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## Happy February from KRC

Meet our newest board member, learn about our defense of conservation lands, get ready to advocate in Frankfort, and more.

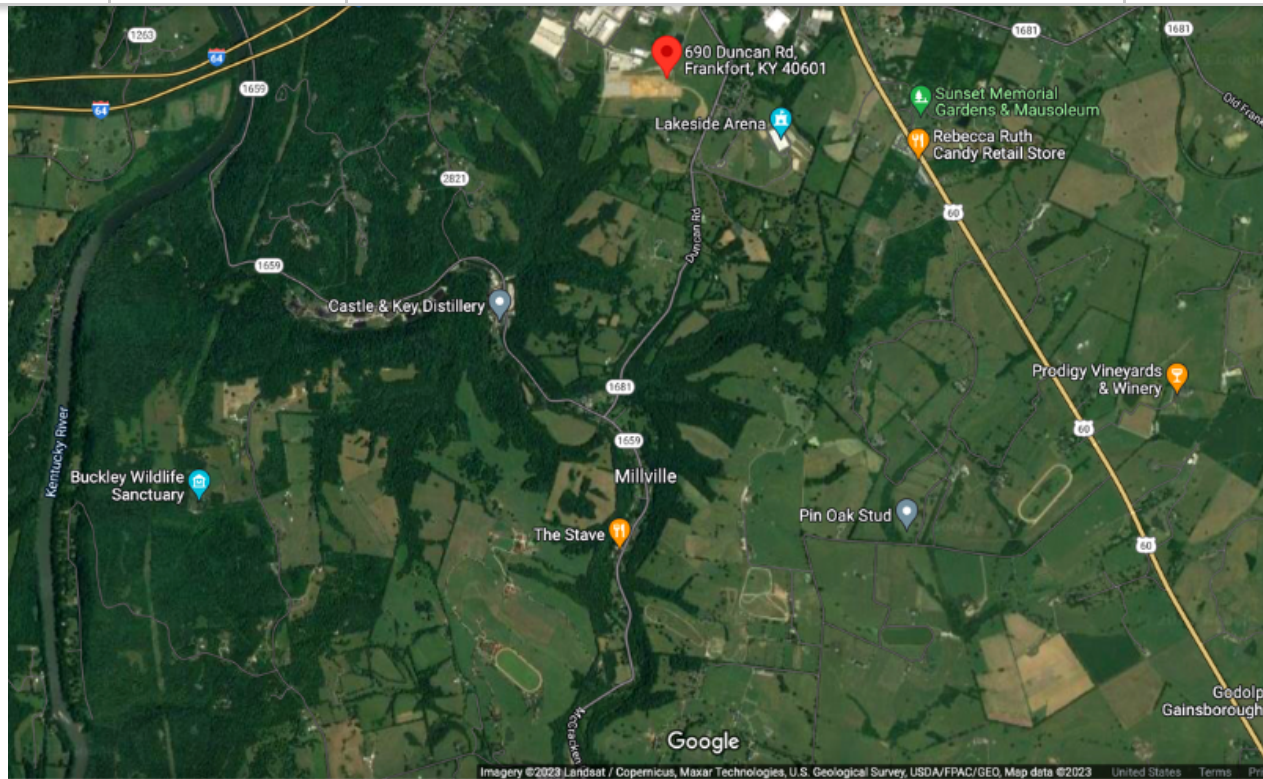


## Meet KRC's Newest Board Member Abigail Tudor Fletcher

Abigail was raised on her family farm in Madison County and is a proud Kentucky native who is intimately aware of the need to protect and preserve the environment. Abigail graduated from Centre College in 2016 with a sociology & anthropology major and studio art minor. At Centre, Abigail was a Bonner Scholar and developed a deep passion for social justice and community service. After graduating from Centre, Abigail went to the University of Louisville Brandeis School of Law.

Abigail is an associate attorney at Sitlinger Law in Louisville, Kentucky. In addition to Kentucky Resources Council, Abigail also serves on the Board of Directors for the New Leaders Council – Kentucky Chapter.

[Meet the KRC Board](#)



## Advocating for Fair Zoning Processes and Decisions

KRC won its appeal of the Franklin County Fiscal Court's unlawful decision to approve a zoning change for 690 Duncan Road, from agricultural to industrial use. The property, owned by Tierney Storage and located near the Franklin County/Woodford County line, is at the head of the Slickaway Branch watershed. Flooding of Duncan Road and other downstream areas is an issue of concern.

The Fiscal Court voted to approve the zoning change against the recommendation to deny it by the Franklin County Planning Commission, which had held a public hearing and determined that the change was not consistent with the County's comprehensive plan. The Fiscal Court had voted to deny a nearly-identical application just a few years prior.

The Fiscal Court declined to hold its own public hearing, so it was required to base its decision solely on the record made before the Planning Commission. Yet, it allowed new testimony by Tierney Storage supporters, which the Franklin Circuit Court held violated the due process rights of a neighboring resident and other interested persons.

