonizing over this issue, but he has made it clear to me that this is a top priority for his office. As frustrating as this

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process has been for both the Senator and his staff members who have worked long hours on this issue, we know that the uncertainty surrounding PILT funding is infinitely more frustrating for you, as you live with it everyday. And, in the end, we are absolutely committed to ensuring that this frustration you have experienced does not become a yearly event.

If you have any other questions on this or any other issue, do not hesitate to contact me. My cell number is 801-703-1799. Thank you for your sacrifice and service to the great State of Utah.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek E. Brown". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Derek E. Brown
Deputy Chief of Staff
Senator Mike Lee

Five County Association of Governments

1070 West 1600 South, Building B
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January 13, 2014

The Honorable Orrin G. Hatch
United States Senate
104 Hart Office Bldg
Washington, D.C. 20510

Dear Senator Hatch:

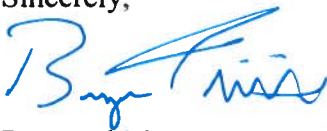
The Steering Committee of the Five County Association of Governments in southwestern Utah has requested the appropriation status of the Fiscal Year (FY) 2014 federal program, Payments in Lieu of Taxes, PILT in the Bipartisan Budget Act of 2013. PILT is authorized at \$425 million for FY 2014.

As you know, the PILT program provides payments to counties and other local governments to offset losses in tax revenues due to the presence of substantial acreage of federal land in their jurisdictions. Since local governments are unable to tax the property values of, or resources derived from federal lands, these payments are essential to support vital community services such as schools, firefighting, police protection, transportation infrastructure, and providing health care in rural communities. This program is extremely important to our rural communities because more than 78 percent of the lands in our region are federally controlled and provide no tax revenues.

We are deeply aware of the limitations presented by our current federal fiscal situation. However, we remain firm in our belief that the federal government has an inherent obligation to provide funds to support local governments when the federal government continues to control such a vast percentage of lands in Utah, thereby denying it to support the local tax base as private lands do in a vast majority of the states. For these reasons, we respectfully request that you explore ways to bring the PILT program to its fully authorized funding level. Doing so will demonstrate a commitment to the local communities and counties that depend on these funds, and begin the long-overdue process of fairly and accurately compensating local governments that have federal lands within their boundaries.

Thank you for your service to the constituents of Utah, and I look forward to your response so I can provide the Steering Committee with a PILT status for FY 2014.

Sincerely,



Bryan Thiriot
Executive Director
Five County Association of Governments

AGENDA ITEM # IX-A. (Continued)

Diane Lamoreaux

From: Bryan Thiriot
Sent: Tuesday, February 04, 2014 8:05 AM
To: Diane Lamoreaux
Subject: FW: PILT funding was not included in the FY14 approps omnibus bill
Attachments: House Appropriations Committee.pdf

From: Swadley, William (Hatch) [mailto:William_Swadley@hatch.senate.gov]
Sent: Wednesday, January 15, 2014 9:20 AM
To: Bryan Thiriot
Subject: FW: PILT funding was not included in the FY14 approps omnibus bill

From: Tanner, John (Hatch)
Sent: Tuesday, January 14, 2014 11:04 AM
To: Cox, Ed (Hatch)
Subject: PILT funding was not included in the FY14 approps omnibus bill

Commissioners:

We were disappointed last night when we found out that the omnibus appropriations bill for FY2014 does not include funding for PILT. There have already been several discussions with Senate and House leadership about what can be done to ensure that PILT will be funded. As you know, Senator Hatch is committed to the rural counties of Utah and believes that PILT is a good-neighbor program that should be funded. He continues to work with the other members of the delegation to ensure that you can continue to provide the critical services to the people of your counties.

A legislative vehicle and a spending cut to offset this funding have still not be definitively identified, but we are working to come up with as many options as we can. We appreciate that the House Appropriations Committee Chairman Rogers acknowledged the PILT program in his press release (attached).

Many of you have been working with your counterparts in Nevada, Colorado, and other western states. Please keep working with those people and let them know how important it is that they communicate to their Senators and Congressmen the need to fund this program.

It is still a fluid situation and we expect it to change quickly, but I want to let you know that Senator Hatch is aware of your concerns and is taking them very seriously.

Sincerely,

John Tanner
Office of Senator Orrin G. Hatch
202 224 9680

House Appropriations Committee

Chairman Hal Rogers

Website address: <http://appropriations.house.gov/>

FY 2014 Omnibus – Interior & Environment Appropriations

Legislation will provide funds to fight wildfires, promote domestic energy production, and keep national parks open, while scaling back EPA's regulatory overreach

The Interior and Environment portion of the Omnibus prioritizes funding to address the nation's most important public lands issues, including fighting and preventing wildfires and maintaining our vast natural resources. Domestic energy production is also prioritized – with additional funding for onshore and offshore energy and minerals management, and by preventing the Administration from imposing new fees on the energy industry. Overall, the legislation provides \$30.1 billion for Interior and Environment programs, \$231 million over the fiscal year 2013 enacted level.

