

RESOLUTION NO. 140 - 2015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, SUPPORTING A BAN ON THE USE OF HYDRAULIC FRACTURING, ACID FRACTURING, AND SIMILAR WELL STIMULATION PROCESSES AND TREATMENTS PERFORMED FOR THE PURPOSE OF EXPLORATION OR PRODUCTION OF ENERGY RESOURCES, ALSO KNOWN AS “FRACKING”, IN THE STATE OF FLORIDA, OR IN THE FLORIDA KEYS OR ANY AREA THAT WOULD IMPACT THE WATER SUPPLY OR WATERSHEDS OF THE FLORIDA KEYS; PROVIDING DIRECTION TO THE CLERK.

WHEREAS, the Board of County Commissioners of Monroe County, Florida (hereinafter the “Board”) is the governing body of Monroe County (hereinafter the “County”); and,

WHEREAS, the Board is charged with safeguarding the public health, safety, and welfare of the residents of the County; and

WHEREAS, the wise stewardship of our natural resources involves the protection of Florida’s water supplies and natural environment for generations to come; and

WHEREAS, the Florida Keys Aqueduct Authority (FKAA) pipes potable water for the Florida Keys from the mainland; and

WHEREAS, that water is pulled primarily from the Biscayne Aquifer as freshwater, augmented when necessary by brackish water pulled from the Floridan Aquifer and desalinated by FKAA; and

WHEREAS, the Biscayne Aquifer is a highly permeable unconfined aquifer; and

WHEREAS, the Florida Keys also contain several freshwater lenses that provide drinking water for non-human species in the Keys; and

WHEREAS, the possible chemical contamination and environmental degradation caused by fracking may result in grave irreparable damage to the groundwater that supplies potable water to the residents, businesses and visitors to the Florida Keys and, by threatening our water supply and watersheds, have disastrous effects on our environmentally sensitive plant life, and marine life for generations to come; and

WHEREAS, protection of the environment is better accomplished by the prevention of contamination and environmental degradation, as opposed to post-contamination, post-degradation, or otherwise after-the-fact environmental cleanup and restoration; and

WHEREAS, the Board finds that the exploration for and extraction of coal, natural gas, petroleum, and other energy resources through means of well stimulation is a practice used in energy exploration and extraction that involves treatment of a well to enhance production by increasing the permeability of an underground geologic formation; and

WHEREAS, acid or hydraulic fracturing, also known as “fracking,” is a well stimulation process that involves the high-pressure injection of complex fracturing fluids that contain a mixture of chemicals, sand, and/or water into underground geological formations to create fractures in order to enhance access to and increase flow of the production of coal, natural gas, petroleum, and other energy resources; and

WHEREAS, the well stimulation process known as “fracking” involves vertical and/or horizontal drilling, which creates a nuisance and negative environmental impact upon property owners who reside on, or own property above, the drilling site, or who reside on or own property adjacent to areas subjected to such drilling; and

WHEREAS, such vertical and/or horizontal drilling creates a nuisance and negative environmental impact upon endangered, threatened, or otherwise vulnerable animal and plant species and their habitat(s); and

WHEREAS, human exposure to the chemicals used in “fracking” poses a widespread and significant risk to public health and safety, as “fracking” involves the deployment of complex chemicals, many of which are known to be carcinogenic or have otherwise been documented as having adverse effects upon human health; and

WHEREAS, use of fracturing mixes expose adjacent land and waters to the risk of contamination through well activities, open pit storage, and transport on roadways, resulting in heightened risk of contamination and irreparable damage to public health, safety, and environment; and

WHEREAS, “fracking” is the subject of grave concern regarding the documented irreparable damage to public health and safety and adverse environmental impacts of such practice, including, but not limited to, the generation of air pollutants, the underground migration of fracturing chemicals into nearshore waters and groundwater supplies, the generation of hazardous radioactive or otherwise toxic waste, and increased seismic activity; and

WHEREAS, such harmful effects threaten the County’s long-term economic well-being, as both businesses and consumers depend on clean drinking water and the ecological integrity of the natural environment; and

