

Wakulla Springs Alliance Board of Directors Meeting

Friday, July 28, 2023

9:00 AM – 11:30 AM



Recording available at

<https://fsu.zoom.us/rec/share/nwGSmckJz86vdR6vzujMjEsfz-9eCLKHc9DSbzsvaJEARybgxulAdZ1dUPhImDpj.QKNLf1qMMBrH34Rm>

- 9:05 **Meeting called to order** by Anthony Gaudio
Welcome and introductions – Anthony Gaudio
Agenda review – Gaudio
- 9:10 **Financial report** - Jim Davis (Appendix 3)
Albert **moved to accept the report**; seconded by Gail and **passed without opposition.**
- 9:12 **Minutes of June 23, 2023 meeting** - Brian Lupiani
Jim **moved to accept the minutes**; seconded by Gail and **passed without opposition.**

9:15 Report on the 7/11 Community Forum 2 on the Wakulla Springs Protection Ordinance Amendment – Tom Taylor (see Appendix 4)

Tom - the proposed ordinance was approved without opposition (about 58 votes) at the 2nd forum and along with petitions was sent to County Commission
Anthony - Ana Garner headed up the ordinance-drafting effort, with yeoman's work by Kathleen Von Hoene, Bob Deyle, and Renee Murray

9:20 Report on The 7/17 Wakulla County Board of County Commission Meeting and lack of action on Citizens Springs Protection Ordinance – Bob Deyle (see Appendix 5 (or attachment) "No 25 Hess Ordinance Issue July 17, 2023 BOCC Final Full Agenda").

Video recording of meeting on YouTube:

<https://www.youtube.com/watch?v=IfwbTANXaAg>

1. It was a sh__show
2. Unlike Leon and TLH commissions, Wakulla requires that a motion be seconded before public comments can be heard
3. We never broke through David Edwards' technical arguments; we won't get anywhere until we get him in a room with experts
4. Yesterday it was announced that SW Georgia Oil has reapplied for Comp Plan and zoning changes; they'll be on the agenda for the next Wakulla County Commission meeting on August 7.

9:30 Q&A on both the Forum and WCBOCC mtg

Bob - David Edwards thinks that a setback from a surface line based on underground locations would not be legally defensible, because the line only denotes positions within the cave, but not the center of the cave.

9:40 Discussion on next steps

Kathleen - Public records reqs have been made to explain how underground data has been used in other instances. Also, we need to turn out people for the Aug 7 Wakulla County Comm meeting.

David Damon - WSA & other groups should request a venue change to accommodate expected crowd.

Bob - For the Aug 7 mtg we should focus on defeating the comp plan amendment and not conflate it with the protection ordinance. Note that the Commissioners do have the discretion to reject comp plan amendments.

Hat-tip to Tom Taylor for his more-thorough notes:

- Bob Deyle reported on the Wakulla Commission Meeting. Chuck Hess made the motion to approve the draft springs protection ordinance. There was not a second so there could be no discussion of the proposal. Hundreds of citizens were not allowed to speak.
- There was a notice of a comp plan change that would allow the gas station at the intersection of Hwy 267 and 319. The commission meeting will be August 7 to approve.

- David Edwards is willing to meet.
- We may want to ask for a springs ordinance that includes setbacks from karst features, stormwater regulations and approval of a Pollution Control Program that could allow stricter tank standards after two years, with or without setbacks from caves.
- Is there any value in getting a licensed surveyor to map the cave?
- The problem is the cave diver GIS data has a 3% error and is not the true center of the caves. We can address this.
- There is also a question of the County taking over regulation of tanks. They decided to not do this as part of the vote on item #14.
- Will there be a review of the comp plan amendment by the state? It may not need state review but if there is a review, we may want to advocate for state objection.
- The Wakulla Springs management plan has a cave map that has been used for years. This was for land acquisition and has a different standard of accuracy. This line can be easily legally challenged.
- Everyone is encouraged to attend the August 7 commission meeting. People who come need to sign up to speak to have a record.
- We should formally request them to change the venue to the Community Building.
- Mapping caves is an issue. We could go with requiring above ground tanks that may be safer.
- We should ask for a delay if they don't move the venue.
- We could meet with commissioners rather than Dave Edwards. We may want an intermediary who can talk to the commissioners. Ralph Thomas and David Edwards will say that the only question is changing the comp plan from agriculture to commercial. There is no legal obligation to approve the amendment.
- We need to separate the ordinance and comp plan issue.
- Planning staff is telling the commission they must approve the zoning change for the gas station if the comp plan is changed from agriculture. If you have a solid legal argument the project can be stopped.
- If we pack the commission chamber with enough people, the fire marshal will have to shut the meeting down. This won't work in the community room.
- Kathleen Von Hoene did a public records request on SW Georgia Gas and they have a history of gross negligence in 44 prior spills in FL. They have been selling off the properties so they look better.
- We need a statement from a surveyor before the August 7 meeting on the best practices and that this can be done. We are also working on a statement from a hydrogeologist. This can be done as a citizen comment on items not on the agenda.
- Michael Mendez has a possible funder for this. Kathleen may have a surveyor who did work for FDOT that may be useful. The ordinance workgroup will work on this.

