**Constitutional Defense Council**

**Public Lands Policy Coordination Office**

Utah State Capitol Complex

Beehive Room

**January 22, 2020**

2:00 p.m.

**Minutes**

**Attendees:**

**Members: Staff:**

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

Brian Tarbet, OAG Anthony Rampton, Public Lands Section

Brian Steed, Executive Director, DNR Director, OAG

Phil Lyman, Vice Chair, Utah House Braden Sheppard, Legal Counsel, PLPCO

Scott Sandall, Utah Senate Sindy Smith, RDCC Coordinator, PLPCO

Brian King, Utah House

Keven Stratton, Utah House (teleconference)

Val Hale, Director, GOED (teleconference)

Kelly Pehrson, Interim Commissioner, UDAF

Leland Pollock, Commissioner, Garfield County

Tammy Pearson, Commissioner, Beaver County

Bruce Adams, Commissioner, San Juan County

**Guests**:

Taylor Ricks, Lt. Governor’s Office

James Leavitt, Rep. Lyman Intern

Jake Garfield, UAC

Brandy Grace, UAC

Mark Ward, Balanced Resources

Redge Johnson, PLPCO

Doug Heaton, American Lands Council

Scott Dalton, Commissioner, Piute County

Darin Bushman, Commissioner, Piute County

Will Talbot, Commissioner, Piute County

Tooter Ogden, Commissioner, Sevier County

Scott Johnson, Commissioner, Sevier County

Brian Maffly, Salt Lake Tribune

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**Welcome and Introductions**

Lt. Governor Spencer Coxcalled the meeting to order at 2:05 p.m.

**Approval of the Minutes**

Members approved June 17, 2019 draft minutes by unanimous vote.

**Decisions**

**Resolution:** Beaver County’s request to amend the intent language of the Wild Horse and Burro appropriation bill for continued, non-lapsing funds is approved.

**Joint Resolution:**

American Lands Council’s request for $50,000 for ALC’s educational outreach program is approved contingent on legislative appropriation.

The transfer of public lands issue, members recommended the Attorney General’s Office work with the Governor and the Legislature to undertake a judicial declaration.

**Resolution:** PLPCO’s request to extend the Reimbursement Grant Program for R.S. 2477 litigation to 2022 is approved with an amendment to the reimbursement formula.

**Resolution:** San Juan County’s request for partial reimbursement of R.S. 2477 private legal counsel expenses in the amount of $180,000 is approved contingent on legislative appropriation.

**Resolution:** Sevier and Piute County Commissioners’ request for $400,000 for data gathering and NEPA analysis on federal grazing allotments is approved contingent on legislative appropriation.

**Wild Horse and Burro Funding**

Commissioner Tammy Pearson made a request to amend the intent language of the Wild Horse and Burro appropriation bill for continued, non-lapsing funds.

***Discussion***

Members discussed Beaver County’s request to amend the Wild Horse and Burro appropriation bill language.

**MOTION**

Commissioner Leland Pollock moved to support Beaver County’s request to amend the intent language of the Wild Horse and Burro appropriation bill for continued, non-lapsing funds. Senator Scott Sandall seconded the motion. The motion carried unanimously.

**American Lands Council Update**

Doug Heaton, a founding member of American Lands Council (ALC), updated members on ALC’s educational outreach program and legislative goals. Doug Heaton requested $50,000 for ALC’s educational outreach program.

***Discussion***

Members discussed American Lands Council’s request for educational funds.

***Discussion***

Members also discussed pursuing a judicial resolution of the transfer of public lands issue.

**JOINT MOTION**:

Commissioner Phil Lyman moved to approve American Lands Council’s request for $50,000 for ALC’s educational program. Commissioner Leland Pollock seconded the motion. The motion carried with two negative votes.

Senator Scott Sandall moved to recommend the Attorney General’s Office work with the Governor and the Legislature to pursue a judicial resolution in the transfer of public lands. Representative Brian King seconded the motion. The motion carried unanimously.

**Request to Extend the Reimbursement Grant Program for Private Legal Services Associated with R.S. 2477 Litigation**

Braden Sheppard, PLPCO Counsel, reported on the Reimbursement Grant Program approved in 2013 to compensate counties for R.S. 2477 private legal counsel expenses. The program expired at the end of 2018. Braden Sheppard requested the program be extended to 2022.

***Discussion***

Members discussed the request to extend the Reimbursement Grant Program to 2022 and a request to amend the policy by adjusting the reimbursement formula.

**MOTION**: Commissioner Leland Pollock moved to extend the Reimbursement Grant Program for private legal services associated with R.S. 2477 litigation to 2022 and to amend the policy by an adjustment to the reimbursement formula for six class counties. Representative Brian King seconded the motion. The motion carried unanimously.

**San Juan County Request for Partial Reimbursement for R.S. 2477 Attorney’s Fees**

Commissioner Bruce Adams reported on San Juan County’s outside legal research for Recapture Canyon Road and requested partial reimbursement of its private legal counsel’s fees in the amount of $180,000.

***Discussion***

Members discussed San Juan County’s request for partial reimbursement for R.S. 2477 legal fees.

**MOTION**: Commissioner Leland Pollock moved to approve San Juan County’s request for partial reimbursement for R.S. 2477 private legal counsel’s fees in the amount of $180,000 contingent on legislative appropriation. Commissioner Tammy Pearson seconded the motion. The motion carried unanimously.

**Closed Session**

***Litigation Discussion***

***Utah Attorney General’s Office and Public Lands Policy Coordinating Office***

**Open Session**

**Request for Funding – Data Gathering and NEPA Analysis on Federal Grazing Allotments**

Commissioner Leland Pollock provided an overview of Monroe Mountain grazing allotments litigation filed by Western Watersheds Project.

***Discussion***

Members discussed Sevier and Piute Counties request for funding for data gathering and NEPA analysis on federal grazing allotments.

**MOTION**: Commissioner Leland Pollock moved to approve funding in the amount of $400,000 to hire a rangeland health specialist to gather data on Monroe Mountain contingent on legislative appropriation. Commissioner Tammy Pearson seconded the motion. The motion carried unanimously.

**Other Business**

No other business.

**Public Comment**

No public comment.

**Adjourn**

The meeting adjourned at approximately 3: 53 p.m.