Constitutional Defense Council
Public Lands Policy Coordination Office

Rampton Board Room
Capitol Complex

May 20, 2026
1:00 p.m.

Minutes

Attendees:

Members:
Deidre Henderson, Lt. Governor, *Chair*
Mark Burns, Chief Civil Deputy OAG
Carl Albrecht, Utah House
Tammy Pearson, Beaver County Commissioner
Leland Pollock, Garfield County Commissioner
Bob J. Stevenson, Davis County Commissioner
Celeste Meyeres, Kane County, Commissioner
Kelly Pehrson, Commissioner of UDAF

Staff:
Redge B. Johnson, Director, PLPCO
Tess Davis, Deputy Director, Natural Resources Division, OAG
Mark Boshell, Deputy Director, PLPCO
Sindy Smith, RDCC Coordinator, PLPCO
Joe Pyrah, Chief of Staff, Lt. Governor's Office
James Ostergar, staff, Lt. Governor's Office

Guest:
David Dodds, Garfield County

Welcome and Introductions
Lt. Governor Deidre M. Henderson called the meeting to order at 1:04 p.m. and welcomed everyone.

Approval of the Minutes

Council Members unanimously approved the draft minutes of the October 6, 2025, meeting.

Decisions

- **Resolution:** Kane County's request for reimbursement of $500,000 for its R.S. 2477 rights-of-way legal fees is approved.

- **Resolution:** The *FY 2027 Updated Plan for R.S. 2477 Rights-of-Way* is adopted.

R.S. 2477 Kane Reimbursement

- Redge Johnson, Director, Public Lands Policy Coordinating Office, presented the recommendation for the annual RS 2477 rights-of-way Kane County reimbursement. The recommendation requested the maximum approval amount of $500,000. Redge noted that the amount covers the May invoice, while June invoices typically carry over into the following fiscal year. Redge expressed gratitude to Kane County for its decades of work and for its state partnership.

MOTION

Commissioner Leland Pollock moved to approve Kane County's request for reimbursement of $500,000. Representative Carl Albrecht seconded the motion. The motion carried unanimously.

R.S. 2477 Annual Report

Tess Davis, Deputy Director, Natural Resources Division, Office of the Attorney General, provided council members with a copy of the *FY 2027 Updated Plan for R.S. 2477 Rights-of-Way* and requested that council members adopt the 2027 litigation plan. Tess Davis also reported on three significant litigation cases:

- **Sand Dunes Road (Kane County):** The state achieved a significant win by negotiating a first-of-its-kind disclaimer of interest from the United States under the Quiet Title Act, establishing title and a scope range between 47 and 72 feet. This is intended to serve as a template for future road projects.
- **Skutumpah Road (Kane County):** Following a prior Bureau of Land Management (BLM) determination that a chip-seal safety proposal was "reasonable but not necessary," Judge Waddoups ruled that the project was

both reasonable *and* necessary. Kane County is cleared to move forward within its right-of-way.

- **Hole-in-the-Rock Road (Garfield County):** Garfield County has commenced a 10-mile chip-seal project. The Southern Utah Wilderness Alliance (SUWA) attempted to enjoin the project but was unsuccessful. SUWA has since amended its complaint to drop the state and county as defendants to preserve court jurisdiction. The council discussed intervening in the ongoing litigation to safeguard state and county interests.

Tess noted that legal teams are continuing preservation depositions to preserve testimony.

Discussion

Council members discussed the *FY 2027 Updated Plan for R.S. 2477 Rights-of-Way*.

MOTION

Commissioner Tammy Pearson moved to adopt the *"FY 2027 Updated Plan for R.S. 2477 Rights-of-Way."* Commissioner Celeste Meyeres seconded the motion. The motion carried unanimously.

Public Comment

No public comment.

Other Business

No other business.

Adjourn

The meeting was adjourned at approximately 1:35 p.m.