



Butte County Measure

Arguments in Support of, or in opposition to, the proposed laws are the opinions of the authors.

E

HYDRAULIC FRACTURING INITIATIVE.

Shall the ordinance entitled "Ordinance Imposing a Ban on Hydraulic Fracturing Within Butte County" be adopted? Yes or No

IMPARTIAL ANALYSIS OF MEASURE E

Measure E is proposed by voters in Butte County who signed an initiative petition. The measure is a proposed ordinance which would ban hydraulic fracturing within Butte County. If approved by a majority of the voters, the proposed ordinance would:

1. Define "hydraulic fracturing" as techniques used in preparing a well that, in whole or in part, typically involve the pressurized injection of water and chemicals, compounds, and materials into an underground geologic formation to expand existing fractures or create new fractures in that formation, thereby causing or enhancing the production of oil or gas from a well. "Hydraulic fracturing" includes "fracking," "hydrofracking," "hydrofracturing," "unconventional well stimulation," and any other nontraditional oil and gas recovery techniques, including procedures commonly referred to as "acidization," "acid fracturing," and "gravel packing."
2. Find that hydraulic fracturing is a new and distinct land use that has not been approved by Butte County; that hydraulic fracturing is a type of land use that is incompatible with other land uses in Butte County; that hydraulic fracturing uses extensive amounts of water thus reducing the availability of water for agricultural, residential, commercial and other public uses; that the use and disposal of toxic chemicals in fracking operations can cause serious harm to the surface and groundwater supply and contaminate the land either directly or through leaky wells; that hydraulic fracturing generates numerous types of air pollutants, including volatile organic compounds ("VOCs"), methanol, formaldehyde, and carbon disulfide, which can result in serious regional air pollution problems and contribute to smog formation; and that hydraulic fracturing contributes to the risk and severity of earthquake activity.

3. Impose an immediate ban on land use involving hydraulic fracturing and related activities, including the disposal of fracking byproducts within the County's boundaries.
4. Require full public disclosure and testing of all existing fracking sites and injection/disposal wells, and allow government access and testing of the chemicals used in fracking operations.
5. Exempt all vested rights in well stimulation. A person claiming a vested right would be required to demonstrate to the County through clear and convincing evidence that a vested right exists. If proven to exist, the vested right would expire upon completion of the first occurrence of the claimant's well stimulation. The drilling, maintenance, or operation of an existing well would not constitute a vested right to use fracking or other unconventional well stimulation.
6. Require appropriate amendments to the Butte County General Plan within the elements of land use, water, and air quality.
7. Remain in effect until the Board of Supervisors determines that the state has enacted and enforced regulations that provide sufficiently thorough protections to public health and safety, and natural resources of the state, including full and advance public disclosure and testing of all fracking sites and injection/disposal wells while allowing government access to and testing of the chemicals used in specific fracking and related operations.

s/Bruce S. Alpert
County Counsel



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COUNTY AUDITOR-CONTROLLER'S FISCAL IMPACT STATEMENT OF MEASURE E

The Butte County Auditor-Controller has prepared the following fiscal impact analysis of Measure "E" (Hydraulic Fracturing Initiative) pursuant to Election Code Section 9160. This analysis of the resulting costs and revenues of the proposed measure is based on projected requirements to fulfill the intent of the measure.

Fiscal Impact:

This Measure would have no effect on either revenues or expenditures of the County.

ARGUMENT IN FAVOR OF MEASURE E

Water is a basic human necessity, it is also the most valuable resource in Butte County. Since agriculture is our county's number one industry – valued at over \$869 million – water is the lifeblood of Butte County's economy. Over 10,000 signatures of Butte County residents placed Measure E on the ballot to ensure our precious water is protected from carcinogenic and toxic chemicals.

With California's mandatory drought restrictions we are realizing that water scarcity will be a greater problem in the future. Butte County cannot afford to have our aquifers contaminated as a result of the unconventional fossil fuel extraction method, hydraulic fracturing (fracking). Fracking injects toxic chemicals and thousands of gallons of water into the ground to extract natural gas. This water is forever poisoned.

We have seen, elsewhere in California, what fracking has meant: poisoning of aquifers – the largest source of freshwater used for drinking and irrigation – and destroying food crops and healthy air, thus causing serious health problems such as cancer and neurological disorders. Fracking and injection wells also trigger severe earthquakes as large as 4.6 magnitude in California. For more information visit www.frackfreebuttecounty.

The California Senate mandated the "California Council on Science and Technology Report" which states that

fracking "is occurring where many wells have previously been drilled, plugged, abandoned and orphaned." Butte County has over 200 such inactive gas wells which could be targeted for fracking when it is deemed economically feasible. Fracking has already occurred in neighboring Sutter, Glenn and Colusa counties.

Vote Yes on Measure E to guarantee a prosperous future with clean water for our farms, our children, and ourselves. Measure E lets the people decide their future, not outside corporations. Vote yes to ban fracking.

