

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, PROHIBITING HIGH INTENSITY PETROLEUM OPERATIONS WITHIN ALL UNINCORPORATED AND INCORPORATED AREAS OF THE COUNTY; PROVIDING CERTAIN FINDINGS; AMENDING THE WAKULLA COUNTY LAND DEVELOPMENT CODE SECTION 2-4 DEFINITIONS; ESTABLISHING CERTAIN DEFINITIONS RELATING TO HIGH INTENSITY PETROLEUM OPERATIONS; CREATING SECTION 6-34 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE; PROHIBITING HIGH INTENSITY PETROLEUM OPERATIONS; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Wakulla County Board of County Commissioners takes great pride in supporting the highest quality of life among Wakulla County (“County”) residents; and

**WHEREAS**, Wakulla Springs, a first magnitude spring, is located within the County and is a major economic benefit and source of pride to the County; and

**WHEREAS**, Wakulla Springs is a major exposure point for the Floridan Aquifer, one of the most productive aquifer systems in the world which covers nearly 100,000 square miles and stretches into four states; and

**WHEREAS**, the topographic, geological, and hydrological properties of Wakulla County are extremely unique and sensitive, particularly with regard to the many karst features and wetlands found throughout the County; and

**WHEREAS**, the Wakulla County Board of County Commissioners is further dedicated to the protection and conservation of the commercial seafood industry of the Wakulla estuaries, bay system, and Gulf of Mexico, as well as the protection of the biodiversity found within same; and

**WHEREAS**, high intensity petroleum operations often involve the storage, use, and disposal of chemicals, some of which are listed as Immediately Dangerous to Life or Health by the Center for Disease Control, others of which the chemical composition is unknown due to their classification as trade secrets; and

**WHEREAS**, leaks and spills of such chemicals as well as releases of toxic and dangerous gases, particulates, and other substances have been reported in several states at sites engaged in high intensity petroleum operations; and

**WHEREAS**, aggravated earthquake activity have been reported in several locations near sites engaged in high intensity petroleum operations; and

**WHEREAS**, specialized emergency equipment and training is needed to respond locally to emergencies involving oil and gas wells engaged in high intensity petroleum operations; and

**WHEREAS**, there is limited local emergency response training and equipment available to respond to an emergency situation involving a high intensity petroleum operation, should one occur within the County; and

**WHEREAS**, in the absence of comprehensive Florida and County-specific peer reviewed scientific studies demonstrating the safety and efficacy of high intensity petroleum operations, including hydraulic fracturing and acidization, the Wakulla County Board of County Commissioners opposes the use of such high intensity petroleum operations within the County given the potentially irreversible threat they pose to the County's economy and environment, as well as the health, safety, and welfare of the citizens of the County; and

**WHEREAS**, Wakulla County now desires to prohibit the use of high intensity petroleum operations over, under, on, within, and through all unincorporated and incorporated areas of Wakulla County, Florida.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:**

**ARTICLE 1. INCORPORATION OF RECITALS.** The above recitals are true and correct and are hereby incorporated herein and made a part of this Ordinance by reference.

**ARTICLE 2. AMENDMENT OF SECTION 2-4 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE.** The Board of County Commissioners (the "Board") hereby amends Section 2-4 of the Wakulla County Land Development Code, pertaining to definition of terms, to add the following definitions:

*High Intensity Petroleum Operation* means any or all of the following, as defined in this section: (1) Well Stimulation Treatments and (2) Secondary and Enhanced Recovery Operation.

*Well Stimulation Treatment* means any treatment of an oil or gas well designed to enhance hydrocarbon production or recovery by fracturing, heating, dissolving, or otherwise increasing the permeability of the formation. Well Stimulation Treatments include, but are not limited to, Hydraulic Fracturing Treatments and Acid Well Stimulation Treatments.

*Hydraulic Fracturing Treatment* means a Well Stimulation Treatment that, in whole or in part, includes the pressurized injection of hydraulic fracturing fluid or fluids into an underground geologic formation in order to fracture or with the intent to fracture the formation, thereby causing or enhancing the production of oil or gas from a well.

*Acid Well Stimulation Treatment* means a Well Stimulation Treatment that uses, in whole or in part, the application of one or more acids to the well or underground geologic formation with the intent of enhancing the production of oil or gas from the well. The Acid Well Stimulation Treatment may be at any applied pressure and may be used in combination with Hydraulic Fracturing Treatments or other Well Stimulation Treatments. Acid Well Stimulation Treatments include, but are not limited to, acid matrix stimulation treatments and acid fracturing treatments.