10:00 Motion: Anthony is authorized to request that the comp plan mtg on Aug 7 be moved to a larger venue to accommodate all the people who want to attend; the ordinance work group is authorized to decide whether that

request will actually be submitted to the County. Motion made by Brian, seconded by Tom, **passed 10 - 0**

10:20 Spring shed and river update - Cal Jamison (see Appendix 6)

1. Nitrate levels remain above TMDL, as they mostly have for at least 5 years
2. Spikes in salinity correlate with Spring Creek reversals
3. Maria Wilhelmy, WS Park ranger who has been the observation group's main boat driver, is leaving the park to do environmental education in Seattle.
4. Quite a few manatees in the Spring area lately.

Cal suggests we contact Gareth Davies, an expert in karst hydrology living in Kentucky who worked with Todd Kincaid (& Cal) on dye tracing, and who has been dealing with similar cave pollution issues

10:30 Presentations

1. Chad is helping to coordinate presentations; he's been trying to get Summer Pell from Wakulla County, but so far she's unavailable
2. Moira Homan from DEP giving a BMAP update in September
3. Bob suggests looking at our ecological health goal. Currently it's to restore the Wakulla Spring & River to its state at the time the Park was acquired, which was 1986. That's naive and outdated. Bob, Anthony, and Lindsay will work on getting a presentation together for the August meeting.
4. Anthony requests that someone help Chad with coordinating presentations

10:35 Other Topics

1. Amy Conyers has been terminated as Wakulla Springs park manager by DEP; lots of people upset about it. Sandy Cook, a former park manager, has set up a GoFundMe account to help Amy and her family:
<https://gofund.me/41dd1eae>
2. Brian reported that the "English Forest" Florida Forever application has been put on hold until the next round of evaluation starting in October. The land owner balked at the last minute at having the FF evaluation team visit the site, though he should have been aware all along that it's part of the process. The good news is that the English Forest project will not have to go through the initial review and "first vote" process again.
3. David - Proposal from PR firm Hammerhead Communications to work on getting coverage, etc., for \$2500.

Note: a Paypal donation page was set up for the Downriver Project by Clean Water Wakulla:

https://www.paypal.com/donate/?hosted_button_id=67K22BFWHDPJE

Upcoming meetings and events – 4th Friday of the month

1. August 25 Zoom only

2. September 22 in person only - Wakulla County Community Center
318 Shadeville Rd. Crawfordville
 3. October 27, November, December - TBA
- 10:50 Adjourn** moved by Brian, seconded by Gail, no opposition

Appendix 1

Agenda, Wakulla Springs Alliance April Board Meeting,
07/28/2023[See Attached Doc]



Date: Friday, July, 28, 2023
Time: 09:00 AM – 11:00 PM
Location: Zoom Only
Zoom link: <https://fsu.zoom.us/j/97207430086>

Board of Directors Meeting

9:00 Opening

- **Welcome and introductions** – Anthony Gaudio
- **Agenda review** – A Gaudio

9:10 Financial report - Jim Davis [attached] 5 min

9.15 Minutes of June 22, 2023 WSA Board meeting- Brian Lupiani [attached] 5 min

9:20 Report on the 7/11 Community Forum 2 on the Wakulla Springs Protection Ordinance Amendment – Tom Taylor, [See Attached Doc] 15 Min

Presentation on the Citizens Springs Protection Ordinance created by the working group established at the 6/14 Forum, members:

Kent Zaiser, Wally Ford, Pete Scalco, David Damon, Robert & Peggy Speed
Kathleen Von Hoene. Renee Murray, Adrienne Johnson, Jack Davis, Stacey Bian
Karen Maguire, Julie Harrington, Bob Deyle, Anna Garner Chair

9:35 Report on The 7/17 Wakulla County Board of County Commission Meeting and lack of action on Citizens Springs Protection Ordinance – Bob Deyle [See Attached Doc]

20 Min

9:55 Q&A on Both the Forum and WCBOCC mtg. 10 min

10:05 Discussion on next Steps 20 min

10:25 Florida springs 2023 legislation signed update - Ryan Smart, Executive Director, Florida Springs Council 10 Min

10:35 Spring shed and river update - Cal Jamison 10 Min

10:45 Volunteer needed from Board to be Presentation Co-coordinator –We have Moira Homann from DEP giving a BMAP update at the September WSA meeting but could use a presenter for August and October 5 min

10:50 Other Topics: 5 Min

4. Amy Conyers termination as Wakulla Springs park manager by DEP
5. Topics for August Mtg.?
6. Others?

Upcoming meetings and events – 4th Friday of the month

Currently, reservations have been made for use of the conference room at the Renaissance Center for the following dates in 2023 from 08:45 - 12:30:

July 28 & August 25 Zoom only, September 22 in person only location Wakulla County Community Center 318 Shadeville Rd. Crawfordville, 32327, October 27 TBD, December 1 TBD (conference room not available November 17th TBD)

10:55 Adjourn

Appendix 2

07-28-23 WAKULLA SPRINGS ALLIANCE Board Meeting Participants

Zoom-only meeting

Officers

Anthony Gaudio, Chair
Mike Keys, Vice Chair
Jim Davis, Treasurer
Brian Lupiani, Secretary

Directors

Bob Deyle
Gail Fishman
Albert Gregory
Cal Jamison
Lindsay Stevens (Nature Cons)
Tom Taylor

