

## The Kentucky Conservation Committee

# Guardian

A Review of Kentucky's Commitment to Protecting  
Its Environment and Conserving Its Natural Resources



P. O. Box 1152, Frankfort, KY 40602

FALL 1999

## Annual Meeting Issue Packed

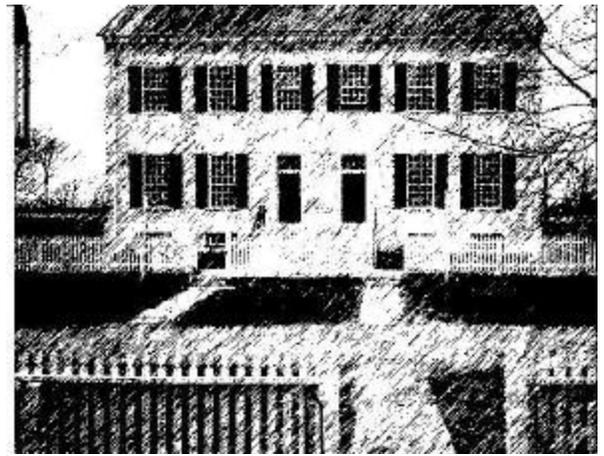
The 1999 annual meeting took place at Shaker Village near Harrodsburg on September 18. Eight guest speakers discussed numerous issues expected to make an appearance before the upcoming 2000 General Assembly. Board members and officers were elected. Members ranked their legislative priorities, and KCC received some press coverage, as well.

The morning comprised two panel discussions. Representative Jim Wayne from Louisville, Margaret Graves, director of the Blue Grass Conservancy, Joyce Bender from the Exotic Pest Plant Council, and Chetan Talwalkar with NOPE and Clean Money Kentucky made up the first panel.

Rep. Wayne presented his draft legislation aimed at curbing urban sprawl. Margaret Graves talked about preserving agricultural land and green space. Joyce Bender talked about the problems created by non-native invasive plants. Chetan Talwalkar discussed the status of the water supply pipeline from Louisville to Lexington and about campaign finance reform.

The second morning panel consisted of Hank Graddy, Chair of the Sierra Club National Campaign on Confined Animal Feeding Operations, Hugh Archer, State Commissioner of the Natural Resources Dept., and State Representative Greg Stumbo, sponsor of the container recycling legislation.

Mr. Graddy spoke on Hog/Chicken regulations and economic development issues. Hugh Archer discussed



This Year's Annual Meeting Was at Shaker Village

the status of the Forest Conservation Act passed last session, the Heritage Land Conservation Fund, Black Mountain and various other issues. Greg Stumbo revealed details about his latest container recycling bill which he expanded to include other trash elimination measures.

Deputy Secretary Bruce Williams of the Environmental Protection Cabinet opened the afternoon session discussing the legislative environment in both houses and in the administrative agencies. The meeting concluded with KCC's biennial legislative priority setting session where the attending members constructed a list of anticipated issues and voted on the priority ranking.

*Throughout the rest of this issue, we summa-*

### KCC's Priorities for 2000

1. "Smart Growth" (Anti-Sprawl & Better Planning)  
(tie) Swine, Poultry, and Dairy Regs
3. Litter Control (Container Recycling, Mandatory Trash Pick-up)
4. Campaign Finance Reform
5. Fund Environmental Education Centers
6. Economical Development Accountability/Reporting
7. Enhance/Expand River Authorities
8. Control of Exotic Species
9. Mountain Top Removal
10. Fund Regional Farmer's Markets  
(tie) Strengthen and Defend Forestry Regs

## Growing Smart

Rep. Jim Wayne is starting early to build support for a Major piece of "smart growth" legislation. Here is a thumbnail sketch of the proposed legislation:

### Objectives

The primary goal is to eliminate unplanned growth statewide and achieve the following benefits:

- Reduce the cost of building and maintaining roads, sewers, water supplies, schools and other infra-structure.
- Decrease traffic congestion and air pollution.
- Protect prime farmland.
- Maximize the efficiency of delivering governmental services.
- Provide for the recovery of costs related to service expansion.
- Preserve community identities and enhance quality of life through preservation of historic and natural resources.
- Encourage revitalization of existing communities and the recovery of brownfields.
- Discourage development in unsuitable terrain.