*Secondary and Enhanced Recovery Operation* means any operation where the flow of hydrocarbons in an oil or gas well are aided or induced with the use of injected substances including but are not limited to, the introduction or injection of water and natural gas, steam, air, CO<sub>2</sub>, nitrogen, chemical substances and any other substance or combination thereof. Examples include waterflood injection, steamflood injection, and cyclic steam injection.

**ARTICLE 3. CREATION OF SECTION 6-34 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE.** The Board of County Commissioners (the "Board") hereby creates Section 6-34, of the Wakulla County Land Development Code, pertaining to High Intensity Petroleum Operations, to read as follows.

**Sec. 6-34. - High Intensity Petroleum Operations.**

- (1) High Intensity Petroleum Operations are prohibited over, under, on, within, and through all unincorporated and incorporated areas of the County, regardless of whether the surface access point for any such High Intensity Petroleum Operation is actually located within the County.
- (2) The provisions of this section shall not apply to properly permitted High Intensity Petroleum Operations which commenced prior to the Effective Date of this Ordinance.

**ARTICLE 4. CODIFICATION.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Land Development Code, and that the sections of this Ordinance may be renumbered to accomplish such intent.

**ARTICLE 5. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

**ARTICLE 6. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

**PASSED AND ADOPTED** by the Board of County Commissioners of Wakulla County, Florida, this \_\_\_ day of \_\_\_\_\_, 2016.

**WAKULLA COUNTY BOARD OF  
COUNTY COMMISSIONERS**

By:

\_\_\_\_\_  
RALPH THOMAS, Chair

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
HEATHER J. ENCINOSA, ESQ.  
County Attorney

**RESOLUTION NO. 2015-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA PERTAINING TO HYDRAULIC FRACTURING.**

**WHEREAS**, Article VIII, sections 1(c) and 1(g), Florida Constitution, provides that a county government may be established by charter, which shall be adopted upon a majority vote of electors of the county.

**WHEREAS**, Wakulla County Ordinance No. 2008-14 was adopted, providing for adoption of a Home Rule Charter.

**WHEREAS**, Wakulla County Charter Sec. 1.1. states, Wakulla County shall be a home rule charter county, and except as may be limited by this Home Rule Charter ("Charter"), shall have all powers of self-government granted now or hereafter by the Constitution and laws of the State of Florida.

**WHEREAS**, 2016 HB 191 and SB 318 propose to preempt regulation of all matters relating to exploration, development, production, processing, storage, & transportation of oil & gas; declares existing ordinances & regulations *relating* thereto void.

**WHEREAS**, The proposed preemption included in HB 191 and SB 318 is an assault on Home Rule and will cause a loss of Wakulla County's self governance, prohibiting Wakulla County's ability to make decisions which directly affect our County and our natural resources.

**WHEREAS**, Wakulla County opposes the use of well stimulation activities, including hydraulic fracturing and acidization, without comprehensive Florida-specific studies and peer review.

**WHEREAS**, Wakulla County opposes public records law exemption for chemicals used in well stimulation activities, including hydraulic fracturing and acidization.

**WHEREAS**, Wakulla County desires to support the policy statements adopted by the Florida Association of Counties at their 2015 Legislative Conference.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:**

**Section 1.** We OPPOSE a state preemption of fracking activities, especially the siting of wells within sensitive areas, and ancillary activities such as waste storage, handling and disposal, truck traffic and other local public health and safety impacts.

**Section 2.** We SUPPORT a moratorium on all new well stimulation activities, including hydraulic fracturing and acidization, until an independent and comprehensive Florida-specific study has been completed and peer reviewed.

**Section 3.** We OPPOSE any state legislation which would create a public records law exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection through the department's online chemical disclosure registry.

**Section 4.** The Wakulla County Board of County Commissioners hereby directs staff to forward a copy of this resolution to the following:

Governor Rick Scott  
State of Florida  
The Capitol, 400 S. Monroe Street  
Tallahassee, FL 32399-0001

Senate President  
Senator Andy Gardiner  
The Florida Senate  
409 The Capitol,  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Speaker of the House  
Representative Steve Crisafulli  
Capitol Office, 420 The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

Senator Bill Montford  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Representative Halsey Beshears  
303 House Office Building  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

This resolution will become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** at the meeting of the Board of County Commissioners of Wakulla County, Florida on the 7th day of December 2015.

BOARD OF COUNTY COMMISSIONERS  
OF WAKULLA COUNTY, FLORIDA

By: \_\_\_\_\_  
Ralph Thomas, Chairman

ATTEST:

\_\_\_\_\_  
BRENT X. THURMOND, Ex Officio  
Clerk to the Board

APPROVED AS TO FORM:

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Heather Encinosa, Esq.