Members and Guests

Dale Allen (WMDAL?)
Lynn Artz
Madeleine Carr
David Damon
Gil Damon (Clean Water Wakulla)
Sue Damon
Westi Jo DeHaven-Smith
Wade E
H Feltrup
Andreas Hagberg
Scott Hannahs
Caryl Kilinski
C Lawhon
Stephen Martin
Michael Mendez (Leon Co Democratic Envir Caucus)
John Parks
b(ruce?)ritchie
Taylor Thorne
Paul Thurman (NFWWMD)
Kathleen Von Hoene
Sophie Wacongne-Speer

Directors Not In Attendance:, Rob Gelhardt, Chad Hanson, Howard Kessler, Debbie Lightsey

Appendix 3

WAKULLA SPRINGS ALLIANCE FINANCIAL REPORT FOR THE 6 MONTHS ENDED JUNE 30, 2023

INCOME

Donations	\$ -
Memberships	650.00
	<u>650.00</u>

EXPENSES

Awards	-
Florida Corporate Annual Report	-
Big Bend Environmental Forum	-
PayPal Fees	19.58
Earl Bacon Agency - Insurance	1,132.78
	<u>1,152.36</u>

SURPLUS/(DEFICIT)	(502.36)
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BANK BALANCE - 12/31/2022	9,299.81
PAYPAL BALANCE - 12/31/2022	643.61
TOTAL - 12/31/2022	<u>9,943.42</u>

BANK BALANCE - 6/30/2023	9,427.07
PAYPAL BALANCE- 6/30/2023	13.99
TOTAL 6/30/2023	<u><u>\$ 9,441.06</u></u>

Appendix 4

July 11, 2023 Wakulla Community Forum Report

Overview

The Wakulla Springs Alliance, Clean Water Wakulla, Friends of Wakulla and the Gulf Speciman Marine Lab Springs, hosted a forum to give the entire community an opportunity to present and seek support for a Wakulla Springs Protection Ordinance amendment primarily focused on the use and storage of regulated substances. The goals were to better protect the springs, aquifer and everyone's drinking water, to minimize the risk of economic disasters from spills. The Community Forum was held at the Wakulla Environmental Institute, 170 Preservation Way, in Crawfordville.

Ana Garner presented This summary report does not capture everything or exactly what was said.

Agenda

- 6:00 Welcome and workshop purpose
- 6:10 Background
 - 6:25 Proposed ordinance presentation with audience questions and comments and expert panel responses
- 7:35 Vote on the proposed ordinance and discussion of next steps
- 8:00 Adjourn

Welcome and workshop purpose

David Damon acknowledged the cosponsors, Clean Water Wakulla, Friends of Wakulla Springs and the Gulf Speciman Marine Lab

Background

David Damon provided a history of efforts by state and local governments, advocacy groups and Wakulla citizens to address the groundwater risks from the use and storage of regulated substances, including by gas stations. These are some notes from his presentation:

- A little over a year ago SW Georgia OC proposed a gas station over Chip's Hole cave system. A Comp Plan amendment was needed. There was significant opposition and the application was pulled at the last minute. See map in Appendix A.

- The BOCC ask for a review of the 1994 Springs Protection Ordinance. Originally there was talk about a stakeholder groups to draft ordinance. That did not happen. County hired contractor to draft minimal regulations in Ordinance.
- Most folks felt the proposed ordinance does not go far enough. There are no setbacks from caves. It does not address fuel storage tanks: under or above ground. The proposed ordinance would allow UST above caves.
- At the BOCC meeting on June 5, 2023 there was concern that State preemption law would prevent Wakulla county from adopting more stringent standards.
- A conversation with a DEP official indicated that preemption only applies to storage tank design, etc., not location. Setbacks for karst areas, caves, etc. are land use issues and are not preempted.
- In summary we are not opposed to the new regulations, they just do not go far enough. We need to add setbacks and tank placement to the regulations.