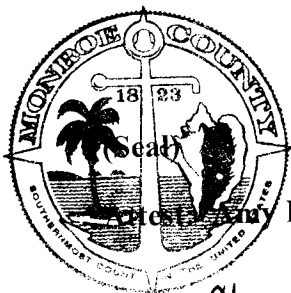
WHEREAS, the potential long-term and cumulative health and environmental impacts of “fracking” pose a risk of irreparable danger to the public health, safety, and welfare of the County’s residents;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, FLORIDA that:

1. The above recitals are hereby incorporated into this resolution as if restated herein and constitute the legislative findings and intent of the Board of County Commissioners of Monroe County, Florida.
2. The Board supports a ban on the use of hydraulic fracturing, acid fracturing, and similar well stimulation processes and treatments performed for the purpose of exploration or production of energy resources, also known as "fracking", in the State of Florida, or in the Florida Keys, or any area where fracking would possibly impact or threaten the water supply and watersheds or natural environment of the Florida Keys, due to the potential harmful impacts on the residents, environment, and natural resources of Monroe County, Florida.
3. The Clerk for this Board shall furnish copies of this resolution to the Governor and the legislative delegation for Monroe County as soon as reasonably possible.
4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said board held on the 10th day of June, 2015.

Mayor Danny L. Kolhage, District 1	<u>Yes</u>
Mayor Pro Tem Heather Carruthers, District 3	<u>Yes</u>
Commissioner George Neugent, District 2	<u>Yes</u>
Commissioner David Rice, District 4	<u>Yes</u>
Commissioner Sylvia Murphy, District 5	<u>Yes</u>



Heavilin, Clerk

By: Cheryl Robertson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

By: D. P. Kolhage
Mayor Danny L. Kolhage

FILED FOR RECORD
 2015 JUN 12 PM 2:42
 CLK. CIR. CL.
 MONROE COUNTY, FLA

MONROE COUNTY ATTORNEY APPROVED AS TO FORM:
Robert D. Shillinger, Jr.
 COUNTY ATTORNEY
 Date _____

County of Monroe

The Florida Keys



BOARD OF COUNTY COMMISSIONERS

Mayor Danny L. Kolhage, District 1
Mayor Pro Tem Heather Carruthers, District 3
George Neugent, District 2
David Rice, District 4
Sylvia J. Murphy, District 5

Robert B. Shillinger, County Attorney**
Pedro J. Mercado, Assistant County Attorney **
Natileene W. Cassel, Assistant County Attorney**
Cynthia L. Hall, Assistant County Attorney **
Christine Limbert-Barrows, Assistant County Attorney **
Derek V. Howard, Assistant County Attorney**
Lisa Granger, Assistant County Attorney
Steven T. Williams, Assistant County Attorney
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Chris Ambrosio, Assistant County Attorney

Office of the County Attorney

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** Board Certified in City, County & Local Govt. Law

MEMORANDUM

TO: Nicole Rhodes, Deputy Clerk
FROM: Kathy M. Peters, CP, County Attorney's Office
RE: **AGENDA ITEM K-2: BOCC Meeting 6/10/15**
DATE: June 12, 2015

Enclosed please find original *Resolution No. 140-2015* for execution by the Mayor/processing that correlates with the above-referenced agenda item approved by the Monroe County Board of County Commissioners on June 10, 2015.

PLEASE NOTE: PLEASE EXPEDITE PROCESSING OF THIS RESOLUTION UPON RECEIPT. MAYOR PRO TEM HEATHER CARRUTHERS HAS ALSO REQUESTED THE CLERK PROVIDE HER WITH A CERTIFIED COPY OF THE RESOLUTION ONCE FULLY EXECUTED. PLEASE FORWARD ONE (1) CERTIFIED COPY OF THE RESOLUTION TO MAYOR PRO TEM CARRUTHERS ATTN: CAROL SCHRECK AT STOP #7 AS SOON AS POSSIBLE SO SHE CAN SUBMIT DURING THIS LEGISLATIVE SESSION. THANKS SO MUCH.

K. COMMISSIONERS' ITEMS

2. **COMMISSIONER CARRUTHERS** - Approval of a resolution supporting a ban on the use of hydraulic fracturing, acid fracturing, and similar well stimulation processes and treatments performed for the purpose of exploration or production of energy resources, also known as "fracking, in the State of Florida or in the Florida Keys or any area that would impact the water supply or watersheds of the Florida Keys.

KMP:

Enclosures: Original *Resolution No. 140-2015*