

BEFORE THE ARKANSAS NATURAL RESOURCES COMMISSION

In the Matter of: The Designation of Monroe County as a Critical Groundwater Area for both the Mississippi River Valley Alluvial and Sparta Memphis Aquifers

CGWA 2019-01

ORDER

After review of the Staff Recommendation for the Designation of Monroe County as a Critical Groundwater Area and the Record of Decision in this Matter, the Commission hereby adopts the Findings of Fact and Conclusions of Law below:

1. Having met the requirements of Commission Rule 403.1, the Mississippi River Valley Alluvial aquifer and the Sparta Sand aquifer underlying Monroe County is designated a critical groundwater area pursuant to the Arkansas Groundwater Protection and Management Act and will be included within the Cache Critical Groundwater Area.

2. This designation **does not** include institution of regulatory authority. While the General Assembly provided for regulation in the Arkansas Groundwater Protection and Management Act, it is not the intent of the Commission to take this step at this time. The recommended designation is a non-regulatory means of focusing educational and conservation efforts on a serious resource threat. The designation will focus resources of the Monroe County Conservation District, the University of Arkansas Division of Agriculture Cooperative Extension Service, and the Commission, on resolving groundwater depletion within Monroe County.

3. The Commission and staff will take the following actions:

a. Water plan compliance review of projects under Arkansas Code Ann. §15-22-503(e) and Title VI of the Commission's rules that make additional use of the Mississippi River Valley Alluvial and Sparta/Memphis Sand aquifers

underlying Monroe County should be approved only when there is no other economically or technically feasible alternative, or when human health requires.

b. The Commission's financial assistance programs will give priority to projects within Monroe County that use surface water, avoid use of the Sparta/Memphis Sand aquifer for agricultural irrigation, and implement groundwater conservation.

c. The Commission's conservation, education, and information program will focus its efforts within Monroe County on technology transfer, training, technical assistance, research, and demonstration projects. The Commission will use a portion of the water use fees collected pursuant to Ark. Code Ann. § 15-22-913 and 914 to encourage conjunctive water use including, when appropriate, the substitution of surface water, avoidance of the Sparta/Memphis Sand aquifer, and water conservation within Monroe County.

d. Commission staff will encourage the use of state income tax credits available under the Water Resources Conservation and Development Incentives Act (Arkansas Code Ann. § 26-51-1001- 1014). Persons who convert from ground to surface water use within the area are eligible to apply for tax credits amounting to 50% percent of eligible project costs. Landowners converting to surface water use outside critical areas are limited to a 10% credit.

e. Commission staff is directed to continue monitoring water levels within Monroe County and to report back to the Commission periodically.

f. The Commission shall maintain jurisdiction over this matter and shall enter additional orders as it deems necessary.

Adopted this 15th day of May 2019.

Arkansas Natural
Resources Commission


Sloan Hampton, Chair

ATTEST:



Bruce Holland
Executive Director