Proposed Ordinance

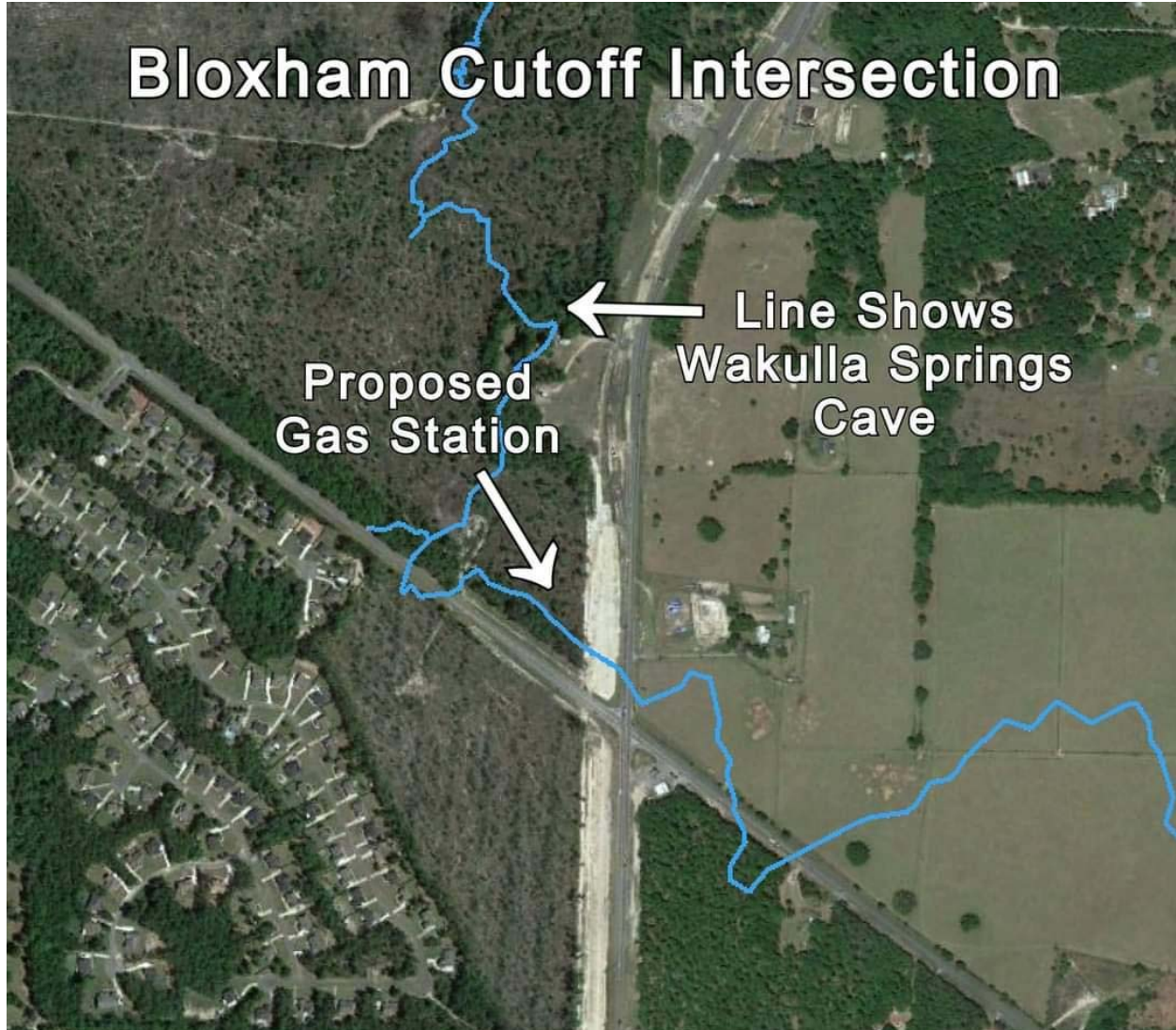
Ana Garner presented each section of the proposed ordinance, which was developed by a committee that was formed at the June 16, 2023 Wakulla Community Forum. Appendix B has the ordinance with bulleted questions, comments and responses from the panel that included Bob Deyle and Renee Murray and from others in the audience.

Vote on the Proposed Ordinance

David Damon called for a vote on the proposed ordinance. 58 people in the room and 7 people on Zoom voted to support the ordinance. There was no opposition.

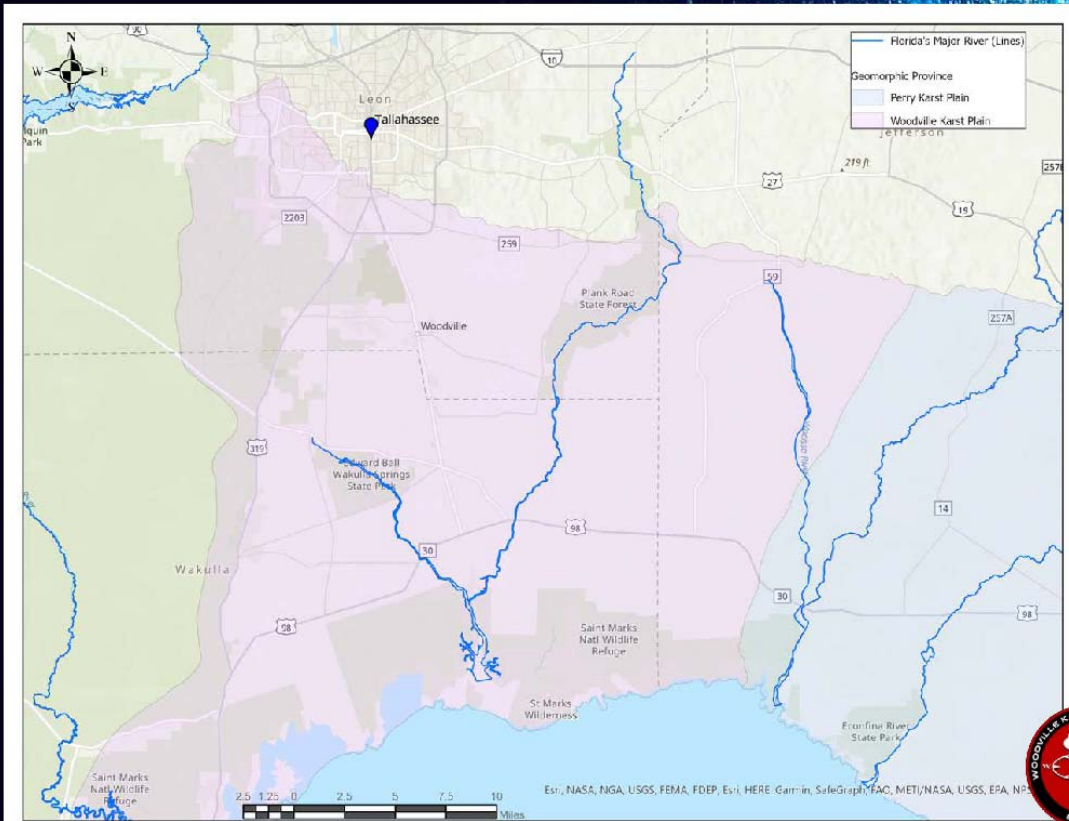
Next Steps

Everyone was encouraged to attend and invite others to the Wakulla County Commission Meeting on Monday, July 17 starting at 5:00 PM. This item is # 25 on the agenda. Calling, texting and emailing Commissioners was also suggested. The letter to the Commissioners in Appendix C. A flyer promoting attendance at the meeting is in Appendix D.

