



**AGENDA FOR MONTHLY MEETING
VOLUSIA SOIL AND WATER CONSERVATION DISTRICT**

5:00 p.m. Wednesday, December 14, 2022
University of Florida IFAS Extension Auditorium
3100 E. New York Avenue, DeLand, FL 32724

- I. Call to Order
- II. Supervisor Roll Call
- III. Approval of Minutes from October 12, 2022 meeting
- IV. Announcements
- V. Reports:
 1. NRCS Report-- Brian
 2. Treasurer's report—Andy Kelly
 3. Reports from Supervisors and Associate Supervisors
- VI. New Business
 1. Review Annual Local Working Group Meeting for USDA-NRCS and SWCD
 2. Review of NRCS programs that SWCD supervisors can help promote
 3. Discuss participation in FLDACS cost-share programs, Garden Assistance programs, and Mobile Irrigation Lab
 4. Proposed Resolution: Amendment of VSWCD Conservation Program: Component 2: Atlantic Ocean Shoreline Setbacks and Dune Protection (see attached proposal starting on page 6 of this agenda packet)
- VII. Supervisor Final Remarks and Public Comments
- VIII. Adjournment



Conservation Program Update 2022

Volusia Soil and Water Conservation District Board of Supervisors

CONSERVATION PROGRAM: COMPONENT 1

OIL AND GAS WELL STIMULATION HYDRAULIC FRACTURING PROHIBITED

****Passed 02/10/16**

CONSERVATION PROGRAM: COMPONENT 2,

ATLANTIC OCEAN SHORELINE SETBACKS AND DUNE PROTECTION.

****Proposed for Adoption 12/14/22**



CONSERVATION PROGRAM: COMPONENT 1 OIL AND GAS WEL STIMULATION HYDRAULIC FRACTURING PROHIBITED

PROHIBITS ANY PERSON OR ENTITY TO ENGAGE IN ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES AND BELOW THE GEOGRAPHIC TERRITORY OF VOLUSIA COUNTY; PROHIBITING ANY PERSON OR ENTITY ENGAGED IN OIL OR GAS EXPLORATION OR PRODUCTION FROM USING WELL STIMULATION TECHNIQUES ORIGINATING OUTSIDE OF THE BOUNDARIES OF VOLUSIA COUNTY; PROVIDING INJUNCTIVE RELIEF; CREATING RECOMMENDED ADDITION TO THE VOLUSIA COUNTY CODE, OIL AND GAS WELL STIMULATION PROHIBITED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Volusia County Residents seek to protect the water resources of Volusia County from potential contamination by carcinogenic chemicals; and

WHEREAS, oil and gas well stimulation, also known as hydraulic fracturing, acidizing and acid fracturing, is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well; and

WHEREAS, oil and gas well stimulations involve the use of chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety, and the environment; and

WHEREAS, use of well stimulation mixes and exposes air, aquifers and adjacent land and surface waters to the risk of contamination through spills and accidents, open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, well stimulation is exempt from important regulations meant to protect public health and the environment, specifically sections of the Clean Water Act, Clean Air Act, Safe Drinking Water Act, Superfund, National Environmental Policy Act, Resource Conservation and Recovery Act; and

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable Limestone formations which are vulnerable to contamination from hydraulic fracturing activities;
and



WHEREAS, Florida’s oil and gas regulations, Chapter 377, Florida Statutes (2015), and Rules 62C-25 through 62C-30, Florida Administrative Code (2016), make no reference to Hydraulic Fracturing or other Well Stimulation techniques; and

WHEREAS, well stimulation requires the use of millions of gallons of water for each fracking event, and Florida Water Management has declared an insufficient water supply for growth in the Central Florida region; and

WHEREAS, the residents of Volusia County have a reasonable expectation that all local governments will endeavor to protect their health and welfare, along with that of the community environment;

THEREFORE, The Volusia Soil and Water Conservation District is today utilizing its statutory powers and authority to compel the Volusia County Council to cooperate in our conservation and water quality programs. As such we resolve to prohibit well stimulation and all 48 forms of hydraulic fracking due to potential detrimental impacts to the community through contamination of water supplies.

