



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

June 14, 2023

Mr. Dean Andrews, Superintendent
Tyoga Inc.
P.O. Box 663
Wellsboro, PA 16901

Re: Notice of Transfer of Approvals;
from Tyoga Country Club to Tyoga Inc.;
Delmar Township, Tioga County, Pennsylvania;
Commission Docket Nos. 20011010, 20011010-1, and 20011010-2

Dear Mr. Andrews:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on August 1, 2022, for Commission Docket Nos. 20011010, 20011010-1, and 20011010-2. This request indicated the change in ownership was effective January 1, 2020, from Tyoga Country Club to Tyoga Inc. (project sponsor). Upon review of the project and the submitted request for transfer, it was determined that the request is substantially in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approvals listed above are hereby transferred effective June 14, 2023.

Copies of the above-referenced approvals are available on the Commission's Water Application and Approval Viewer (WAAV) at www.srbc.net/waav.

Please note that the project sponsor may operate under the terms and conditions of the transferred approvals not inconsistent with the conditions of this transfer, provided that:

1. The project sponsor submits an updated comprehensive metering plan to the Commission for review and approval by Commission staff that accounts for all withdrawals and consumptive use associated with this approval by September 12, 2023.
2. Due to the change in ownership, the pre-Compact consumptive use quantity of 0.0079 million gallons per day (mgd) has become subject to the Commission's mitigation requirements and therefore, effective July 1, 2023, the project sponsor shall satisfy the Commission's mitigation requirements for the full quantity of consumptively used water.
3. Mitigation of the full quantity of consumptively used water as set forth in 18 CFR § 806.22 will continue to be satisfied by maintaining the conservation release established in Commission Docket No. 20011010-1, Decision Item "b."

4. In accordance with the Commission's Regulatory Program Fee Schedule, the facility is subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approvals. The ACMF will be invoiced separately.
5. The existing approvals shall remain effective until October 11, 2026. As specified in 18 CFR § 806.31(e), if the project sponsor submits consumptive use and surface water withdrawal applications, as appropriate, on or before April 11, 2026, the project sponsor may continue operation of this project pursuant to the terms and conditions of the existing approvals until such time as the Commission acts on such applications, or until otherwise notified by the Executive Director.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at samcfeaters@srbc.net.

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at teaby@srbc.net.

Sincerely,



Andrew D. Dehoff
Executive Director

Susquehanna River Basin Commission

a water management agency serving the Susquehanna River Watershed



Docket No. 20011010

Approval Date: October 11, 2001

TYOGA COUNTRY CLUB

Consumptive Water Use of up to 0.100 mgd,
for Golf Course Irrigation,
Delmar Township, Tioga County, Pennsylvania

Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4 relating to projects requiring review and approval, and §803.42 relating to the consumptive use of water. The Commission received the application for consumptive water use on July 6, 2001.

Description

Purpose. The purpose of the application is to request approval for the consumptive use of water for irrigation of fairways, greens, and tees at an 18-hole golf course.

Location. The project is located in Delmar Township, Tioga County, Pennsylvania.

Project Features. The applicant has requested approval for the consumptive water use of up to 0.100 million gallons per day (mgd) for golf course irrigation. The applicant originally requested a lesser quantity but increased its request after reviewing its design projection for peak day use. The project installed a new automatic irrigation system in 2001. It calculates that its maximum 30-day average water use will be approximately 0.051 mgd and its peak day use will be 0.100 mgd.

The project was constructed during 1923 and has been in continuous operation since that time. As part of the project, the applicant has constructed five ponds that provide for water storage on site. The ponds have a total surface area of approximately 5.3 acres.

The ponds capture surface runoff from a 0.27-square mile area. There are no continuously flowing streams in the area.

Prior to the 2001 irrigation season, the course irrigated only greens and tees. The applicant submitted a consumptive water use verification form to the Commission on February 25, 2000 under the Commission's Compliance Incentive Program, and documented a "grandfathered" amount of 0.0079 mgd (maximum 30-day average) of water for golf course irrigation. The course recently added a new irrigation system that includes fairways, greens and tees.