The bill also includes several policy provisions to help rein in regulatory overreach that costs jobs and hinders economic growth, including provisions that prohibit the EPA from unnecessarily tying up businesses and industries in harmful, bureaucratic red tape.

Wildfire Fighting and Prevention – In total, the bill provides \$3.9 billion for wildfire fighting and prevention programs within the Department of the Interior and the Forest Service. This level will fully address wildland fire operations for the Department of the Interior and the Forest Service at the 10-year average level, and fully reimburse the agencies for all fire-borrowing in fiscal year 2013. In addition, the bill provides \$452 million for hazardous fuels reduction activities, which is \$150 million above the President's budget request.

Domestic Energy Production – The bill helps to encourage domestic energy production to further the nation's goal of energy independence and to reduce energy costs for consumers. For example, the legislation:

- Rejects Administration and Senate proposals to impose new fees on onshore oil and gas producers;
- Rejects a Senate proposal to increase review periods of Outer Continental Shelf leases, which could slow energy production and increase costs;
- Provides \$150 million for the Office of Surface Mining, including \$69 million in state grants to allow states to implement their programs without increasing fees on the mining industry;
- Allows higher rates of pay for petroleum engineers and technicians to encourage hiring and increase the speed of permits processing.

National Park Service (NPS) – The bill provides \$2.6 billion for the National Park Service, an increase of \$28.5 million over the fiscal year 2013 enacted level. This will allow every national park to remain open and operational throughout fiscal year 2014 without the threat of closure or employee furloughs, and provide for the hiring of seasonal employees. 2

AGENDA ITEM # IX-A. (Continued)

Environmental Protection Agency (EPA) – The bill provides \$8.2 billion for the EPA, which is \$143 million below the fiscal year 2013 enacted level. Overall, EPA funding has been reduced by \$2.1 billion – or 20.4% – since Republicans gained control of the House in 2010. Within the EPA, the bill:

- Rejects a request by the President for \$72 million for EPA regulatory programs, including \$31 million for EPA climate regulatory programs, \$18 million for EPA’s regulatory development office, and \$23 million for EPA water regulatory programs;
- Provides \$2.35 billion in grants to states for local drinking water and sewer construction projects through the Clean Water and Drinking Water State Revolving Funds;
- Funds the Great Lakes Restoration Initiative at \$300 million – the full requested level.

The agreement also includes several policy provisions to rein in the EPA and prevent unnecessary over-regulation of American businesses and industries that kill jobs and slow economic growth. Some of these include:

- A provision to exempt livestock producers from overly burdensome EPA greenhouse gas regulations;
- A provision requiring the Administration to report to Congress on federal agency obligations and expenditures on climate change programs;
- A provision requiring the EPA to resolve differences with states and industry on regional haze issues; and
- A provision to enhance congressional oversight of EPA’s review of mining permits.

Bureau of Land Management (BLM) – The BLM is funded at \$1.1 billion – \$7 million above the fiscal year 2013 enacted level – to provide for the effective stewardship of the nation’s vast public lands. The legislation also seeks to protect American ranchers from unnecessary red tape and increased costs that would harm their livelihoods, including:

- Blocking Administration and Senate proposals to charge \$6.5 million in new grazing fees on BLM and Forest Service lands;
- Extending the authority to renew grazing permits administered by the Bureau of Land Management (BLM) and the Forest Service;
- Allowing the trailing of livestock across public lands during fiscal years 2014 and 2015; and
- Providing \$79 million for Range Management, a \$3 million increase above the FY13 post-sequester level, to reduce the backlog of grazing permit applications.

U.S. Forest Service – The bill provides \$5.5 billion for the Forest Service – which includes increases in funding for wildfire fighting and management. The legislation also includes a provision to require the Department of the Interior and the Forest Service to report on actions to preserve and improve access to public lands for hunting, fishing, shooting, and other recreational activities.

American Indian and Alaska Native Programs – The bill helps to meet the nation’s treaty obligations to American Indians and Alaska Natives by providing funding for health care, law enforcement, and education. The legislation funds the Indian Health Service at \$4.3 billion – \$78 million above the fiscal year 2013 enacted level – and the Bureau of Indian Affairs and Education at \$2.5 billion – \$18 million above the fiscal year 2013 enacted level.

U.S. Fish and Wildlife Service (FWS) – The FWS is funded at \$1.4 billion, \$32 million below the fiscal year 2013 enacted level. Within the total, the bill provides: \$1 million to compensate ranchers for 3

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livestock killed by wolves; \$2 million to stop the spread of invasive Quagga and Zebra mussels in the West; \$3.5 million to stop the spread of Asian carp into the Great Lakes; and \$15 million for a conservation program to prevent greater sage-grouse from becoming an Endangered Species. The legislation also continues funding for effective state wildlife grant programs and includes a provision to ensure national fish hatcheries remain open.

