

# Guardian

*A review of conservation issues  
addressed by the 2008 Kentucky General Assembly*



## Kentucky Conservation Committee

—EYE ON THE SESSION—

### Two last-minute wins for KCC during an otherwise lackluster session

KCC's two primary legislative priorities for the 2008 session nosed across the finish line as the session ended after its midnight deadline with the clocks unplugged in both chambers.

Our long-term effort to encourage the acquisition of public preserves and the stewardship of private lands, currently incarnated as HCR 93, passed the session on its final day, April 15.

Like a lot of bills deserving bipartisan support in a session dominated by partisan controversies over the budget, pensions, bridges, and casinos, it risked being overlooked. KCC is obliged to Rep. Webb, its sponsor, for her dedication to land conservation and this particular bill.

Our second priority, HB2, was sponsored by a leader of the House, Rocky Atkins, so it was caught up in the rivalry between the Democratic-controlled House and the Republican-controlled Senate.

Thanks in part to an infusion of cash (via bonds) for "demand-side" energy conservation, an initiative of Sen. Leeper, the bill now waits (with HCR 93) for the Governor's signature.

The success of both bills depended heavily on the supportive messages left for legislators by KCC members statewide, supplemented by the patient and persistent lobbying of KCC's outstanding lobbyist, Bruce Williams.

### Land conservation leaps to next level

The Land Stewardship and Conservation Task Force, created in the 2007 session at KCC's urging, will make a quantum leap during the next biennium to address interagency coordination and funding. The legislation, HCR 93, was sponsored by Rep. Robin Webb (D-Grayson), an emerging leader in the House who is deeply interested in conservation and wildlife issues.

The Task Force issued its required report in January and summarized the struggling status of public lands acquisition and long waiting lists for Kentucky conservation programs. Now, the Task Force is now charged with recommending to the 2009 session a "Coordinating Council" to serve as a focus for conservation activities by public agencies, and to the 2010 budget session, recommendations for funding.

The resolution gives the Legislative Research Commission the authority to modify the task force's membership and assign its duties to an Interim Committee, so KCC will closely monitor the Task Force's continuing implementation by the LRC.

### Coalition drives success of HB2

Rep. Rocky Adkins (D-Sandy Hook) fulfilled a promise to advocates and successfully brought omnibus energy conservation legislation to the 2008 session. The legislation complements energy policies created by HB1 in the 2007 session and incorporates initiatives of the Kentucky Resources Council, the Kentucky Solar Partnership, Sierra Club Cumberland Chapter, and KCC.

Leading the package are provisions for the construction of environmentally sustainable buildings for Kentucky universities and state government. KCC laid the groundwork for this initiative at its annual meeting last October, highlighted by a presentation from Jeff Moneyppenny, President of the Kentucky Chapter of the Kentucky Green Building Council. Specifics of the legislation were drafted by KCC board member Russ Barnett.

Other provisions of HB2 create tax credits for energy conservation projects in residences and businesses, encourage private investment in hydro along the Kentucky River, and require boards of education to enroll in the Kentucky Energy Efficiency Program at the UL Pollution Prevention Center.

HB2 also creates the "Center for Renewable Energy Research and Environmental Stewardship" within the Governor's Office of Energy Policy advised by a board that includes a representative from an "energy conservation organization."

Finally, HB2 includes the "Bluegrass Turns Green" program advocated by Sen. Bob Leeper (I-Paducah). The initiative encourages "demand-side" energy conservation and is funded by \$30.5 million in bond funds over the biennium.

## Meanwhile, in other conservation action ...

**Small gravel pits:** SB 54 and HB 286, similar bills to allow EPPC to permit one-acre gravel pits, died in committees.

**Pollution prevention:** KCC joined the University of Louisville to lobby against SB 69, which would have reduced fees paid to EPPC by hazardous waste disposal companies that incinerate the waste. The Pollution Prevention Center receives a share of the fees. SB 69 was amended to restore any lost funding by raiding the Petroleum Storage Tank abatement fund and has become law.

**Net Metering:** SB 83, sponsored by Sen. Harris and requiring electricity retailers to accept up to 30 kilowatts generated by customers from solar, wind, bio, or hydro sources, passed both houses and was sent to the Governor.

**Nukes:** Two similar bills attempting to open Kentucky to the construction of nuclear generating plants, SB 156 and HB 542, died in committees. KY law currently prohibits new nukes until a permanent waste disposal facility is identified.

**Recreational trails:** Three bills reflected the growth of the ATV market but only one became law: SB 196, which adds stakeholders to the Recreational Trails Authority board and permits the Commerce Department to contract with private landholders for trail use. HJR 153 asked the Authority to address ATV trespass issues, a huge problem for public conservation lands, but it failed to emerge from committee. SB 145 would have required the Transportation Department to plan walking and bicycle facilities, but also failed.

**Waterways:** HB 717 started as a raid on the "In Lieu of Fee" stream mitigation fund in Fish and Wildlife but morphed into a watershed planning bill after the vigorous intervention of Kentucky Resources Council. Mitigation funds are paid by developers and coal operations that bury streams and are used to remedy streams elsewhere. It has become law.

*(Continued on page 3)*

### 2008 KCC Board of Directors

Vicki Holmberg, Lexington, President

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#### Lobbyist

Bruce Williams, 502-863-5938; cell: 859-221-1132

**Watch for KCC's new website, under construction:**  
[www.kentuckyconservation.org](http://www.kentuckyconservation.org)

### *KCC plans membership drive, website, to increase clout and improve communication with members*

The KCC board of directors has established a goal of 1,000 members and charged a membership committee to lay the ground work to achieve it.

