

GP-03 COOPERATIVE FISH NURSERY FACT SHEET

Purpose

The purpose of this fact sheet is to define a General Permit (GP-03) and explain the scope, conditions, and administrative processes associated with obtaining coverage.

In compliance with the provisions of the Susquehanna River Basin Compact, and its regulations at 18 C.F.R. § 806.17, the Susquehanna River Basin Commission (Commission) has approved the withdrawal of groundwater and/or surface water for use in cooperative fish nurseries as otherwise managed by a member jurisdiction fishery authority under GP-03.

What is a General Permit?

A General Permit is a permit issued by the Commission in lieu of an individual approval for a specific category of projects that the Commission regulates. A General Permit covers a type of activity that can operate under the same conditions and will result in minimal adverse impacts to the water resources of the Susquehanna River Basin.

The General Permit process has several benefits for the regulated community:

- Established criteria for qualification to operate under the General Permit.
- Established conditions of operation under the General Permit.
- Streamlined application and review process, resulting in quicker permit decisions.
- Lower application fees.

Scope of General Permit (GP-03)

In general, cooperative fish nurseries are overseen by member jurisdiction agencies and follow member jurisdiction regulations, policies, or standards for their operation. GP-03 is designed to provide a pathway for cooperative fish nurseries, in partnership with a member jurisdiction fishery authority, to withdraw water for flow-through use in nursery operations and related incidental uses. Under current regulations, many of these cooperative nurseries would be subject to the full review under 18 C.F.R. Part 806. GP-03 is designed to avoid duplication of those member jurisdiction authorities and standards, and covers three water withdrawal activities for cooperative fish nurseries:

1. An existing or new cooperative fish nursery withdrawing from a surface water source(s) for flow-through use in nursery operations and related incidental uses, either from one source or combination of sources.

2. An existing cooperative fish nursery withdrawing a historic consecutive 30-day average of 100,000 gallons per day (gpd) to 500,000 gpd from an existing groundwater source(s) for flow-through use in nursery operations and related incidental uses, either from one source or combination of sources.
3. A new cooperative fish nursery withdrawing from a combination of sources for flow-through use in nursery operations and related incidental uses, wherein a new groundwater source, or combination of groundwater sources, does not exceed 100,000 gpd.

New groundwater withdrawals withdrawing a consecutive 30-day average of 100,000 gpd or more from groundwater in combination from all sources are not included for coverage by GP-03 and are required to proceed through the individual approval process.

A new project may include a combination of surface water and groundwater source(s) in order to achieve appropriate flows, provided the groundwater source(s) remains below 100,000 gpd. The surface water source, in that combination of sources, would follow the scope of Item 1.

Administrative Process

A project sponsor can be the member jurisdiction agency authorizing the cooperative fish nursery, and can review this process and decide if their cooperative fish nurseries fit within the three activities covered by GP-03. If the project does, the project sponsor may request permission to operate under GP-03 by filing a Notice of Intent (NOI) to the Commission. The NOI is a short application form that the project sponsor fills out with basic project information, and can be found on the Commission's website. The Commission will publish every NOI on its website. There is a 30-day public comment period for every NOI published on the Commission's website.

Commission staff reviews the NOI for completeness. Upon close of the public comment period and after review of comments received, the Executive Director of the Commission then determines if an Approval of Coverage to operate under GP-03 may be issued to the project sponsor. Notice of approval or denial of coverage will be published in the Federal Register.

Fee

The NOI fee for coverage under GP-03 is \$1,000, which includes review of the project's details. This fee may change with annual updates to the Commission's Regulatory Program Fee Schedule.

Term

GP-03 has a term of 15 years, in keeping with Commission regulations at 18 C.F.R. § 806.31 *Terms of Approvals* where projects generally have a term of 15 years. GP-03 is effective June 1, 2024, and the term ends on June 30, 2039.

Activities Not Approved by GP-03

The following activities are **examples** of projects that are **not approved** under GP-03:

- A fish nursery not participating in a member jurisdiction-cooperative fish management program.
- A fish nursery diverting water out of the basin.
- A fish nursery withdrawing from a new groundwater source, a consecutive 30-day average of 100,000 gpd or more from groundwater in combination from all groundwater sources.
- A new surface water withdrawal from any waterway of exceptional quality*.
- Bulk supply water sales of withdrawn water or any other use not directly related to fish nursery activities or needs.

* A waterway of exceptional quality, although undefined in Commission regulations, is generally considered to be those streams throughout the basin with the highest level of protection, such as TS (Trout Spawning Waters) [NY], Exceptional Value (EV) [PA], and Tier II Waters [MD]. Recent water quality data or the results of an Aquatic Resource Survey conducted by the Commission may also be used to identify streams or wetlands functioning as a waterway of exceptional quality.

Conditions

GP-03 contains General Conditions for the withdrawal of water for flow-through use in nursery operations and related incidental uses.

Given that the Commission is proposing a more streamlined review for these types of activities, it is vitally important that project sponsors have their member jurisdiction law permits in place. Accordingly, the GP-03 is conditioned upon “the project sponsor obtaining and maintaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project.” The Commission may modify, suspend, or revoke the Approval of Coverage if the project sponsor fails to obtain or maintain such permits and/or approvals.

The General Conditions are outlined in GP-03, and **examples** of those conditions are:

- The project sponsor shall report violations of any withdrawal limits and any conditions of this General Permit within 5 days of such violation.
- The project sponsor shall adhere to the monitoring plan submitted with the NOI and shall submit a report to the Commission in the form and manner as prescribed by Commission staff.
- The total volume of water withdrawn for nursery operations shall be returned in a flow-through manner to the immediate watershed.
- The distance from the source surface water withdrawal location to the discharge location shall occur within a reasonable distance.
- A groundwater withdrawal from an existing groundwater source(s) may not exceed its historic use.