### Key Provisions

- Requires a planning commission be established in each county with diverse representation to operate under a code of ethics requiring financial disclosure and provides matching funds to help accomplish this.
- Requires each county to develop, administer, and enforce comprehensive plans and ordinances that must meet the objectives of the act.
- Establishes regional planning councils to coordinate plans within Area Development Districts, provide technical assistance to local governments, and ensure citizen participation.
- Establishes a comprehensive plan development, review and appeals process.
- Establishes incentive programs to encourage the attainment of the act's objectives through tax incentives and matching funds.
- Prohibits state agencies from investing in projects that convert prime farmland unless they conform to local plans.
- Requires the state to give first priority to leasing or acquiring real property in downtown areas.
- Establishes regulatory guidelines for neo-traditional housing development.
- Establishes a nationally accredited degree program to train professional planners.
- Establishes training programs for planing commissioners and staff. Training will include ethics, hydrology, geology, water quality, and hydric soils.
- Encourages the development of scenic byways and the

## Container Bill Expanded

What was once a container-recycling bill has grown into a major piece of legislation on waste and trash reduction. During his appearance at the annual meeting, Rep. Stumbo outlined his proposed bill.

Many elements have been added to the container recycling legislation to aid in the reduction of litter and illegal trash dumping. Its core is the container-recycling bill proposed during the last session with a few refinements to stave off some of the criticisms and take advantage of some of the learning over the past two years.

New elements are mandatory garbage pickup, anti-litter enforcement provisions, anti-litter education, and money to fund on-going clean-up efforts. One provision of the bill allows counties to add fees to their tax bills to pay for mandatory garbage pick-up. Funding universal garbage collection has been a major obstacle in its implementation. Another provision establishes an 800 number to report littering activity. A ¼ cent disposal fee on fast food packaging is being proposed to fund counties' on-going efforts to clean up trash.

One of the revisions to the container recycling element would allow the counties to turn over responsibility for collection centers to the state. The state would then establish a central collection site at the county's Dept. of Transportation garage. There is an incentive to establish recycling centers though, they would receive revenue from uncollected deposits.

## Preserving Farmland, Voluntarily

Fayette County is boldly implementing a rural land management plan aimed at stopping urban sprawl from overrunning its signature horse farm industry. Compensation of landowners for restricting the non-farm uses of their land is central to its operation. Under the program, landowners could sell their development rights to the county. A permanent easement is then placed on the land. This process, known as the purchase of development rights, has been successfully implemented in other communities, but Fayette County will be the first in Kentucky.

The benefits of the program are that it gives the farmer cash without having to give up his land, allowing him to stay on the farm. It reduces the property value, and hence the taxes due on the property. Reduced value also makes the land more attractive to new farmers, so a retiring farmer can more easily sell to another farmer. By preventing development it stems the loss of prime farmland, preserves green space, enhances the attractiveness to tourists, and reduces the cost of extending community services.

Fayette County will be going to the legislature to obtain funding for the purchase of development rights program. Two sources need legislature approval. Fayette County would like to increase the hotel room tax and they are seeking a share of the tobacco settlement money.



## Task Force Proposes Museum

### Natural History Museum to Help Protect State Biota

Five years ago, Governor Jones created a Biodiversity Task Force headed by then Natural Resources Commissioner Bill Martin to evaluate the biological condition of the state. After much study and public input, the task force is preparing to introduce legislation to establish a permanent state organization to oversee the biota of the state.

The task force proposes to build a Natural History Museum in Frankfort modeled after the Smithsonian Institution in Washington. The Museum would house exhibits, including fossils, and be responsible for performing a full-fledged inventory of Kentucky's biota. It would also be responsible for helping understand the effects of development on the state's biota.

