

LAND STEWARDSHIP AND CONSERVATION TASK FORCE

Minutes of the 1st Meeting of the 2007 Interim

January 23, 2007

The 1st meeting of the Land Stewardship and Conservation Task Force was held on Tuesday, January 23, 2007, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Robin L Webb, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Robin L Webb, Co-Chair; Hugh Archer, Juva Barber, Stephen Coleman, Jerry Deaton, Don Dott, Jon Gassett, Teresa Hill, Laura Knoth, William Martin, Jerry Miller, Duane Murner, Gary Verst, and Bruce Williams.

Guests: Eric Gracey, Kentucky Division of Forestry; Mary Jean Eddins, Kentucky Heritage Land Conservation Fund; Barbara Pauley, OLS-CPPC; Karen Keown, Kentucky Heritage Council; Cary Peter, River Fields; and Mackenzie Victoria Royce, Bluegrass Conservancy.

LRC Staff: Hank Marks, Katie Carney, Mark Mitchell, Tanya Monsanto, Matt Trebelhorn, and John Scott.

A quorum being present, the meeting was called to order by the Chair, Representative Webb, at 1:15 P.M.

The Chair opened the meeting by observing that, in the absence of a more unified voice that may come from the Task Force, preservation and conservation priorities are often moved to the back burner in the face of many other issues facing society. She announced that there would be three or four meetings and a report would be issued on or before June 30, 2007. She noted that all documents submitted are part of the record and subject to inclusion in the report, and any errors or omissions should be identified to staff. She also identified the six reports and the descriptive summary of all land preservation programs contained in members' folders.

At this time Task Force members introduced themselves and briefly stated the nature of the organization they represented and what they hoped the Task Force would accomplish.

The first presentation was given by Jon Gassett, Commissioner of the Kentucky Department of Fish and Wildlife Resources. (KDFWR). He stated that Kentucky lands are 94% privately owned, and that 132,000 acres are owned by the KDFWR and 646,000 acres are Wildlife Management Areas (WMA's). He stated that at present, there are funds available to buy only about 2,000 acres a year. He cited research statistics showing the numbers of citizens who did not participate in wildlife activities due to the lack of public access, and that Kentucky loses 47,000 acres of wildlife habitat a year. Among the land access goals of the KDFWR for 2013 are: purchasing 20,000 acres, increasing WMA's by 100,000 acres, and increasing access in the "Golden Triangle" by 10%. Next, Commissioner Gassett discussed the eight criteria used to prioritize land acquisition priority decisions, and the funding sources used. Those sources were identified as the Federal Wildlife Restoration Act, the Sport Fish Restoration Act, and the Heritage Land Conservation Fund. He identified other sources of funding as: the Forest Legacy Program, The State and Tribal Wildlife Grants Program, The North American Wetlands Conservation Act, and the Recovery Land Acquisition Program. He stated that these latter funding sources were in some danger of drying up in the next few years. In concluding Commissioner Gassett identified the partners with whom the KDFWR works, and issues affecting growth and success. Those issues were identified as: availability of long-term funding, viable incentives to landowners, urbanization and land development, demand for public access and user conflicts, the ability to provide matching portions of grants, and the decreasing size of farm acreage.

Next, Mr. Bruce Williams gave a presentation on behalf of the Kentucky Land Conservation Initiative of the Kentucky Conservation Committee. He noted that over 430 acres of forest and fields are lost to development each day, and over one square mile per week. This is one of the highest rates in the country, he stated. He noted also, that one million acres have been lost in the past 10 years, and 93% of forests, riparian zones and key natural areas do not have protection from irreversible land use decisions. Forest land owners, he said, do not have financial incentives to retain their lands as forest. He stated that with only 0.9% of Kentucky land being owned by the state, Kentucky has protected the smallest percentage of its land compared with the seven surrounding states. Kentucky ranks 47th among the states in this regard, he stated. Overall, only 7.5% of Kentucky lands have some form of long-term protection. He briefly described four major land conservation entities and programs. The Heritage Land Conservation Fund has annual funding of about \$4 Million, he said, but grant requests sometimes reach \$11 Million. The PACE program (Purchase of Agricultural Easements) has annual funding of about \$400,000, he stated, which is far less than qualified offers to sell. He noted that the forestry cost share programs that can document a statewide potential market remain unfunded. Finally, he stated that current

opportunities for leasing and purchasing lands for public access by the KDFWR exceed available funds. In concluding, he made note of \$10 Million that was originally in the Kentucky 2006-08 budget for the Heritage Land Conservation Fund, and subsequently removed.

Next, Mr. Eric Gracey made a presentation on behalf of the Division of Forestry. He provided statistics relating to Kentucky forests, noting that 47% of Kentucky land is forest; that is, over 10 million acres. He stated that Kentucky is 3rd in the nation in hardwood production and forestry has an \$8.7 billion impact to the state, accounting for one out of each nine jobs. He stated that, in addition to insects, disease, invasive plant species and fire, urban growth, forest fragmentation, and forest conversion represent threats to the forests of Kentucky. In this regard he noted that 7,000 forest acres have been converted since 1988. He also described the nature of population change from 1990 to 2000 and its impact on forest fragmentation. He described several forestry programs including the Forest Stewardship Program, the Forest Restoration Program, and the six State Forests (37,695 acres). Next, Mr. Gracey described the Division of Forestry's three main land acquisition strategies. These were identified as: expansion of existing boundaries, proximity to population centers, and landscape level projects. Projects selected by the State Stewardship Committee, said Mr. Gracey, are based on the following criteria: "threatened" (i.e., conversion to non-forest use, "importance" (public benefit gained), and "strategic" (how it fits into overall conversion plan), and the "likelihood the project can be completed". The presentation concluded with a discussion of land acquisition obstacles and budget concerns. Mr. Gracey stated that availability of property and willing landowners was not an obstacle. He said the obstacles are: lack of sources of state funds to leverage federal dollars, lack management dollars, and a lack of personnel to manage property currently owned. Regarding budget concerns, he noted that in FY 06 the Division was unable to purchase four needed dozers and transports and seven trucks. In FY 07 it will be unable to purchase 15 need new vehicles and fill 10 vacant positions. In the 07-08 biennium there is a loss of 123 positions and \$500,000 is transferred to waste management for the Maxi Flats Deep Well Monitoring System. In FY 08 the decrease in sales, the increase in expenditures, and the transfer of funds to Maxey Flats means there will not be any carry-forward money in FY 08 and a potential 20 CAP positions left vacant.