**Judge Wingate sent the zoning matter back to the the Franklin Fiscal Court, which now has 3 options in proceeding:**

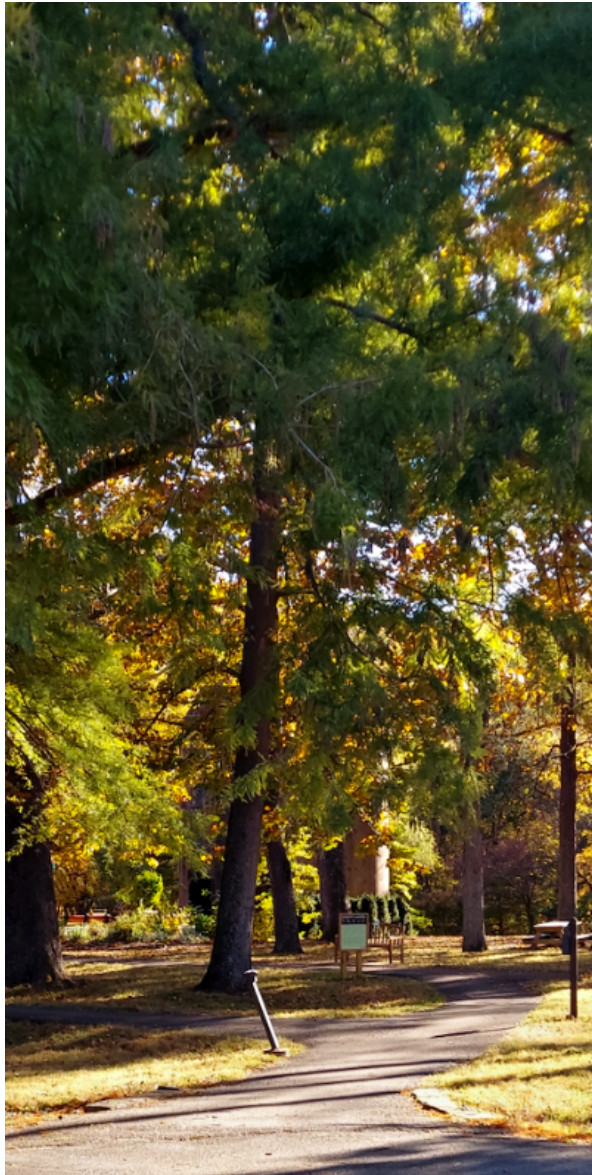


2. It may review the record made by the Planning Commission and determine from only that evidence different adjudicative facts; or
3. It may hold a public hearing that allows for the participation of all interested sides before making its own decision.

We have yet to learn how the Fiscal Court will proceed. It has until February 10, 2023, to appeal the Circuit Court's decision. KRC remains committed to fair governmental decision-making processes whenever the rights of landowners and communities are concerned.

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## Defending Conservation Lands



We're proud to represent Bernheim Arboretum and Research Forest, alongside the law firm of Strobo Barkley PPLC, in its efforts to prevent LG&E from taking part of Bernheim's property for a new 12-mile natural gas pipeline in Bullitt County. LG&E chose a route that would cut across numerous lands including Bernheim's Cedar Grove Wildlife Corridor, a protected and critical habitat in the northern section of the property. Construction of the pipeline would remove acres of forest, impact streams, and eliminate habitat for imperiled bats.

The Bullitt County Circuit Court held a hearing on January 10 and 11th on the condemnation action. At the conclusion of the hearing, Judge Burress noted his respect for the commitment of the Isaac W. Bernheim Foundation and the Kentucky Heritage Land Conservation Fund – which holds a conservation easement on the property – and their

However, he stated his role is to determine whether the statutory criteria for eminent domain have been met by LG&E to take the property by condemnation in order to construct and operate the pipeline. Post-hearing briefs have been filed challenging that right to take, and a decision from the Court is expected in February or March.

If LG&E is successful in the condemnation case, it must still obtain all necessary permits before constructing the pipeline. Thanks to a challenge by the Council and ally Center for Biological Diversity to the adequacy of the biological opinion on the pipeline's impact on endangered species, the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers revoked their authorizations and are taking a new look at the project's impacts on imperiled bats.

[Read more about the hearing: Louisville Public Media](#) | [By Ryan Van Velzer](#)

## Advocating in Frankfort

The 2023 General Assembly began on January 3, and we are again tracking environmental, conservation, consumer, energy, and public health bills and resolutions. This year is a short, 30-legislative day session, with an anticipated final day on March 30. The General Assembly is still in recess but will resume on February 7. Before the session resumes, catch up on the bills we're tracking.

[Legislative Update #1](#)



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## Thank You

We are grateful to the many donors who gave generously to KRC during the GoodGiving Challenge at the close of the calendar year 2022. So far, donors have made it possible for KRC to reach 71% of its fundraising goal for fiscal year 2023! By June 30, with additional support from individuals and foundations, we will reach our target. We are building momentum for donor appreciation and member outreach events in 2023. For more information, contact Director of Development Elizabeth Graves at [elizabeth@kyrc.org](mailto:elizabeth@kyrc.org).

Email Elizabeth

## Planned Giving

Want to include Kentucky Resources Council in your estate plans, make KRC a beneficiary of a life insurance policy, or learn how to make a stock gift to KRC? Development Associate Donna Counts can answer all of your questions at [donna@kyrc.org](mailto:donna@kyrc.org).

Your support will help safeguard Kentucky's natural resources and protect current and future generations of Kentuckians from environmental harm.

Email Donna



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