

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 2006

KCC Land Conservation Initiative Needs a Boost

After KCC's resounding success of passing a Land Conservation Initiative in the 2006 General Assembly, the follow-up action has stalled in the state bureaucracy.

KCC proposed, and successfully shepherded through both chambers, the creation of a legislative task force on land conservation. The Task Force is charged with studying the Commonwealth's strategy for the protection of natural resources, farmlands, habitats and forests. It will review ways to provide long term funding for four existing programs: the Land Heritage Conservation Fund, the Forest Stewardship Incentive Fund, the PACE program, and the Fish and Wildlife Foundation.

Unfortunately, the Legislative Research Commission, the administrative arm of the legislature, has yet to hold the first meeting of the task force. The task force is supposed to deliver its report by June of 2007.

The Task Force, when convened, will include representatives from the General Assembly, the League of Kentucky Sportsman, Kentucky Resource Council, Kentuckians for the Commonwealth, the Sierra Club, Kentucky League of Cities, Kentucky Woodland Owners, Kentucky Farm Bureau, Kentucky Homebuilders Association, Kentucky Association of Counties, KY Nature Preserves Commission, the Dept of Fish and Wildlife, and the State Parks.

The Land Heritage Conservation Fund purchases land to be set aside as Nature Preserves. The Forest Stewardship Incentives Fund, created by the Forest Stewardship Act in 1997, has never been funded. It is intended to provide financial assistance

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Stellar Campaign Repels Attack on Air Quality

An energetic campaign launched by the Greater Louisville Group of the Sierra Club helped defeat a bill designed to kill Louisville's newly minted program to reduce toxic air emissions.

After the Louisville Air Pollution Control District adopted a program in June 2005 to reduce air pollutants that were measured at unsafe levels, Sen. Dan Seum (D. Louisville), introduced SB 39 to quash it.

Local air pollution control districts (APCDs) are given the authority by federal law (and, in Kentucky, state law) to adopt regulations more stringent than the U.S. EPA's when supported by evidence of local problems. Seum's bill would have prevented APCD's from establishing standards that are more stringent than state or federal standards. Louisville is the only locality with an APCD at this time.

The EPA has ranked Jefferson County worst in the Southeast for health risks from air pollution. In response to the high

Scorecard

KCC Stance	Total Bills	Bills with Favorable Result	Success Rate
Strong Oppose	3	3	100%
Oppose	10	8	80%
Support	25	12	48%
Strong Support	8	5	63%
Overall	46	28	61%

The table above attempts to evaluate the session numerically by the bills that we were tracking. By historical standards this is a good success rate.

Land Conservation, Cont.

to landowners for the development of stewardship plans and stewardship practices. The PACE (Purchase of Agricultural Conservation Easements) Program pays farmers to set aside ecologically sensitive lands, such as stream banks. The Fish and Wildlife Foundation purchases land to be managed by the Kentucky Department of Fish and Wildlife as wildlife management areas, to enhance wildlife diversity, and provide outdoor recreational opportunities.

KCC estimates that \$30 million annually is needed to implement a sound land conservation program. Compared to North Carolina's recent \$1 billion bond issuance or Missouri and Arkansas' earmark of their sales tax for land conservation, this is a conservative amount. KCC is proposing to increase the Heritage Land Conservation Fund from \$4 to \$10 million a year, approximately the amount of requests received. The PACE program could be increased from less than \$400,000 to \$10 million, with the inclusion of federal matching funds. The Fish and Wildlife Program would receive up to \$5 million The Forest Stewardship Fund, would receive \$5 million.

Kentucky is converting 130 acres of forest daily to urban use, a square mile each week. Kentucky's conversion rate to urban development is one of the fastest in the nation. Our family farms, 86,000 in total, which defines Kentucky's rural character, are in danger. The forest industry contributes \$5 billion to the state's economy, but there are no incentives for the 300,000 private landowners to manage them on a sustainable basis. Kentucky's natural resources are the foundation of a \$9.1 billion tourism industry. Protecting our natural heritage is critical to Kentucky's quality of life, yet only 0.9% of Kentucky's land area is state owned, the 47th lowest percent of all states. There will never be a better time to purchase land, with low prices and large blocks of land still available.

Air Quality, Cont.

level of toxic emissions in Louisville, the Louisville-Metro APCD board had worked with stakeholders over several years to develop a plan and set of standards to improve the regional air quality. They named it the **Strategic Toxic Air Reduction** program, or STAR program, for short.

After some legislative, back room, maneuvering, the Senate passed an amended, slightly less toxic, version of Seum's bill and sent it to the House. The House completely rewrote the bill in a manner that was unacceptable to Seum. The House version changed it to a cost benefit study of the program. When the Senate did not concur with the changes made by the House, the session ended in a stalemate.

Lurking in the shadows behind all the back room maneuvering was Ford Motor Co., who's support for Seum's bill had a major influence during negotiations. Ford has two assembly plants in the Louisville metro region.

In the end, the staunch support of Rep. Perry Clark, Louisville, for the STAR program was the critical factor in the defeat of Seum's dirty air bill.

The political maneuverings, bill changes, and squabbling made this one of the most active bills of the session. A multifaceted Sierra Club campaign mobilized volunteers to call legislators, lobby in Frankfort, and place protest calls to Ford Motor Co.

The remaining question is whether Seum will try again next session.

Missed Opportunities Wait for Another Day

As always, many good bills didn't make it, but with diligence and hard work, may one day have a chance of passage.

For the second year in a row, a bill to create a state **pest plant board** failed, but it got a bit farther than last year. HB 125 was nearly killed in committee when members of UK's Agriculture department asserted it was a means to stop corn and soybean farming, despite clear language to the contrary. The bill did finally pass out of committee but was recommitted to the committee by House leadership where it remained until the end of the session.

Two resolutions ordering the Environment and Public Protection Cabinet to require the submittal of emergency action plans by owners of **coal slurry impoundments** that could threaten life or property if they failed did not pass. HJR 196 never made it out of committee and SJR 127 was recommitted by Senate leadership to Agriculture and Natural Resources to die at the end of the session.

A plan to require **radon mitigation** in houses, daycare facilities and elementary schools located in high radon areas was never heard in committee. Another plan to add a radon disclosure to a seller's disclosure requirements in real estate transactions was withdrawn by the sponsor.

Ethics standards and training requirements for planing and zoning boards was passed by the House but was never heard in the Senate State and Local Government Committee. This is farther than Jim Wayne's common sense proposal went last year, so there is still hope this measure will pass one day, if it can get beyond partisanship.

A bill to Require education about prevention, detection, and remediation of toxic mold and other **indoor environmental toxins** for any person seeking licensure as a Heating, Ventilation and Air Conditioning contractor passed the House and stalled in the Senate State and Local Government Committee.

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Thanks!

The phone calls, faxes, citizen lobbying, and donations are extremely valuable in backing up the hard work of the lobbyists. Their efforts are more effective if legislators get a sense that our lobbyists represent a real contingency of people. Keep up the good work!

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