Agenda Item: 10-11 Renewal of the Cooperative Agreement between the Environmental Management Commission, the Division of Water Resources, and the Lumber River Council of Governments

Explanation: There is continued evidence of water level declines in the Black Creek and Upper Cape Fear aquifers in the Southern Coastal Plain, especially in Bladen, Robeson, Cumberland, Scotland, and Columbus counties. Evidence of dewatering of the Black Creek aquifer exists locally beneath Smithfield Foods, Inc. near the town of Tarheel. Regional ground water use and aquifer water level trends have been documented in a capacity use investigation by the Division of Water Resources. However, at this time the Division supports renewing a regional ground water management agreement signed in October 2004 instead of proceeding towards designation of a capacity use area through rule-making. The existing agreement has hastened the development of an intake and water treatment facility on the Cape Fear River at Bladen Bluffs near Tarheel. Renewal of this agreement should continue to bring faster progress toward sustainable use of water sources and more comprehensive protection of the Black Creek and Upper Cape Fear aquifers through the guidance of the Lumber River Council of Governments and its stakeholders. The Environmental Management Commission will review the situation annually to assure that objectives are met.

If timely progress is not being made toward the development of sustainable water sources and the protection of aquifers from overdraft, the Environmental Management Commission can reconsider the adoption of a capacity use area rule at any time.

Recommendation: The Division of Water Resources requests that the Environmental Management Commission approve the renewed Cooperative Agreement.