Payments in Lieu of Taxes (PILT) – PILT has been a mandatory program under the jurisdiction of authorizing committees since fiscal year 2008. The Committee has been provided assurances that PILT payments for fiscal year 2014 will be addressed expeditiously by the appropriate authorizing committees of jurisdiction in the House and Senate.

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Five County Association of Governments

1070 West 1600 South, Building B
St. George, Utah 84770

Fax (435) 673-3540
January 13, 2014



Post Office Box 1550
St. George, Utah 84771

Office (435) 673-3548

The Honorable Chris Stewart
United States Congress
323 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Stewart:

Congratulations on your recent appointment to the House Appropriations Committee.

The Steering Committee of the Five County Association of Governments in southwestern Utah has requested the appropriation status of the Fiscal Year (FY) 2014 federal program, Payments in Lieu of Taxes, PILT in the Bipartisan Budget Act of 2013. PILT is authorized at \$425 million for FY 2014.

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Thank you for your service to the constituents of Utah, and I look forward to your response so I can provide the Steering Committee with a PILT status for FY 2014.

Sincerely,



Bryan Thiriot
Executive Director
Five County Association of Governments

AGENDA ITEM # IX-A. (Continued)

Diane Lamoreaux

From: Bryan Thiriot
Sent: Tuesday, February 04, 2014 8:07 AM
To: Diane Lamoreaux
Subject: FW: PILT update

From: Larsen, Gordon [<mailto:Gordon.Larsen@mail.house.gov>]
Sent: Tuesday, January 28, 2014 11:05 AM
To: Bryan Thiriot
Cc: Robison, Tim
Subject: RE: PILT update

Yes. A one year extension of mandatory funding.

From: Bryan Thiriot [<mailto:bthiriot@fivecounty.utah.gov>]
Sent: Tuesday, January 28, 2014 12:26 PM
To: Larsen, Gordon
Cc: Robison, Tim
Subject: RE: PILT update

Was PILT included in the Farm Bill last night?

Thanks,

Bryan

From: Larsen, Gordon [<mailto:Gordon.Larsen@mail.house.gov>]
Sent: Monday, January 27, 2014 11:35 AM
To: Bryan Thiriot
Cc: Robison, Tim
Subject: RE: PILT update

It will be an extension of mandatory spending. We don't yet for how long, but the bill language should be filed tonight and then we can verify the timeline.

From: Bryan Thiriot [<mailto:bthiriot@fivecounty.utah.gov>]
Sent: Monday, January 27, 2014 10:45 AM
To: Larsen, Gordon
Subject: RE: PILT update

Thank you very much.

Would this end up being mandatory spending or discretionary spending for PILT? Also would PILT be authorized for 5 or 6 years in the Farm Bill.

Thanks again,

Bryan

AGENDA ITEM # IX-A. (Continued)

From: Larsen, Gordon [<mailto:Gordon.Larsen@mail.house.gov>]
Sent: Saturday, January 25, 2014 6:39 AM
To: Bryan Thiriot
Subject: Re: PILT update

Hi Bryan, PILT is in the Farm bill, which should be on the floor next week. I anticipate passage in the House and then in the Senate soon thereafter.

Sent from my iPhone

On Jan 24, 2014, at 5:18 PM, "Bryan Thiriot" <bthiriot@fivecounty.utah.gov> wrote:

Do you have any status on PILT, thanks.

From: Larsen, Gordon [<mailto:Gordon.Larsen@mail.house.gov>]
Sent: Tuesday, January 14, 2014 7:44 PM
To: Bryan Thiriot
Cc: Smith, Dell
Subject: FW: PILT update

Bryan,

Dell forwarded me your email with the five county letter attached. Thanks for your work on PILT. I wanted to forward you the update we just sent, since I'm not sure if you were copied on it.

Best,

Gordon Larsen
Legislative Director
Rep. Chris Stewart

From: Larsen, Gordon
Sent: Tuesday, January 14, 2014 9:33 PM
Cc: Steed, Brian; Robison, Tim
Subject: PILT update

Commissioners,

We wanted to send you a brief update on the developments of this afternoon. Speaker Boehner, Majority Leader Cantor, and Majority Whip McCarthy met this afternoon with 24 western members of the House, including Congressmen Stewart, Chaffetz, and Bishop. The leadership confirmed that they will include PILT in the Farm bill, which they said they will bring to the floor of the House by the end of the month. Tomorrow House leadership will hold a colloquy on the House floor which will publicly put them on the record with a commitment to fund PILT in the Farm bill.

We'll continue to stay in touch over the next several weeks, and please let us know if you have questions.

Best,

Gordon Larsen
Legislative Director

AGENDA ITEM # IX-A. (Continued)

Rep. Chris Stewart (UT-2)
323 Cannon House Office Building
(202)225-8066

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