The legislation seeks to establish a board that would then employ a director of the museum and survey. The board would have responsibility in three areas: science (i.e. the surveys), education, and exhibit design and maintenance. The bill also seeks to appropriate the money to plan and design a museum somewhere in the vicinity of the new History Museum.

## Exotic Pests Threaten Biodiversity

The second biggest threat to biodiversity, behind habitat destruction, is the invasion of exotic pests, Joyce Bender reported to KCC at the annual meeting. An exotic is a plant or animal out of place, introduced where it did not evolve and has no predator. Without natural means of keeping it in check it takes over and kills native species.

Over \$11,000 per year is spent by the State Nature Preserves Commission attempting to control exotic invasives on their holdings. Millions of dollars are spent annually by farmers to control exotic weeds.

Ms. Bender recommended the following action plan for Kentucky:

1. Develop a list of weeds. Get broad consensus from biologists and agriculture.
2. Approach the legislature with the list and have them establish an official state list.
3. Develop legislation to enact a formal noxious weed law.
4. Enact a means of adding species to the state list without getting legislative approval.

Items 1 and 2 may be all we can expect on a first attempt.

## Campaign Finance Reform Group Formed

With the organization of Clean Money Kentucky, a group dedicated to campaign finance reform, Kentucky joins more than two dozen other states with statewide groups actively pursuing clean money political campaigns. Many of these organizations were started by or are affiliated with a national group calling itself Public Campaign.

The basic aim of Public Campaign is to implement full public financing of political campaigns. Clean Money Kentucky's initial goal is to get better reporting of campaign funding through electronic reporting which would make the information available in a more timely fashion, during a campaign instead of after.

Clean Money Kentucky is located at 115 S. Ewing Ave., Louisville Ky. Public Campaign has a web site at [www.publiccampaign.org](http://www.publiccampaign.org) for more information.

## Educators Seek Funding

Formed by the 1998 Legislature, the Kentucky Environmental Education Council is the smallest state agency. A broad based group, the Council has performed its assignment and produced a report titled "Land, Legacy and Learning: Making Education Pay for Kentucky's Environment." The report lays out a plan for statewide environmental education programs.

Most of the recommendations hinge on having a center for environmental education at each State College or University to train teachers and environmental educators. These centers were created by the 1998 legislation, but were not funded. The schools are banding together to push for the funds to create these centers. The schools are seeking \$1 million to be spread statewide. Each institution would structure its center as it sees best.

## A Right to Know...

The Attorney General's Office, believing the public has a right to know how the Economic Development Cabinet monies are performing, filed suit to force the Cabinet to release the information, but so far the courts have ruled in favor of the Cabinet. Legislation is needed to require accountability by the Economic Development Cabinet and open their records, at least to the Attorney General.

Often times environmental damage ensues when the Cabinet offers monetary and tax incentives to lure industries like factory hog farms to the state. The practice of losing money while despoiling the environment must be exposed to the public, but right now the information is kept secret.

A recent Sierra Club report estimates Kentucky offered \$44 million in tax credits on top of direct expenditures to Cagles Inc for a chicken processing plant near Albany, KY.

## Williams Assesses Upcoming Session

The normal animosity between the chambers of the Kentucky Legislature will probably be intensified in the coming session now that Republicans control the Senate and Democrats control the House, according to Bruce Williams, Deputy Secretary of the Environmental Protection Cabinet. This will make enacting new legislation difficult.

For the upcoming session, Williams anticipates a bill to reauthorize the Hazardous waste assessment fee. This is a fee on generators of hazardous waste. The money pays for emergency clean-ups.

One of the Governor's pet projects will make an appearance. The Governor's water resource development Commission, charged with extending potable water to all Kentuckians, will propose legislation aimed at consolidating water districts. This should improve efficiency. We will also see legislation requiring sewer lines be run with all new water line installations, predicted Williams.