NOW THEREFORE BE IT ORDAINED BY THE VOLUSIA SOIL AND WATER CONSERVATION BOARD OF SUPERVISORS:

Oil And Gas Well Stimulation Hydraulic Fracturing Prohibited.

Purpose and Scope. It is the purpose and intent of the Volusia Soil and Water Conservation District Board of Supervisors to prohibit all oil and gas well stimulation and related hydraulic fracturing activities within Volusia County, Florida.

Definitions. The following words, terms, and phrases, when used in this Conservation Program have the meanings ascribed to them below:

(a) Hydraulic Fracturing – means the process by which fractures in rocks below the 60 earth’s surface are widened by injection of water, chemicals, or both under high pressure used in the extraction of oil and gas.

(b) Matrix Stimulation – means the injection of any acid into a well to break up impediments without fracturing the well.

(c) Well Stimulation – means any process of using vast amounts of water, chemicals, or both injected into the ground as a means of oil and gas exploration. Well stimulation does not

include routine well cleaning that does not affect the integrity of the well or formation.

Well Stimulation and Hydraulic Fracturing is prohibited within Volusia County, Florida.

No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the boundaries and below the geographic territory of Volusia County, Florida.



It is also a violation of this Conservation Program for any person or entity to engage in oil or gas exploration or production utilizing well stimulation techniques originating outside of the boundaries of Volusia County, Florida that in any way enters onto, into, or under the ground within the boundaries of Volusia County, Florida.

Injunctive relief. The Volusia County Attorney's Office or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Conservation Program.

Codification. It is the intention of the Volusia Soil And Water Conservation District Board that the provisions of this Conservation Program, including its preamble, will become part of the 80 Volusia County Code, and that the words Conservation Program may be changed to "ordinance", "section", "article", or other appropriate word or phrase and the sections of this text may be 82 renumbered or relettered to accomplish such intention.

Severability. If any provision of this Conservation Program or the application of to any person or circumstance is held invalid, it is the intent of the Board that such invalidity will not affect other provisions or applications of this Conservation Program which can be given effect without the invalid provision or application and, to this end, the provisions of this Conservation Program are declared severable.

Section 4. Effective date. This Conservation Program takes effect upon its passage and a filing of a copy of this Conservation Program with the Department of State and with the County of Volusia will be performed by Chairman Peter Kouracos.

BE IT ORDAINED by The Volusia Soil and Water Conservation District Board
Of Supervisors, this 10th day of February, 2016.

Peter Kouracos, Chairman
Greg Gimbert, Vice Chairman
Ted Noftall, Treasurer
Beth James, Supervisor



**CONSERVATION PROGRAM: COMPONENT 2,
ATLANTIC OCEAN SHORELINE SETBACKS AND DUNE PROTECTION.**

ESTABLISHES COASTAL CONSTRUCTION SETBACKS FOR VOLUSIA COUNTY.
ESTABLISHES PROTECTION FOR DUNE AND RESTORATION AREA EAST OF THE COASTAL
CONSTRUCTION SETBACKS
PROVIDING INJUNCTIVE RELIEF;
CREATING RECOMMENDED ADDITION TO THE VOLUSIA COUNTY CODE, BUILDING EAST OF
ATLANTIC
OCEAN SHORELINE SETBACK AND SHADING OF THE BEACH PROHIBITED. PROVIDING FOR
CODIFICATION;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Volusia residents seek protection of their Atlantic Ocean Shoreline: and

WHEREAS, Elected Officials of Volusia County Council have a Fiduciary Duty to determine and implement solutions for Atlantic Ocean Shoreline erosion control, and shall adopt the following policies as passed by the elected Officials of the Volusia County Soil and Water Conservation District at a Duly Held Meeting held in Public on Wednesday December 14th, 2022.

WHEREAS, the Florida Legislature has demonstrated a history of preemption on important local decisions and therefore the need for establishment of local protections is urgent.

WHEREAS, The Volusia County Council shall instruct all relevant staff Members to place in all applicable areas of the Municipal Code SETBACKS AND SHADING REGULATIONS TO ALL ATLANTIC OCEAN SHORELINES within the geographic territory of Volusia County.