- s/Dave Garcia, Frack Free Butte County
- s/Marlene Del Rosario, Frack Free Butte County
- s/De Lamor J. Del Rosario, Frack Free Butte County
- s/William Bynum, Frack Free Butte County

NO ARGUMENT AGAINST WAS FILED

FULL TEXT OF MEASURE E

The county counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

1. Ballot Title: Ordinance Imposing a Ban on Hydraulic Fracturing Within Butte County.
2. Summary: The proposed ordinance defines "hydraulic fracturing" as techniques used in preparing a well that, in whole or in part, typically involve the pressurized injection of water and chemicals, compounds, and materials into an underground geologic formation to expand existing fractures or create new fractures in that formation, thereby causing or enhancing the production of oil or gas from a well. Included in the definition are the terms "fracking," "hydrofracking," "hydrofracturing," "unconventional well stimulation," and any other nontraditional oil and gas recovery techniques, including procedures commonly referred to as "acidization," "acid fracturing," and "gravel packing."



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The ordinance finds that hydraulic fracturing is a new and distinct land use that has not been approved by Butte County; is a type of land use that is incompatible with other land uses in Butte County; uses extensive amounts of water, thus reducing the availability of water for agricultural, residential, commercial and other public uses; the use and disposal of toxic chemicals in fracking operations can cause serious harm to the surface and groundwater supply and contaminate the land either directly or through leaky wells; generates numerous types of air pollutants, including volatile organic compounds ("VOCs"), methanol, formaldehyde, and carbon disulfide which can result in serious regional air pollution problems and contribute to smog formation; contributes to the risk and severity of earthquake activity.

The ordinance would:

- a) Impose an immediate ban on land use involving hydraulic fracturing and related activities, including the disposal of fracking byproducts within the County's boundaries.
- b) Require full public disclosure and testing of all existing fracking sites and injection/ disposal wells, and allow government access and testing of the chemicals used in fracking operations.
- c) Exempt all vested rights in well stimulation. A person claiming a vested right must demonstrate to the County through clear and convincing evidence that a vested right exists. If proven to exist, the vested right shall expire upon completion of the first occurrence of the claimant's well stimulation. The drilling, maintenance, or operation of an existing well does not constitute a vested right to use fracking or other unconventional well stimulation.
- d) Requires appropriate amendments to the Butte County General Plan within the elements of land use, water, and air quality.

The ordinance shall remain in effect until the Butte County Board of Supervisors determines that the state has enacted and enforced regulations that provide sufficiently thorough protections to public health and safety, and natural resources of the state, including full and advance public disclosure and testing of all fracking sites and injection/disposal

wells while allowing government access to and testing of the chemicals used in specific fracking and related operations.

Text of the Initiative Measure

WHEREAS, "Hydraulic fracturing" means techniques used in preparing a well that, in whole or in part, typically involve the pressurized injection of water and chemicals, compounds, and materials into an underground geologic formation in order to expand existing fractures or create new fractures in that formation, thereby causing or enhancing the production of oil or gas from a well. For the purposes of this ordinance, hydraulic fracturing shall include the terms "fracking," "hydrofracking," "hydrofracturing," "unconventional well stimulation," and any other nontraditional oil and gas recovery techniques, including procedures commonly referred to as "acidization," "acid fracturing," and "gravel packing"; and

WHEREAS, hydraulic fracturing is a new and distinct land use that has not been approved by Butte County; and

WHEREAS, hydraulic fracturing is a type of land use that is incompatible with other land uses in Butte County; and

WHEREAS, fracking uses extensive amounts of water thus reducing the availability of water for agricultural, residential, commercial and other public uses; and

WHEREAS, the use of toxic chemicals in fracking operations and the subsequent need to dispose of the residue from fracking activities (e.g. through injection wells) can cause serious harm to the surface and groundwater supply and contaminate the land either directly or through leaky wells; and

WHEREAS, air quality and the effect of emissions of pollutants are of major concern to public health, safety and welfare of Butte County residents; and fracking activities are known to generate numerous types of air pollutants, including volatile organic compounds ("VOCs"), methanol, formaldehyde, and carbon disulfide; and fracking can result in serious regional air



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pollution problems and contribute to smog formation; and

WHEREAS, hydraulic fracturing and disposal of fracking byproducts by injection contribute to the risk and severity of earthquake activity; and

WHEREAS, the prosperity, health, safety and well-being of Butte County citizens depend on the availability of clean water, unpolluted air and land free from contamination; and

WHEREAS, state law and the California Constitution expressly reserve the authority of local governments to determine the zoning and land use appropriate for each county.

THEREFORE, BE IT RESOLVED that the County of Butte does hereby declare its right and responsibility to preserve the integrity of local water, land and air quality as the foundation for economic, environmental and human health security by adopting the following ordinance:

- 1) An immediate ban on land use involving fracking, acidization, and other well stimulation techniques, and related activities, including the disposal of fracking byproducts within the County's boundaries;
- 2) Full public disclosure and testing of all existing fracking sites and injection/disposal wells, and allowing government access and testing of the chemicals used in fracking operations;
- 3) This ordinance shall exempt any and all vested rights in well stimulation. A person claiming a vested right must demonstrate to the County through clear and convincing evidence that a vested right exists. If proven to exist, the vested right shall expire upon completion of the first occurrence of the claimant's well stimulation. The drilling, maintenance, or operation of an existing well does not constitute a vested right to use fracking or other unconventional well stimulation;

4) The passage of this ordinance shall require, as needed, amendments to the Butte County General Plan within the elements of land use, water, and air quality;

5) This ordinance shall remain in effect until the Butte County Board of Supervisors determines that the State has enacted and enforced regulations that provide sufficiently thorough protections to public health and safety, and natural resources of the state, including full and advance public disclosure and testing of all fracking sites and injection/disposal wells while allowing government access to and testing of the chemicals used in specific fracking and related operations.