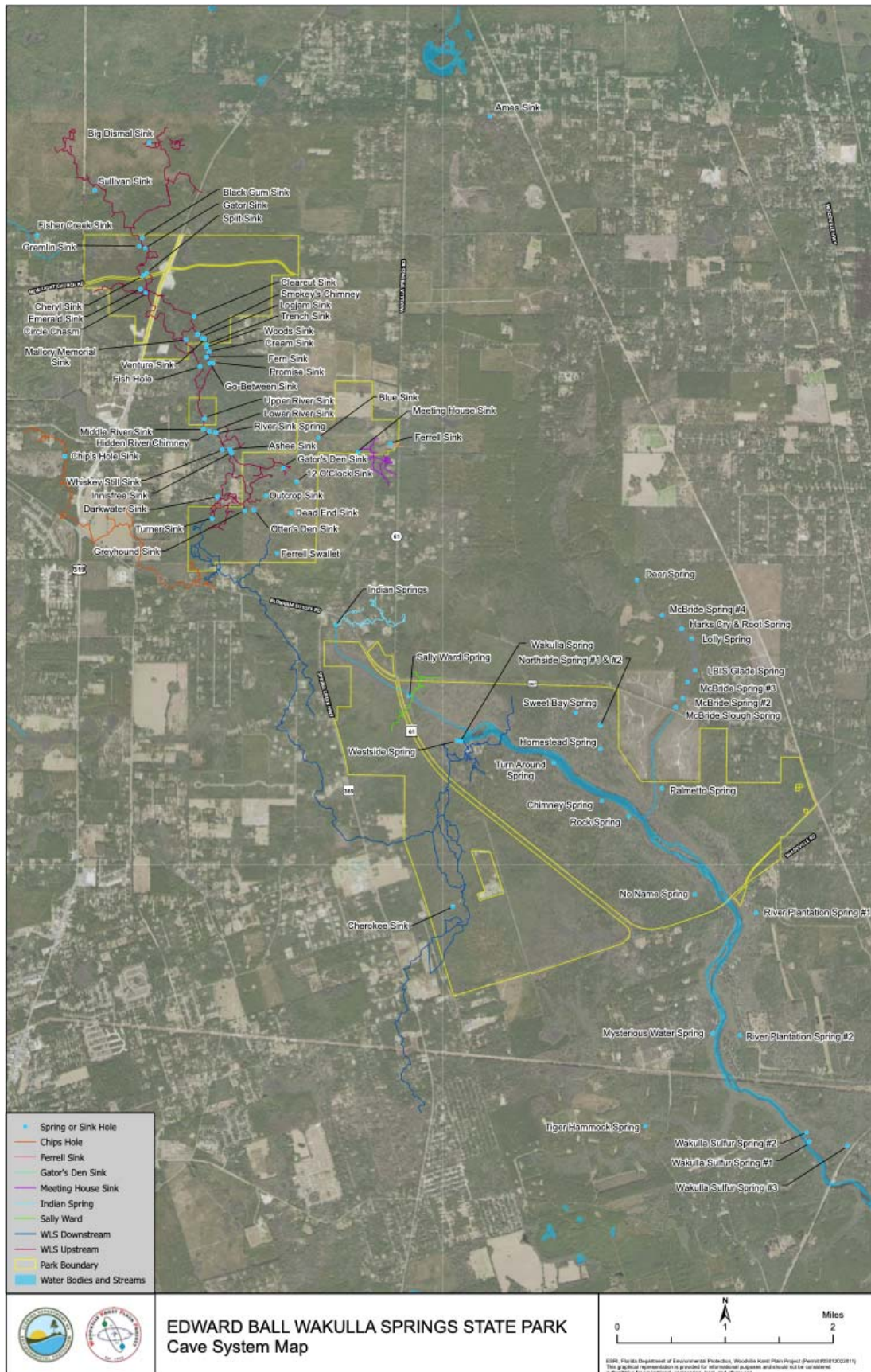


Tallahassee Democrat Photograph.

Woodville and Perry Karst Plains



Wakulla Karst Plain Project ©



Appendix B

(Bulleted items are questions, comments and responses added at the forum)

ORDINANCE NO. 23-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA, FLORIDA RELATED TO COMMERCIAL DEVELOPMENT OF CONCERN AND PROTECTION OF THE FLORIDAN AQUIFER AND WAKULLA COUNTY’S SPRINGS AND THEIR CAVE SYSTEMS IN WAKULLA COUNTY; CREATING SECTION 6-38 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY, FOR CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Wakulla County Board of County Commissioners (the “Board”) finds that Wakulla Springs is a valuable cultural and natural resource and asset to Wakulla County and the State of Florida; and

WHEREAS, Wakulla Springs is a regionally significant natural resource and an Outstanding Florida Spring; and

WHEREAS, the Floridan aquifer is the source of drinking water for many Wakulla County residents; and