The committee is developing alternative membership categories; seeking affiliation with other Kentucky environmental organizations; working more intensively with Kentucky universities and colleges; increasing KCC's press coverage through print and electronic media; and encouraging our existing membership to become KCC ambassadors.

For many years, the Sierra Club Cumberland Chapter has hosted the KCC web presence, for which we are grateful. The KCC board felt believes that is time to have an independent web presence. Therefore, a key element in the membership campaign is KCC's new website, [www.kyconservation.org](http://www.kyconservation.org).

The site is functioning now, but content and functionality are still being added. It is expected to be fully functional by July 1, 2008, in time to assist the Land Stewardship Task Force and to support the September Annual Meeting (see page 3).

*The mission of the Kentucky Conservation Committee is to work for sustainable use of renewable natural resources, prudent use of non-renewable resources, conservation and preservation of critical and unique areas, and a healthful environment for all Kentuckians.*

(from page 2)

## Meanwhile ...

The "Stream Saver" bill (HB 164) was added to a bill before the House A & R committee (HB 526) to receive the hearing it's been denied for three sessions by the chairman of the House Natural Resources Committee. However, the bill failed in A & R by a slim margin.

**Coal slurry ponds:** SJR 72 would have required EPPC to create emergency action plans for communities below high-hazard impoundments, many of which hold coal slurry wastes like the one that failed in 2001 in Martin County. The resolution died in committee.

**Recycling:** HB 233, a bill desired by beer distributors to make plastic bottled-beer available, settles how the combination of plastics in the special bottles will be labeled for recycling. It has become law.

**Sustainable agriculture:** Three bills passed that support local and sustainable agriculture. HB 484, encouraging universities to purchase locally available agricultural products and SB 242, establishing a bee-keeping fund in the Department of Agriculture, have become law. HB 626, which expands the "Kentucky Proud" branding program, passed both chambers and was sent to the Governor.

**Billboards:** HB 582, a last-minute revival of the annual assault on highway scenery, failed to leave committee.

NOTE: Detail of KCC's final analysis of legislation it tracked is posted on our website:

[www.kyconservation.org](http://www.kyconservation.org)



*The entrance to Blackacre State Nature Preserve in Jefferson County, site of the 2008 KCC Annual Meeting*

September 20--Save the date!

## *Annual Meeting at Blackacre Nature Preserve will feature Floyds Fork tour*

Blackacre State Nature Preserve in eastern Jefferson County will be the site of the KCC's 2008 annual membership meeting on Saturday, September 20. The theme of the meeting will be "Conserve Kentucky," which describes the recommendations of the Land Stewardship and Conservation Task Force (see article, page 1).

At the meeting, panels of legislators, state agencies, environmental organizations, educators, and research scientists will present issues. The business meeting will close with a discussion of KCC's legislative priorities for the 2009 session.

Following the annual meeting, KCC will offer a tour of the Floyds Fork Corridor project, the largest new park project in the United States. Dr. Dan Jones, CEO of 21<sup>st</sup> Century Parks will lead the tour and provide his view of the ecology, planning, challenges, and opportunities of land conservation in an urban/ suburban center.

Blackacre State Nature Preserve, the site of the annual meeting, is part of the Floyds Fork corridor and the commonwealth's first state nature preserve.

Since 1982, The Blackacre Conservancy, our host, has been actively protecting and interpreting the 180-acre preserve.

Throughout the preserve's existence, the Jefferson County Public Schools has led ecological investigations at Blackacre, focusing on understanding the value of conserving Kentucky.

Registration information, updated meeting agendas and schedules, and local housing options will be available soon at KCC's new website ([www.kyconservation.org](http://www.kyconservation.org)) and mailed before the meeting to our membership.

For more information about the annual meeting:

- 21<sup>st</sup> Century Parks: [www.21cparks.org](http://www.21cparks.org)
- Blackacre Foundation: [www.blackacrefoundation.org](http://www.blackacrefoundation.org)
- KCC Program Chair: [r.barnett@louisville.edu](mailto:r.barnett@louisville.edu)
- KCC Local Arrangements Chair: [dwick@bellsouth.net](mailto:dwick@bellsouth.net)
- Jefferson County Public Schools Environmental Education: [www.jcpsky.net/ee](http://www.jcpsky.net/ee)

Access the *Alert* or the *Guardian* on the Internet at KCC's new website:  
[www.kyconservation.org](http://www.kyconservation.org)

## *Join the Kentucky Conservation Committee!*

**Keep me informed about conservation issues before the Kentucky General Assembly!**

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_ - \_\_\_\_\_\*  
 (\*your nine-digit ZIP code helps us identify your legislative district)

Email address: \_\_\_\_\_ My State Representative: \_\_\_\_\_

Home Phone: \_\_\_\_\_ My State Senator: \_\_\_\_\_  
 (to look up your representatives, go to [www.vote-smart.org](http://www.vote-smart.org))

**Enclosed is:**

\_\_\_ \$25 (individual) \_\_\_ \$35 (family) \_\_\_ \$15 (limited income) \_\_\_ \$50 (contributor) \_\_\_ \$100 (patron) \_\_\_ \$365 ("365 club")

Note: Because one of KCC's main activities is influencing legislation, contributions are NOT tax-deductible

**Send your check and this form to:** Kentucky Conservation Committee, PO Box 1152, Frankfort, KY 40602

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