**Constitutional Defense Council**

**Public Lands Policy Coordination Office**

Utah State Capitol Complex

Olmsted Room

**August 23, 2018**

11:00 a.m.

**Minutes**

**Attendees:**

**Members: Staff:**

Spencer J. Cox, Lt. Governor Kathleen Clarke, Director, PLPCO

Mike Noel, Rep., Utah House Anthony Rampton, Public Lands Section

Brian King, Rep., Utah House Director, Attorney General’s Office

Brian Tarbet, for Sean Reyes, OAG  Kathy Davis, Assistant Attorney General

Kevin T. Van Tassell, Utah Senate Carmen Bailey, Deputy Director, PLPCO

Sindy Smith, PLPCO

**Conference call:**  Taylor Ricks, Lt. Governor’s Office

Leland Pollock, Commissioner, Garfield County

Tammy Pearson, Commissioner, Beaver County

Stan Summers, Commissioner, Box Elder County

**Guests:**

Brian W. Maffly, Salt Lake Tribune

Taylor Graham, Utah Rivers Council

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**Welcome and Introductions**

Lt. Governor Spencer Cox called the meeting to order at 11:15.

**Approval of the Minutes**

Members approved January 18, 2018, minutes by unanimous vote.

***Decision: Kane County Legal Expenses***

MOTION: A motion to reimburse Kane County for a portion of its R.S. 2477 rights-of-way legal fees in the amount of $400,000 carried by unanimous vote.

**Kane County Legal Expenses**

Representative Mike Noel reported on Kane County’s R. S. 2477 rights-of-way litigation. Representative Noel pointed out Kane County is a party in the “Bellwether” process. The two-week trial starts the second week of February 2019. Sean Welch is legal counsel for Kane County. Commissioner Stan Summers made a motion to reimburse Kane County for a portion of its R.S. 2477 legal fees in the amount of $400,000. Representative Brian King seconded the motion. The motion carried by unanimous vote.

**California Coal Excise Tax**

Representative Mike Noel discussed California’s excise tax on Utah coal. He pointed out that

North Dakota has successfully challenged a similar Minnesota law. Representative Noel recommended the Governor’s Office move forward swiftly with a lawsuit against the state of California.

**Other Business**

Representative Mike Noel brought attention to an article titled “*Octopuses Garden”* by Dave Skinner featured in the Fall 2018 issue of the Range Magazine.

**Public Comment**

No public comment.

**Adjourn**

The meeting adjourned at approximately 11:40 a.m.