WHEREAS, the Board recognizes the vulnerability of Wakulla Springs and the entire Floridan Aquifer to contamination; and

WHEREAS, the Board acknowledges the extensive efforts made over several decades to map the underwater cave system of the Woodville Karst Plain through various dye-tracing and diving activities; and

WHEREAS, the Board further acknowledges the presence and vulnerability of many known and unknown underwater caves and other karst features throughout the County; and

WHEREAS, the Board finds it appropriate to adopt regulations that are consistent with and meet or exceed the goals, objectives, and policies established in the Wakulla County Comprehensive Plan 2040 (the “Comprehensive Plan”), related to the protection of natural resources and groundwater quality; and

WHEREAS, the Board acknowledges that the Wakulla County Comprehensive Plan requires Wakulla County to maintain maps of aquifer vulnerability, including the Wakulla County Aquifer Vulnerability Assessment (WCAVA), and utilize the vulnerability maps in project evaluations; and

WHEREAS, it is the Board's intent to be consistent with the Florida Administrative Code and Florida Statutes; and

WHEREAS, it is the Board's intent to be consistent with federal, state, and local government laws and regulations protecting wellheads, Outstanding Florida Springs, and aquifers; and

WHEREAS, the Board finds that it is in the best interest of the citizens of Wakulla County and the State of Florida to protect and preserve the water quality of Wakulla Springs, its connected underwater caves, and the entire Floridan Aquifer; and

WHEREAS, the Board finds that in order to protect and preserve the water quality of Wakulla Springs, its connected underwater caves, and the entire Floridan Aquifer, the Board must regulate commercial development that involves the use, treatment, storage, or disposal of hazardous substances, hazardous wastes, or petroleum products within the entire boundary of Wakulla County;

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

SECTION 1. INCORPORATION OF RECITALS. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. AMENDMENT OF SECTION 2-4 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE. Section 2-4 of the Land Development Code, entitled "Definition of Terms," is hereby amended to include the following definitions:

Commercial Development of Concern: Any use of land within Wakulla County associated with the storage, sale, or distribution of goods or the performance of services that involves the use, treatment, storage, or disposal of regulated substances as defined herein.

Karst: A general term describing both landforms and processes related to the dissolution of soluble rock.

Karst Terrain: An area created from the dissolution of geologic materials by water characterized by distinctive landforms (such as springs, caves, sinkholes) and a unique hydrogeology that results in aquifers that are highly productive but extremely vulnerable to contamination.

Professional Engineer: A Professional Engineer licensed to practice in the State of Florida who performs the engineering functions described in this Code on behalf of the applicant.

Professional Geologist: A Professional Geologist licensed to practice in the State of Florida who performs the geologist functions described in this Code on behalf of the applicant.

Professional Land Surveyor: A Professional Land Surveyor licensed to practice in the State of Florida who performs the surveying functions described in this Code on behalf of the applicant.

Regulated Substances: Hazardous substances identified in 40 CFR 302 or its successor in function, regardless of whether said substances meet the noted reportable quantities noted therein; hazardous wastes as regulated under Chapter 62-730, F.A.C.; and petroleum products as regulated under Chapters 62-761 and 62-762 F.A.C..

Special Protection Areas: Buffer zones delineated around Vulnerable Features, or areas with subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer, within which land uses are regulated to protect the quality of the groundwater resource.

Vulnerable Features: Springs, spring runs, and underwater cave systems, as well as excavations and karst features, such as sinkholes and swallets, which have the potential to discharge directly to the aquifer.

- Pesticides, herbicides and other chemicals are included. There is an exclusion for agriculture land uses. For example, the fish farm in Woodville can't be regulated.
- There are petroleum products in pesticides and herbicides.
- This is consistent with current regulations.
- Does this apply to borrow pits and excavations? Hernando County addresses excavations that discharge to the aquifer.
- Will existing facilities be grandfathered in. Yes. Only new commercial uses can be regulated.
- We have enough car washes and gas stations already.
- There may be limits on modifications of existing facilities.

SECTION 3. CREATION OF SECTION 6-38 OF THE WAKULLA COUNTY LAND DEVELOPMENT CODE. A new Section 6-38 of the Wakulla County Land Development Code, entitled "Wakulla County Springs and Aquifer Protection Regulations," is hereby created to read as follows:

Sec. 6-38. Wakulla County Springs and Aquifer Protection Regulations.

(1) Applicability.

- (a) All applications for Comprehensive Plan text amendments, Comprehensive Plan map amendments, zoning changes, and site plan approvals for commercial development shall identify if any Regulated Substances will be used, sold, treated, stored, or disposed of onsite and, if so, shall adhere to the regulations described in this Section, as well as all applicable state and federal laws, rules, and regulations.
- (b) A Professional Geologist and/or Professional Engineer, as applicable, shall certify that the submitted information, the site characteristics, and the project documentation provide reasonable assurance of compliance with this Section.

(2) Geophysical Investigation Survey

(a) A Geotechnical Assessment Report shall accompany all applications for site plan review for Commercial Development of Concern sites located within 1000 feet of the bank or rim of any readily identified Vulnerable Feature or the mapped centerline of an underwater cave as well as any existing closed depression relic karst features, rock outcroppings, active ground subsidence, or other karst features identified by site survey or other information such as LIDAR imagery.

(b) All geotechnical work performed for the survey shall utilize tools and techniques that are best practice for geological surveys in known karst terrain to adequately perform the work. All field and survey work shall be certified by a Professional Geologist.

