

General Permit GP-03 COOPERATIVE FISH NURSERY

1. **GENERAL DESCRIPTION AND AUTHORITY** – The Susquehanna River Basin Commission (Commission) hereby approves by General Permit, subject to the terms and criteria set forth below, the withdrawal of groundwater and/or surface water for use in cooperative fish nurseries as otherwise managed by a member jurisdiction fishery authority. This approval is pursuant to Article 3.10 of the Susquehanna River Basin Compact (Compact) and the rules and regulations promulgated thereunder at 18 C.F.R. §§ 806.4(a)(9) and 806.17. The General Permit is subject to the terms and conditions set forth below.
2. **DENIAL OF APPROVAL** – The Commission or Executive Director shall have the discretion, on a case-by-case basis, to deny, revoke, or suspend the approval to use this General Permit for any project determined to not meet or no longer meet the criteria for coverage under the General Permit or to have violated the terms and conditions of this General Permit, provided false or incomplete information on the Notice of Intent (NOI) seeking coverage under the General Permit or for any reason enumerated in 18 C.F.R. § 806.17(d).
3. **DEFINITIONS** – The following terms as used in this General Permit shall have the following meanings:

Commission. The Susquehanna River Basin Commission, as established in Article 2 of the Compact, including its commissioners, officers, employees, or duly appointed agents or representatives.

Cooperative fish nursery. A fish nursery that is managed by an organized group and is a participant in a member jurisdiction program to raise game fish for release for public angling, education, and other fish management activities.

Groundwater. Water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels or percolating through underground geologic formations, and regardless of whether the result of natural or artificial recharge. The term includes water contained in quarries, pits, and underground mines having no significant surface water inflow, aquifers, underground watercourses and other bodies of water below the surface of the earth. The term also includes a spring in which the water level is sufficiently lowered by pumping or other means of drainage to eliminate the surface flow. All other springs are considered to be surface water.

Member jurisdiction. The signatory parties as defined in the compact, comprised of the States of Maryland and New York, the Commonwealth of Pennsylvania, and the United States of America.

Project sponsor. Any person who owns, operates, or proposes to undertake a project. The singular shall include the plural.

Surface water. Water on the surface of the ground, including water in a perennial or intermittent watercourse, lake, reservoir, pond, spring, wetland, estuary, swamp or marsh, or diffused surface water, whether such body of water is natural or artificial.

Withdrawal. A taking or removal of water from any source within the basin for use within the basin.

4. **SCOPE** – The following activities are eligible for coverage under this General Permit:
 - a. 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.
 - b. 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.
 - c. 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.
5. **WHERE GENERAL PERMIT DOES NOT APPLY** – This General Permit does not apply and is not valid for the following circumstances, and an individual permit would be required:
 - a. A fish nursery not participating in a member jurisdiction fish management program.
 - b. A fish nursery diverting water out of the basin.
 - c. 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.
 - d. A new surface water withdrawal from any waterway of exceptional quality.
 - e. Bulk supply water sales of withdrawn water or any other use not directly related to fish nursery activities or needs.
6. **EFFECTIVE TIME PERIOD** – This General Permit shall expire on June 30, 2039.

7. **GENERAL CONDITIONS** – The following general conditions apply to all activities approved by this General Permit:
- a. For groundwater withdrawal sources, in lieu of a hydrogeologic evaluation (18 C.F.R. § 806.12), the project sponsor shall provide a copy of reports, if existing, that have been provided to other regulatory agencies that demonstrate the hydrogeologic and/or hydrologic effects of all groundwater withdrawal(s), including local water availability.
 - b. This General Permit shall not be construed to exempt the project sponsor from 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. All such permits and/or approvals shall be obtained prior to the withdrawal of water. The Commission may modify, suspend, or revoke this General Permit if the project sponsor fails to obtain or maintain such permits and/or approvals.
 - c. If the project sponsor fails to comply with the provisions of the Compact or any rule, regulation, or order of the Commission, or any term or condition of this General Permit, the project sponsor is subject to enforcement actions pursuant to 18 C.F.R. Part 808.
 - d. This General Permit confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this General Permit shall be subject thereto.
 - e. The project sponsor or any other person representing the project sponsor shall allow authorized employees or agents of the Commission, without advance notice, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained, or otherwise exercise all investigative powers authorized under 18 C.F.R. § 808.12.
 - f. The Commission may at any time reopen any General Permit or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment, pursuant to 18 C.F.R. § 806.32.
 - g. The project sponsor shall report violations of any withdrawal limits and any conditions of this General Permit within five (5) days of such violation.
 - h. In accordance with 18 C.F.R. § 806.6, if ownership of the project changes or if the project sponsor undergoes a name change, the project sponsor shall submit application for transfer or reissuance of the Approval of Coverage for this General Permit to the Commission within ninety (90) days of the change in ownership or project sponsor name change.
 - i. 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.

- j. The project sponsor shall maintain legal access to the withdrawal location(s) for the duration of operation under this General Permit.
- k. The project sponsor shall register with the appropriate agency all groundwater and/or surface water sources described herein, as may be required by regulations of the member jurisdiction.
- l. The total volume of water withdrawn for nursery operations shall be returned in a flow-through manner to the immediate watershed.
- m. The distance from the source surface water withdrawal location to the discharge location shall occur within a reasonable distance.
- n. A groundwater withdrawal from an existing groundwater source(s) may not exceed its historic use.
- o. If the Commission determines that the operation of the project's withdrawals adversely affects any existing groundwater or surface water withdrawals, the project sponsor may be required to provide an alternative water supply or other mitigating measure.