**Constitutional Defense Council**

**Public Lands Policy Coordination Office**

Utah State Capitol Complex

5110 State Office Building

Conference Call

\* in-person

**June 17, 2019**

2:30 p.m.

**Minutes**

**Attendees:**

**Members: Staff:**

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

Dan Burton, for Brian Tarbet, OAG Kathy Davis, Public Lands Section

Phil Lyman, Vice Chair, Utah House Deputy Director, OAG \*

Brian Steed, Executive Director, DNR Jake Garfield, PLPCO, Legal Counsel \*

David Ure, Director, SITLA \* Carmen Bailey, Deputy Director, PLPCO \*

Leland Pollock, Commissioner, Garfield County Sindy Smith, PLPCO \*

Tammy Pearson, Commissioner, Beaver County Taylor Ricks, Lt. Governor’s Office

Stan Summers, Commissioner, Box Elder County

Kerry Gibson, Commissioner, UDAF

Nathan Ivie, Commissioner, Utah County

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**Welcome and Introductions**

Lt. Governor Spencer Cox, *via* conference call, called the meeting to order at 3:30 p.m.

**Approval of the Minutes**

Members approved, by unanimous vote, the January 31, 2019 minutes.

**Decisions**

**Resolution:** FY 2019 Updated Plan for R.S. 2477 Rights-of-Way is approved**.**

**FY 2019 Updated Plan for R.S. 2477 Rights-of-Way**

Kathy Davis, Deputy Director of Public Lands Section, Office of the Attorney General, provided members with a copy of the *FY 2019 Updated Plan for R.S. 2477 Rights-of-Way*, reported on the pertinent provisions, and asked members to approve the plan. The discussion covered the following items:

* The relevant provisions start on page five with the Bellwether Case. The case involves 15 roads in Kane County that exemplify the most outstanding unresolved issues in determining whether an R.S. 2477 ROW has been established. The two week trial begins August 12, 2019. Kane County will be represented by Holland & Hart; Sean Welch is the lead counsel. The State is preparing a trial brief and motions and interviewing the witnesses who will be examined at trial.
* The second, important issue relates to the Recordable Disclaimer of Interest (RDI). The Federal Land Policy and Management Act (FLPMA) allows the federal government to disclaim any interest in a ROW in which it does not claim any interest. As a test case, on May 9, 2019 the State and Washington County prepared and submitted to the BLM an Application for an RDI covering the Manganese road in Washington County. The State and Washington County paid BLM a $10,000 deposit ($5,000 each) for costs in assessing whether the federal government has any interest in the road.

***Discussion***

Members discussed the FY *2019 Updated Plan for R.S. 2477 Rights-of-Way*.

* Lt. Governor Cox asked members for a motion to approve the plan.

**MOTION**: Commissioner Leland Pollock moved to approve the FY 2019 Updated Plan for R.S. 2477 Rights-of-Way. Commissioner Nathan Ivie seconded the motion. The motion carried unanimously.

**Other Business**

No other business.

**Public Comment**

No public comment.

**Adjourn**

The meeting adjourned at approximately 3: 58 p.m.