(c) The report shall include the following:

1. Geophysical Investigation Survey
2. Geotechnical Assessment

(d) Geophysical Investigation Survey

1. The Geophysical Investigation Survey shall be conducted to provide a preliminary evaluation of the site to be developed and the area within 1000 feet of the site property boundary.
2. The survey shall describe any Vulnerable Features that can be identified through visual inspection, available topographic and LIDAR data, local and state information on springs, a review of digital underwater cave maps available from the Florida Geological Survey, and other available geological and water resource information.
3. The survey results shall be used to identify “suspect areas” on the site to be developed that exhibit evidence of subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer.

(e) Geotechnical Assessment

1. The Geotechnical Assessment shall determine the nature and thickness of subsurface materials, including depth to bedrock, groundwater level, presence of subsurface voids or cavities, depth and thickness of the intermediate confining unit as depicted in Figure 5 of the Wakulla County Aquifer Vulnerability Assessment (WCAVA), thickness of the Floridan aquifer overburden as depicted in Figure 6 of the WCAVA, and the presence of and depth to underwater cave systems as depicted on digital maps available from the Florida Geological Survey.
2. At minimum one boring shall be taken on the site to be developed in each geologic unit present, as mapped by the Florida Geological Survey and U.S. Geological Survey and County records that reflect the geological features of that geological unit.

3. Additional borings of at least 50 feet in depth shall be undertaken, in addition to the use of ground penetrating radar or other appropriate geotechnical techniques, to further analyze any “suspect areas” identified on the site during the Geophysical Investigation Survey that indicate the possible presence of subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer.
4. The assessment shall include
 - (i) Site location
 - (ii) Description of subsurface conditions.
 - (iii) Stratification based on visual soil classification.
 - (iv) Computer-generated boring logs with field and laboratory data.
 - (v) A karst feature inventory showing the footprint of each commercial structure and the locations of all Vulnerable Features within 1000 feet of the site.
 - (vi) The boundaries of any Special Protection Areas delineated per Section 6-38(4) of the Land Development Code.
 - (vii) The locations and characteristics of areas exhibiting evidence of subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer.
5. All geotechnical work performed shall utilize tools and techniques that are best practice for geological surveys in known karst terrain. Subsurface data may be acquired by various exploration methods including standard penetration test soil borings, electric piezocone penetration test soundings or test excavations with remote operated equipment.
6. The data listed herein shall be acquired under the direct supervision of a Professional Geologist or Professional Engineer who is experienced in conducting such studies with at least five (5) years of experience with karst geology/hydrology.
7. All material penetrated by borings shall be logged, characterized, and certified by a Professional Geologist.

(3) Karst Management Plan

- (a) A Karst Management Plan shall be prepared for any Commercial Development of Concern for which the Geotechnical Assessment Report identifies one or more Vulnerable Features on site or within 1000 feet of the site property boundary or any areas on the site to be developed that exhibit evidence of subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer.
- (b) The plan shall be certified by a Professional Geologist and shall be submitted with any application for site plan review.
- (c) The plan shall include:

1. A map depicting the footprint of each commercial structure, the locations of all Vulnerable Features within 1000 feet of the site, and the finished topographic contours of the site at a maximum 2-foot contour interval, with spot elevations sufficient to determine low points or discernable edges.
2. A protection strategy for Vulnerable Features located within 1000 feet of any structure on the site where Regulated Substances will be used, sold, treated, stored, or disposal of.
 - i. The strategy shall employ best management practices defined by state or federal agencies, professional organizations, and peer-reviewed research for the design and operation of the facility so as to minimize releases of any Regulated Substances onto or below the surface of the ground and to minimize impacts during construction.
 - ii. The strategy also shall employ best management practices to prevent Regulated Substances from reaching any Vulnerable Features by detecting and mitigating any release that may occur.
3. Applicants shall seek review and comment on the proposed protection strategy from knowledgeable experts in county and state agencies, universities, and professional organizations. Concerns raised by county or state agencies shall be addressed in the strategy.
4. Modifications shall be made to the protection strategy if new information is discovered during site preparation or construction about the presence or nature of Vulnerable Features or the presence of subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer.

(4) Delineation of Special Protection Areas.

Special Protection Areas (SPAs) shall be designated around Vulnerable Features as defined herein or any areas of the site exhibiting evidence of subsurface conditions that could lead to surface collapse or the opening of new pathways for contamination of the aquifer. The Special Protection Area shall consist of a buffer of five hundred (500) feet measured from the rims of excavations, sinkholes, springs, spring runs, and swallets and from the centerlines of underwater cave systems as depicted on digital underwater cave maps available from the Florida Geological Survey.

- Does that apply to natural gas? We don't know.
- Will this apply to Leon County? No.
- The cave centerline should be measured at the surface. The reference will be the cave line on the adopted map.
- How much of Wakulla County is not in a SPA? The LIDR maps are dotted with karst features.

(5) Prohibited uses within Special Protection Areas.

The following uses are prohibited within Special Protection Areas:

- (a) Aboveground and underground tankage, treatment, storage, disposal, or transfer of regulated substances as defined herein and as regulated under Chapters 62-730, 761, and 762 F.A.C.
- (b) Underground and aboveground transmission pipelines for petroleum product as defined in Chapters 62-761 and 762 F.A.C.

(6) Application Fee.