With the redevelopment of brownfields (abandoned urban areas), the sticky point is liability of the developer. One idea, Williams suggested, is to use the hazardous waste fee to indemnify the developers.

Illegal dumps clean-up is so important to Secretary Bickford that the program is run out of Bickford's office, according to Williams. Even so, with regard to a bottle bill the cabinet is concerned about imposing unworkable infrastructure on local governments. The cabinet feels different parts of the state have different needs. However, Williams predicted the Governor would probably get involved, there would be bipartisan support, and "something" would get passed.

On the negative side, Williams warned that we can expect to see bills introduced that make promulgating regulations more difficult. He also warned that we can expect to see legislation to exempt small businesses (fewer than 500 employees) from state regulations for 6 months.

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## Natural Resources Commissioner Reports on Forest Conservation

Commissioner of Natural Resources, Hugh Archer spoke at the annual meeting on a broad range of topics relating to past and future legislation. Here are some of his comments.

The state is preparing to save \$56 million dollars on energy costs. Through a bill passed in the last session, state government will be taking part in a practice known as "Energy Performance Financing." This is where private corporations make changes to state buildings to improve energy efficiency at no cost to the state in exchange for a piece of cost savings. The private corporation provides the financing.

The Heritage Land Conservation Fund will purchase another large tract of Blanton Forest by year-end and they have an option on a piece of Martin's Fork Wild River. The board has ten times as many proposals as they have money to purchase.

The legislature will need to allocate one million dollars in the state budget for the preservation of Black Mountain as outlined in the agreement to save it.

The Division of Forestry is working toward implementing the Forest Conservation Act passed in the last session. They are selling the concept of best management practices (BMPs) to landowners as consumer protection and urging landowners to call out BMPs in their contracts with the loggers. The division is publishing a landowner's guide and standard contracts for landowners to use.

Next July the Division of Forestry will begin checking logging operations for an on site master logger as provisioned by the Forest Conservation Act. Unfortunately, due to a last minute compromise in the law, the division will have to find the logging operations on its own. To do this the Division of Forestry is setting up a computerized geographical information system (known as GIS). They will use incremental inventories to update the computer database.

Commissioner Archer maintained that Kentucky does not have a good commercial crop of trees. To restore economic value to Kentucky's forests, active management will be required to control disease and exotics. Toward this goal, the division of forestry helped landowners develop more stewardship plans last year than any other state.

## Lobbyist Needed

The Kentucky Conservation Committee is looking for an environmental lobbyist to serve for the year 2000 General Assembly. The lobbyist would serve under contract to KCC from mid-January to mid-April. Knowledge of the Kentucky Legislative process and environmental issues is helpful. Duties include interpreting legislation, helping formulate legislative strategy, attending committee meetings, and educating legislators on environmental concerns. Contact Ray Barry 606-223-0180 for more information.

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### IMPORTANT CALENDAR DATES

**Nov. 6** - *Walking the country from east to west to promote Campaign Finance Reform, 89 year old Granny D holds demonstration in front of Mitch McConnells Office - 1:00 PM Gene Snyder Federal Building 601 West Broadway, Louisville*

**Nov. 9** - *Buying Recycling: The Real Story about Cost, Availability, and Quality - national interactive satellite forum, various KY sites. Contact Rich Green, DWM, at 502-564-6716 for KY sites.*

**Nov. 9-10** - *24th Annual Governor's Conference on the Environment - Jenny Wiley State Park, Prestonsburg. Contact: Veda*

### *The Earth Needs a Friend in Frankfort*

**Please Check All that Apply**

\$25 (individual)  \$35 (family)  \$15 (limited income)  \$50 (contributor)  \$100 (patron)

\$100 (Organization)  \$365+ ("365 Club")

Membership Renewal  I am enclosing an extra \$10 to receive the Legislative Alert during sessions.

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Ways I will help KCC include:

Telephone Tree  Writing Letters  Monitoring Interim Committees  Lobbying during Session