

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 12, 2019 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department: Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a resolution stating Palm Beach County’s opposition to the oil drilling application that Kanter Real Estate LLC (Kanter) has submitted to the Florida Department of Environmental Protection, seeking oil drilling rights on property located in the Florida Everglades, and any future oil drilling in the Florida Everglades.

Summary: The County recently learned that Kanter, has submitted an application for an oil drilling permit to the Florida Department of Environmental Protection seeking authorization to conduct exploratory oil well drilling operations on property in the Florida Everglades owned by Kanter. If the permit is granted, it is anticipated that the oil drilling will exceed 11,000 feet in depth, which is well below the area known as the Biscayne Aquifer. Palm Beach County and other local agencies have expressed concerns about the potentially harmful effects to the Everglades fragile ecosystem and injury to the surrounding wildlife. An oil spill or leak would have substantial impacts on the water supply for wildlife as well as drinking water. This would also ultimately affect the state’s fishing industry. Countywide (AH)

Background and Justification: After decades of work and billions of dollars invested, it would be unacceptable and hazardous to allow drilling for oil in the Everglades and other surrounding ecosystems. As we saw with the Deepwater Horizon disaster, regulations and penalties will not be able to meaningfully prevent catastrophic accidents involving drilling. It is vital that Kanter’s permit application be denied in order to safeguard the Everglades.

Attachments:
1. Resolution

Recommended by: N/A Date _____
 Department Director

Approved By:  3/7/19
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years					
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County					
NET FISCAL IMPACT					
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE					

Is Item Included in Current Budget?	Yes	No
Does this item include the use of federal funds?	Yes	No

Budget Account No:

Fund	Agency	Organization	Object
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lisa R 3/4/14
OFMB (M) 2/4 8/3/4

Ann J. Arnold 3/5/19
Contract Dev. & Control
3/5/19 *tw*

B. Legal Sufficiency

Anne Welfant 3-6-19
Assistant County Attorney

C. Other Department Review

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

Resolution No. 2019-

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (BOCC)
OF PALM BEACH COUNTY, FLORIDA, OPPOSING THE OIL DRILLING
PERMIT APPLICATION SUBMITTED BY KANTER REAL ESTATE LLC,
TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SEEKING OIL DRILLING RIGHTS ON PROPERTY LOCATED IN THE
FLORIDA EVERGLADES, AND OPPOSING ANY FUTURE OIL
DRILLING PERMITS FOR PURPOSES OF RESOURCE EXTRACTION;
PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the County recently learned that Kanter Real Estate LLC, a Florida for profit limited liability corporation (Kanter), submitted an application for an oil drilling permit to the Florida Department of Environmental Protection (DEP) seeking authorization to conduct exploratory oil well drilling operations on property in the Florida Everglades owned by Kanter; and

WHEREAS, after an administrative hearing, DEP denied the application for a permit; however that decision was appealed to the First District Court of Appeal which issued an opinion, not yet final, reversing the denial and ordering DEP to grant Kanter's permit application; and

WHEREAS, if granted, the oil drilling is anticipated to exceed 11,000 feet in depth, well below the area known as the Biscayne Aquifer; and

WHEREAS, the County, along with many local agencies, have expressed substantial concerns about the potential harmful effect of the proposed drilling, including potential adverse impacts that such drilling operations will have on the Florida Everglades fragile ecosystem comprised of water supplies, plant and vegetation, as well as the possible harm and injury to wildlife; and

WHEREAS, as with oil and gas wells, the material used for the pipelines will age and degrade over time, increasing the likelihood of leaks. Pipeline accidents are a regular occurrence nationwide. Legislation or regulations will not stop these leaks and spills as history has clearly shown; and

WHEREAS, after decades of work on an Everglades restoration plan with billions of dollars invested, it is unacceptable and hazardous to allow drilling for oil in the Everglades, Big Cypress, and other nearby ecosystem areas. Accidents, spills, and releases of air and water pollutants will likely occur; and

WHEREAS, a spill, leak, or other accident in Big Cypress or the Everglades would have far reaching impacts for water supplies, wildlife and drinking water, including the ecosystem, which feeds the spawning grounds of Ten Thousand Islands, affecting much of the state's fishing industry; and

WHEREAS, as we have seen in the Deepwater Horizon disaster, regulation and potential penalties will not meaningfully prevent catastrophic accidents involving drilling; and

WHEREAS, as a result of Amendment One, the Florida Constitution now requires that the legislature take immediate and certain steps to protect, restore and preserve Florida's lands and water resources by preventing contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments, which may not be possible, after the fact; and

WHEREAS, any type of future oil drilling in the Everglades would be unacceptable for the same reasons stated above.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

Section 1. Palm Beach County hereby publicly expresses its opposition to the exploratory oil drilling operations sought by Kanter Real Estate LLC.

Section 2. The County hereby opposes any legislation that would allow or authorize more permits to allow oil drilling to expand in the Florida Everglades.

Section 3. The County Attorney is hereby authorized to consult with other County Attorneys on strategies and/or options available to the County with regard to the Kanter application as well as the expansion of drilling activities in the Everglades.

Section 4. The County Clerk is directed to send a copy of this Resolution to the Governor of the State of Florida, The Speaker and Minority Leader of the Florida House, The President and Minority Leader of the Florida Senate, and the Members of the Palm Beach County Legislative Delegation.

This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- MACK BERNARD, Mayor -
- DAVID KERNER, Vice Mayor -
- COMMISSIONER HAL R. VALECHE -
- COMMISSIONER GREGG K. WEISS -
- COMMISSIONER ROBERT S. WEINROTH -
- COMMISSIONER MARY LOU BERGER -
- COMMISSIONER MELISSA MCKINLAY -

The Mayor thereupon declared the resolution duly passed and adopted on this _____ day of _____, 2019.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS
SHARON R. BOCK, CLERK

BY: Anne Helfant
Anne Helfant
Assistant County Attorney

BY: _____
Deputy Clerk