The Board of County Commissioners may adopt, by separate resolution, fees for review of an Environmental Management and Geotechnical Assessment Plan, a Geotechnical Assessment Report, Geophysical Investigation Survey and/or a Karst Management Plan by a Professional Geologist and/or Professional Engineer, as applicable, submitted pursuant to this Section, which shall be paid by the applicant at the time of filing of the application for site plan approval.

SECTION 6. CODIFICATION IN THE CODE OF ORDINANCES. 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 Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 7. 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.

SECTION 8. 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 take effect as provided by law.

- We will add an enforceability section.
- Property owners are responsible for damage from spills.

PASSED AND ADOPTED by the Board of County Commissioners of Wakulla County, Florida, this __ day of _____, 2023.

**BOARD OF COUNTY
COMMISSIONERS OF WAKULLA
COUNTY, FLORIDA**

By: _____
RALPH THOMAS, Chairman

ATTEST:

GREG JAMES, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

HEATHER J. ENCINOSA, ESQ.
County Attorney

Other comments

- What if the BOCC rejects this? Can we sue them? We have plans if this happens.
- How will you monitor compliance with regulations with permits? This is a problem with stormwater ponds. The best management practices in the management plan need a clause about County monitoring and enforcement.
- Ask for certification of compliance by a professional engineer.
- The state requires monitoring of tanks. Today's tanks are better designed and monitored than in the past.
- If the power goes off, the monitoring may go off.
- You may want call for an "environmental" rather than a "geotechnical" assessment.
- We will encourage Wakulla County and DEP coordination.
- You may need a third party arbitrator.
- Have you talked to the county attorney? No.
- The county can do a 2 year pollution control program process and take over state responsibilities for regulation. This is probably not practical.
- Clarify that this is a grassroots effort and the Commissioners need to respond to the people. We count on clean water. Our way of life is threatened.
- How do we get people to come to the commission meeting at 5:00? It is #25 on the agenda so you have time to get there after work.
- Motion to approve was made by Harvey Linbach and seconded by Madalaine Carr. 58 in the room and 7 on zoom voted to support the proposed ordinance. There was no opposition.
- Invite your neighbors, church members, friends, co-workers and everyone to the Monday July 17, Wakulla Commission meeting. Use the flyers in Appendix D.
- Show up and make calls and send emails and texts.
- Dr. Ann Rudloe made efforts in 1987 to get the NFWFMD to take action on algae. We need to carry on these efforts.

Appendix C

THE CITIZENS' PROPOSAL

FOR WATER QUALITY

Dear Commissioners Hess, Kemp, Messersmith, Nichols, and Thomas:

We, the undersigned, are citizens who owe our heritage and livelihoods to the waters of Wakulla County. We are oyster farmers, crabbers, and charter captains. We are hunters, paddlers, sailors, and sport fishermen. We are veterans, teachers, pastors, park rangers, retirees, and small business owners. Above all, we are neighbors united in the belief that every man, woman, and child in Wakulla County has the right to good fishing, healthy waterways, and clean drinking water.

Today, on July 11, 2023, we have come together to help you, our duly elected leaders, safeguard the waters upon which we depend. We, therefore, submit for your consideration the *Citizens' Proposal for Water Quality*.

Our recommendations are the result of a thorough citizen-led process. *First*, a community forum was held in June 2023. There, 60 residents discussed their ideas, and 12 volunteered to serve as representatives on a working group. *Second*, the working group convened to draft an ordinance that would reflect the will of the forum attendees and follow guidelines set by the Florida Department of Environmental Protection (FDEP). *Finally*, the broader community met today to review and discuss the draft ordinance. This open forum was hosted by the Wakulla Springs Alliance in partnership with the Florida Springs Council, the Coastal Plains Institute, the Friends of Wakulla Springs, Clean Water Wakulla, and Gulf Specimen Marine Lab.

After deliberation, the citizens assembled have voted resoundingly to endorse the attached draft for your review. The *Citizens' Proposal for Water Quality* will:

1. Protect our fishing, aquaculture, and tourism businesses.
2. Guard our groundwater caves against toxic contamination.
3. Provide guidelines to help County officials locate underground watersystems.

County officials have noted that groundwater protections are legally preempted in some cases. In consulting with FDEP, we learned that this restriction applies only when regulations are already provided by state law (e.g., fuel tank inspections and design requirements). With the help of attorneys, the *Citizens' Proposal for Water Quality* was carefully crafted to avoid such a conflict.

The enclosed proposal is the result of a great effort by dozens of citizens. We are confident that, with your leadership, Wakulla County will enact this proposal to protect our fishing tradition, water quality, and economic prosperity.

Respectfully,

WAKULLA'S WATER BELONGS TO

PEOPLE

NOT POLITICIANS

Wakulla County leaders should protect our drinking water, fishing industry, and springs from further pollution. Please come to Monday's Commission meeting to support a new water plan that preserves our culture and livelihoods.

Monday, July 17
5:00 PM onwards
Commission Chambers
29 Arran Road, 32327

OUR WATER
OUR ECONOMY
OUR FUTURE

LEARN MORE AT
[FACEBOOK.COM/CLEANWATERWAKULLA](https://facebook.com/cleanwaterwakulla)
CLEANWATERWAKULLA@GMAIL.COM



Appendix 5

See attachment "No 25 Hess Ordinance Issue July 17, 2023 BOCC Final Full Agenda"

Appendix 6 – Springshed Update

