

Constitutional Defense Council

Public Lands Policy Coordination Office

Utah State Capitol Complex
East Senate Building
Aspen Room

February 5, 2025
8:30 a.m.

Minutes

Attendees:

Members:

Deidre Henderson, Lt. Governor, *Chair*
Mark Burns, Chief Civil Deputy OAG
Joel Ferry, Executive Director, DNR
Michelle McConkie, Director, TLA
Craig Butters, Commissioner, UDAF
Scott Sandall, Utah Senate
Ken Ivory, Utah House
Carl Albrecht, Utah House
Tammy Pearson, Beaver County Commissioner
Leland Pollock, Garfield County Commissioner
Bob J. Stevenson, Davis County Commissioner

Staff:

Redge B. Johnson, Director, PLPCO
Kathy Davis, Public Lands Section Deputy Director, OAG
Mark Boshell, Deputy Director, PLPCO
Dillon Hoyt, Deputy of Operations, PLPCO
Sindy Smith, RDCC Coordinator, PLPCO
Cristina Houtrouw, Executive Assistant, PLPCO
Joe Pyrah, Chief of Staff, Lt. Governor's Office
Carlos Artiles, Staff Lt. Governor's Office

Guests:

Celeste Meyeres, Kane County Commissioner

Taylor Glover, Kane County

Dan Burton, General Counsel, AGO

Joe Boyle, Intern

Caden Johnson, Intern

Welcome and Introductions

Lt. Governor Deidre M. Henderson called the meeting to order at 8:30 a.m. and welcomed everyone.

Approval of the Minutes

Members unanimously approved the minutes of the October 2, 2023, meeting.

Decisions

- **Resolution:** Lt. Governor Henderson will contact Mary Farnsworth, Regional Forester, and encourage the Forest Service to move forward with timber sales.
- **Resolution:** Members approved changing the existing R.S. 2477 Plan statute to remove the client committee provision from the Plan.
- **Resolution:** The R.S. 2477 Plan for FY25 is approved. Lt. Governor Henderson will approve the final draft R.S. 2477 Plan for FY26 with the understanding that the client committee provision will be removed.
- **Resolution:** Kane County's request for reimbursement of \$298,161.62 for its R.S. 2477 legal expenses has been approved.
- **Resolution:** The CDC will support and join the National Federalism Initiative coalition.

Forest Service Timber Sales

Commissioner Leland Pollock reported on the issues concerning the Forest Service timber sales.

Discussion

The members engaged in a discussion about the timber sales conducted by the Forest Service.

MOTION

Commissioner Pollock moved to authorize the Chair, Lt. Governor Henderson, to contact Mary Farnsworth, Regional Forester, and encourage the Forest Service to proceed with the timber sales in the interest of public safety and health, economic development of the State of Utah (State) under the State's police power jurisdiction. Representative Ken Ivory seconded the motion, and it was carried unanimously.

R. S. 2477 Client Committee

Kathy Davis, Public Lands Section Director, Utah Attorney General's Office, offered a brief overview of the R.S. 2477 client committee provision of the plan. She inquired whether the statute should be amended to eliminate the client committee provision, given that the committee has not convened for over seven years.

Discussion

The members discussed the possibility of convening and ultimately removing the client committee provision from the R.S. 2477 Plan statute.

MOTION

Commissioner Leland Pollock made a motion for the CDC to introduce a bill that would amend the existing statute to remove the client committee provision from the R.S 2477 Plan. Commissioner Tammy Pearson seconded the motion, and it passed unanimously.

Approval of R.S. 2477 Plans for FY25 and Draft FY26

Kathy Davis, Public Lands Section Director, Utah Attorney General's Office, requested approval of the R.S. 2477 Plans for FY25 and the draft FY26. Kathy provided a brief overview of the R.S. 2477 litigation.

Discussion

The members engaged in a discussion regarding the R.S. 2477 plans for FY25 and FY26, as well as the ongoing R.S. 2477 litigation.

MOTION

Commissioner Tammy Pearson moved to approve the RS 2477 Plan for FY25 and to endorse the draft of the R.S. 2477 Plan for FY26, contingent upon the removal of the client committee provision in the final draft for Lt. Governor Henderson's approval. Leland Pollock seconded the motion, which carried unanimously.

Kane County Reimbursement

Celeste Meyeres, Kane County Commissioner, requested reimbursement for Kane County's legal expenses related to R.S. 2477 litigation totaling \$298,161.62. This funding request is in compliance with the CDC guidelines.

Discussion

The members engaged in a discussion regarding Kane County's request for funding reimbursement.

MOTION

Representative Ken Ivory moved to approve Kane County's request for reimbursement of its RS 2477 legal fees. Commissioner Leland Pollock seconded the motion, which was unanimously approved.

Federalism Issues

Representative Ken Ivory provided an update on the National Federalism Initiative and distributed a handout. He requested the CDC's support in joining the coalition.

Discussion

The members engaged in a discussion regarding Representative Ivory's request for the CDC to support and join the National Federalism Initiative.

MOTION

Commissioner Leland Pollock moved that the CDC support joining the National Federalism Initiative coalition. Commissioner Bob Stevenson seconded the motion, which was unanimously approved.

Executive Session

Members convened an Executive Session to discuss pending and proposed litigation.

Closed Session**Litigation Update**

Discussion

Open Session**Other Business**

No other business.

Public Comment

No public comment.

Adjourn

The meeting was adjourned at approximately 9:30 a.m.