**Constitutional Defense Council**

**Public Lands Policy Coordination Office**

Southern Utah University

Hunter Conference Center, Charles Hunter Room

Cedar City, Utah

**May 17, 2021**

2:00 – 4:00 p.m.

**Minutes**

**Attendees:**

**Members: Staff:**

Spencer J. Cox, Governor Redge B. Johnson, PLPCO

Deidre Henderson, Lt. Governor, *Chair* Anthony Rampton, OAG

Brian L. Tarbet, OAG Kathy Davis, OAG

Scott Sandall, Utah Senate (*online*) Jake Garfield, PLPCO

Phil Lyman, Utah House Mark Boshell, PLPCO

Keven Stratton, Utah House (*online*) Sindy Smith, PLPCO

Brian Steed, DNR

Dave Ure, SITLA

Leland Pollock, Garfield County Commissioner

Tammy Pearson, Beaver County Commissioner

Bob J. Stevenson, Davis County Commissioner

Bruce Adams, San Juan County Commissioner (*online*)

**Guests**:

Thom Carter, OED

James Swink, Cache County (*online*)

Jen Robison, Lt. Governor’s Office

Nancy Merrill, PLPCO (*online*)

Stan Summers, Box Elder County Commissioner (*online*)

Robert Van Dyke, Kane County

Andy Gant, Kane County

Wade Heaton, Kane County

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**Welcome and Introductions**

Redge B. Johnson, Executive Director, Public Lands Policy Coordinating Office, called the meeting to order at 2:10 p.m. and welcomed everyone. Mr. Johnson welcomed Governor Spencer Cox. Governor Cox thanked everyone for their work and introduced Deidre Henderson, Lt. Governor, the new *Chair* of the Constitutional Defense Council*.*

**Approval of the Minutes**

Members approved December 10, 2020 minutes by unanimous vote.

**Decisions**

* CDC members adopted the new, recommended “Guidelines and Procedures.”
* CDC members adopted the Litigation Grant Reimbursement Program.
* CDC members approved funding for Kane County’s Reimbursement of Attorney’s Feesin the amount of $555,000 to be paid *via* split payment transaction.

**“Guidelines and Procedures” for the Constitutional Defense Council**

Mark Boshell*, Legal Counsel, Public Lands Policy Coordinating Office*, reported on the some of the new, recommended general operating procedures of the “*Guidelines and Procedures*” for the Constitutional Defense Council.

Kathy Davis, *Public Lands Section Deputy Director, Utah Attorney General’s Office,* explained the Open and Public Meeting Act and GRAMA.

***Discussion***

Members discussed the “Guidelines and Procedures” and the creation of subcommittees.

**MOTION**

Commissioner Tammy Pearson moved to adopt the “*Guidelines and Procedures*.” Commissioner Leland Pollock seconded the motion. The motion carried unanimously.

**R.S. 2477 Litigation Grant Reimbursement Program**

*Tony Rampton, Public Lands Section Director, Utah Attorney General’s Office,* presented a brief overview of R.S. 2477 litigation. He stated that the reimbursement program was initially set up to help Kane County with outside legal fees incurred over many years. Tony confirmed that Kane County’s attorney’s fees have been justified, and are reasonable.

***Discussion***

CDC members discussed the litigation Grant Reimbursement Program and Kane County’s request for reimbursement of attorney’s fees in the amount of $555,000.

**MOTION**

Director Dave Ure moved to adopt the Litigation Grant Reimbursement Program. Commissioner Leland Pollock seconded the motion. The motion carried unanimously.

**MOTION**

Commissioner Bob Stevenson moved to approve the funding for Kane County for Reimbursement of Attorney’s Fees in the amount of $555,000. The reimbursement involves a split payment transaction: $200,000 to be paid before June 30, 2021 and the balance of $355,000 to be paid after June 30, 2021. Commissioner Tammy Pearson seconded the motion. The motion carried unanimously.

**Federal Lands Valuation Software**

*Redge B. Johnson, Executive Director, Public Lands Policy Coordinating Office,* provided a handout titled, *Payment in* *Lieu of Taxes (PILT) Valuation, AEON AI Software Briefing,* and talked about the need for this software to help with the PILT valuation. The software is powerful and will:

* formulate and implement county, multi-state and congressional strategy with Western public land states to secure fair and equitable payments in-lieu of taxes, and,
* identify “orphan” parcels of federal lands within municipal boundaries, and other tax-exempt federal lands with particularly high potential taxable value.

***Discussion***

CDC members discussed federal lands valuation, surplus properties, and future trades.

**“America the Beautiful” 30 x 30 Initiative**

Jake Garfield, *Deputy Director for Policy and Programs, Public Lands Policy Coordinating Office*, reported on the *America the Beautiful Report*, which is based on the Biden administration’s Executive Order and the 30 x 30 Initiative. The report looked at how lands could be protected through locally led conservation efforts, which Utah supports. The report highlights the following six priorities:

* Making more parks in nature deprived communities
* Supporting Tribally led conservation priorities
* Conserving fish and wildlife habitat corridors
* Increasing access to outdoor recreation
* Incentivizing voluntary conservation efforts
* Creating jobs through restoration initiatives

Jake indicated that within the six priorities the potential exists for land restrictions, but also for opportunities that would not harm the State or local governments. The State will be actively engaged with two overarching comments. Thirty percent of Utah’s lands are already under protection and in Utah the best protected lands are well managed lands.

***Discussion***

CDC members discussed the report and the federal land issues.

**Other Business**

No other business.

**Public Comment**

No public comment.

**Adjourn**

The meeting adjourned at approximately 3:30 p.m.