Findings

The project's irrigation water use and storage pond evaporative losses are subject to the Commission's consumptive water use approval and reporting requirements as per Commission Regulation §803.42.

All water evaporated from the ponds, as well as water withdrawn from the ponds and used for golf course irrigation, is considered to be used consumptively. Water evaporated from the ponds will be calculated by the applicant employing a methodology acceptable to the Commission. The pre-1971 consumptive water use by the applicant is 0.0079 mgd and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from compliance compensation requirements. The irrigation system has a meter that measures the quantity of water pumped.

Surface runoff from the adjacent upland area is the primary source of water in the ponds. The ponds store an estimated 11 million gallons of water, which is sufficient to supply the golf course during periods of low flow. Staff recommends that the project sponsor submit documentation to Commission staff of the available on-site storage every five years.

The project's consumptive use of water in excess of the pre-1971 quantity is subject to the water compensation requirements contained in Commission Regulation §803.42. To satisfy these requirements, the applicant has opted to use its own storage during low flow periods. Staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions, based on the requested approval amount.

The project is subject to water conservation requirements, as per Commission Regulation §804.20 (b).

The applicant has paid the appropriate application fee pursuant to Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The applicant has submitted all proofs of notification as required by Commission Regulation §803.25.

The project is physically feasible, does not conflict with or adversely affect the Commission's Comprehensive Plan, and does not influence the present or future use and development of the water resources of the basin.

Decision

The consumptive water use of up to 0.100 mgd is approved pursuant to Article 3, Section 3.10 of the Compact, subject to the following conditions:

a. The applicant shall comply with all Commission regulations, including consumptive water use reporting requirements as per Commission Regulation §803.42. The required reporting data shall be submitted to the Commission quarterly.

b. The applicant shall keep daily records of the project's consumptive water use, and shall provide the results to the Commission quarterly, and as otherwise required. The daily quantity of water consumptively used shall be the quantity of evaporative loss from storage ponds plus the quantity pumped to the irrigation system. The applicant shall maintain metering on the irrigation system, accurate to within five percent. Commission staff shall review and approve of the method of calculation of evaporative loss from the pond system.

c. The applicant shall comply with Commission water conservation requirements, as per Commission Regulation §804.20(b).

d. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the applicant shall use water stored in on-site ponds. The ponds store an estimated 11 million gallons of water, which is sufficient to supply the golf course during periods of low flow. The applicant shall provide the Commission with documentation every five years certifying that sufficient water storage exists in its storage pond.

e. This action shall not be construed to exempt the applicant from obtaining 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 reserves the right to modify, suspend or revoke this action if the applicant fails to obtain or maintain such approvals.

f. If the project fails to comply with any term or condition of this docket, the Commission may suspend, modify or revoke its approval of same. Upon written notice by the Commission, the project applicant shall have thirty (30) days to correct such non-compliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90) day suspension of approval of this docket. If the project applicant fails to address the non-compliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend or revoke this approval where it determines exigent circumstances warrant such action.

g. The Commission reserves the right to reopen this docket and make additional orders that may be necessary to mitigate or avoid adverse impacts or otherwise to protect the public health, safety, welfare or the environment.

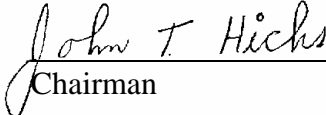
h. This action confers no property rights upon the applicant. The securing of all rights necessary and incident to the applicant's development and operation of the project shall be the sole and exclusive responsibility of the applicant, and this approval shall be subject thereto.

i. This approval is effective until October 11, 2026. The applicant shall submit a renewal application by April 11, 2026 and obtain Commission approval prior to continuing operation beyond October 11, 2026.

j. If the project is discontinued for such a time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the approval of the project unless a renewal is requested by the applicant and approved by the Commission.

By the Commission:

Dated: October 11, 2001


Chairman