THEREFORE, The Volusia County Soil and Water Conservation District is today utilizing its statutory powers and authority to compel the Volusia County Council to cooperate in our updated Conservation Program. As such we resolve to PROHIBIT BUILDING EAST OF ATLANTIC OCEAN SHORELINE SETBACK AND SHADING OF THE BEACH.

NOW THEREFORE BE IT ORDAINED BY THE VOLUSIA SOIL AND WATER
CONSERVATION DISTRICT BOARD OF SUPERVISORS:
Coastal construction setback and shade standards established.

Purpose and Scope. It is the purpose and intent of the Volusia Soil and Water Conservation District Board of Supervisors to prohibit coastal development that interferes with the restoration and protection of the natural dune line and Atlantic Ocean Shoreline within the geographic territory of Volusia County, Florida.



SECTION 1:

Mandatory construction setback for oceanfront construction is 50 feet west of the VCCCL.

SECTION 2:

Shade on the Atlantic Ocean Shoreline VCCCL of greater than three (3) hours a day is prohibited. No new structure shall be built which will cause three hours or more of afternoon shade from natural sunlight anywhere east of the VCCCL at any time of the year.

Special Exceptions.

Neither the 50-foot setback nor the shading prohibition shall apply to pedestrian walkways, vehicular beach approaches, bridges, or other ADA compatible accesses. No other exceptions to these regulations shall be allowed.

Reports:

- Critically Eroded Beaches in Florida Office of Resilience and Coastal Protection Florida Department of Environmental Protection June 2022
- The CCCL was established by the Florida Department of Environmental Protection on June 28, 1989, in accordance with F.S. § 161.053, as amended. Building permits are also required for construction activities.

Terms:

Coastal Construction Control Line or CCCL - (as created by FDEP June 28th, 1989) - The Coastal Construction Control Line (CCCL) Program is a literal line in the sand established by the FDEP that regulates structures and activities which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access. CCCL permits also protect sea turtles and dune plants.

Demarcation Line - the action of fixing the boundary or limits of something.

Mean High Water Line or MHW - The Mean High-Water Line (MHWL) is the intersection of the plane of the MHW tidal datum with shore. The elevation of the MHWL is fixed for given time periods and does not change unless tidal datums are updated.

Seasonal Mean High-Water Line or SMHW - "Seasonal high-water line" means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.

Volusia Coastal Construction Control Line - The VCCCL is a demarcation line for construction that is the most westward of either the Mean High Water (MHW), the Seasonal Mean High Water (SMHW), or the Coastal Construction Control Line (CCCL) as determined at the time of permit application.



Volusia County Sections of Code: Markups

CCCL Reference - 50-241 Definitions, 50-71 Definitions, 72-2 Definitions
Oil or Gas - Sec. 50-42. - High-pressure well stimulation prohibited, Sec. 50-71. - Definitions.
Mean High Water - 72.294 waterfront yards, 50-71 Definitions, 110-432 Boundaries, 205.6
Definitions of Beach and Approach, Sec. 20-272. - Management plan; beach conservation
categories,

Injunctive relief. The Volusia County Attorney's Office or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Conservation Program.

Codification. It is the intention of the Volusia Soil and Water Conservation District Board that the provisions of this Conservation Program, including its preamble, will become part of the Volusia County Code, and that the words Conservation Program may be changed to "ordinance", "section", "article", or other appropriate word or phrase and the sections of this text may be renumbered or relettered to accomplish such intention.

Severability. If any provision of this Conservation Program or the application of to any person or circumstance is held invalid, it is the intent of the Board that such invalidity will not affect other provisions or applications of this Conservation Program which can be given effect without the invalid provision or application and, to this end, the provisions of this Conservation Program are declared severable.

Effective date. This Conservation Program takes effect upon its passage and a filing of a copy of this Conservation Program with the Florida Department of Environmental Protection and with the County of Volusia to be performed by Chairwoman Wendy Anderson.

BE IT ORDAINED by The Volusia Soil and Water Conservation District Board
Of Supervisors, this 14th day of December, 2022.

Wendy Anderson, Chairwoman
John Nelson, Vice Chairman
Andy Kelly, Treasurer
William Bliss, Secretary
Mike Simpson, Supervisor