Next, Mr. William Martin made a presentation on behalf of the Kentucky Heritage Land Conservation Fund. He stated that revenue for the fund comes from the state portion of the unmined mineral tax, environmental fines, and the sale of Kentucky nature license plates. Four to five million dollars are obtained annually from these sources but annual requests for funding are twice the amount of the funds available. Mr. Martin explained the distribution of funds, stating that each year the Environmental Education Council receives \$150,000 of environmental

finances and the Kentucky Division of Fossil fuels and Utility Services receives \$400,000 of unmined mineral tax for public education relating to coal. He said that one-half of the remaining funds are distributed evenly to the Department of Fish and Wildlife Resources, the Department of Parks, the Division of Forestry, the Nature Preserves Commission, and the Wild Rivers Program, while the other remaining half of the balance goes to local governments, state colleges and universities, and other agencies. He stated that since 1995 over 27,000 acres have been acquired through 100 projects in 54 counties. Also, \$18.4 million has gone to the state's natural resources agencies which have acquired 20,406 acres, and \$13.6 million has gone to local governments, colleges, and universities that have acquired 7,134 acres. Mr. Martin provided the Task force with a complete list of all properties acquired with Fund money, the funds expended for each acquisition, and the agency making and managing the acquisition.

Next, a presentation on the Kentucky Department of Agriculture's Purchase of Agricultural Conservation Easement (PACE) program was made by Ms. Rayetta Boone and Ms. Libby Jones. Ms. Boone stated that it is a partnership with the federal USDA's Federal Farm and Ranchland Protection Program, and has resulted in over \$6 million in funding for easement purchases. She said funding comes from a \$10 million bond, federal grants of \$6,519,067, and Kentucky general fund appropriations of about \$3,225,000. With these funds the PACE program has purchased easements on 88 farms with an average cost of \$854 per acre. Thirty-two easements have been donated to the programs. The total acreage under protection from purchased easements is 20,927, but there are 631 applications pending for a total of 122,000 acres with an estimated value of about \$100 million. Ms. Boone described the easement selection process and the ranking of applications. The three criteria are: productivity of soils, development pressure, and distance to built-up areas. In concluding, Ms. Jones described the benefits of farmland preservation, the types of PACE fund uses, and the budget and funding history of the program.

Next, Mr. Don Dott made a presentation on the Kentucky State Nature Preserves Commission. He described the Commission and its work, and how natural areas inventories are done. Mr. Dott then described the Natural Heritage Program and database and the way in which sites are prioritized for conservation action. He stated that every two years a scorecard process is used to assess biological significance and to ensure that the most unique species and ecological communities are not overlooked. The process, he said, is the same across the entire heritage network. In order to be considered outstanding, a site must be one of the following: the only known occurrence (globally) of an element, the best or an A-ranked occurrence of an element, or a concentration (4 times) of A or B - ranked G1 or G2 elements. After this, Mr. Dott described in detail the many areas, species, and biological communities currently being protected. He then discussed

the six major Commission partnerships and Commission accomplishments. Among accomplishments he cited 57 dedicated nature preserves and conservation easements, encompassing 23, 269 acres, natural areas inventory has searched over half of the state and is continuing, and the natural heritage database now contains 11,333 species and ecological community records, 522 commission sites and 539 managed areas. Mr. Dott identified four major sources of funding: \$300,000 to \$400,000 from the Heritage Land Conservation Fund board, Federal grant sources, the Kentucky Income Tax Check-off which is split with the KDFWR, and legislative appropriations for high profile projects. In concluding, Mr. Dott discussed Kentucky's original natural state and its present status. HE said Kentucky is losing 136 acres of forest and field a day, and over 80% of our wetlands have been lost. He noted that less than 7.5 percent of Kentucky is state or federally owned, and there are three major issues affecting the growth and success of the Commission's preservation efforts. The first, he said, is insufficient land acquisition funds, that is, approved Heritage board projects exceed funds available by about \$600,000. Second, he said, natural inventory and species surveys need to be expedited, and the Nature Preserves Commission has only surveyed a little over half the state in thirty years, while land conversion continues to accelerate. Finally, he stated that the Nature Preserves stewardship branch has only six staff to manage 23,000 acres, and rare species will be put at risk, and the quality of the preserves and visitor access will suffer without adequate management.

At the conclusion of the presentations the Chair summed up what she heard were the main concerns of the presenters and Task Force members. They included stable and adequate funding sources to met the needs of preservation and fund outstanding applications, along with more and better incentives for people to grant easements or sell property. Related to this, she noted the need for expedited processes in order not to lose opportunities for sale due to complexity, delays and escalating prices. Also, related to funding, she observed the need to make better use of federal money by matching federal funds with state dollars. Finally, she noted the need to expand criteria related to preservation and conservation program activities.

There being no further business, the Chair called for a motion to adjourn. A motion to adjourn was made and seconded, and the Task Force voted unanimously to adjourn at 4.31 P.M.