

The Seneca Nation Environmental Protection Department (EPD) has initiated a public review process for the proposed "Breed Run Culvert Project", a construction initiative submitted by New York State Department of Transportation in Region 5. The project entails the replacement and/or upgrade of a culvert and the construction of a bridge over Breed Run in the town of Salamanca and located within Seneca Nation Territory.

As the project falls under the jurisdiction of the federal Clean Water Act (CWA), specifically Section 404, it requires certification from the Seneca Nation to ensure compliance with the Seneca Nation's water quality standards. In accordance with CWA § 401, the EPD is soliciting comments from the public and relevant agencies regarding its proposed certification of the CWA § 404 permit for this project, which is anticipated to proceed under the Nationwide Permit. EPD's review process aims to assess the project's potential environmental impacts and ensure that it aligns with the Seneca Nation's water quality requirements, and stakeholders are encouraged to provide input during this critical evaluation phase.

PUBLIC NOTICE OF PROPOSED CWA § 401 CERTIFICATION

by the

SENECA NATION ENVIRONMENTAL PROTECTION DEPARTMENT

Project: On November 21, 2024, the Seneca Nation (Nation) Environmental Protection Department (EPD) received a completed “Permit Application for Construction Projects Within Waterways” from New York State Department of Transportation (NYSDOT). The Project #PIN 5815.59 herein known as “Breed Run Culvert Project or “Project” carries a detailed scope of work which includes as follows: Replacement/Upgrade Construction of culvert and temp bridge over Breed Run, identified as CIN # 510207, in the Town of Salamanca, NY and residing within the territory of the Nation.

The Project is anticipated to proceed under the CWA § 404 Nationwide Permit (NWP). Federal Clean Water Act (CWA) requires certification under CWA § 401 from the Nation that the Project will meet the Nation’s water quality requirements. Accordingly, EPD seeks public and agency comment regarding its proposed certification of the CWA § 404 permit at issue.

CWA § 401 Water Quality Certification: Under CWA § 401, a federal agency may not issue a permit or license to conduct any activity which may result in any discharge into waters of the United States unless a Section 401 water quality certification is issued or waived by the state or authorized tribe where the discharge will originate. The Nation was approved to administer a CWA § 401 program on March 12, 2021, and has authorized EPD to review and administer permits pursuant to CWA § 401.

Public Comment Period: Pursuant to CWA § 401(a)(1), the public comment period for the proposed CWA § 401 certification of the Breed Run Culvert Project by EPD is thirty (30) days from the date of publication of this notice in the Community News Section of the SNI Newsletter and other publicly available locations. Agency representatives and members of the public are encouraged to submit written comments to EPD, by 4:30pm on **June 16, 2025**, as follows:

- by email at epd@sni.org or
- by USPS mail to the Seneca Nation Environmental Protection Department, 84 Iroquois Drive, Irving NY 14081, Attention: Jordan Parker Buffalo Water Program Manager

Copies: A copy of this CPWW Application is available under the “documents” tab at the EPD website, here: <https://sni.org/community-services/environmental-protection/> or may be requested by contacting the email shown above, with the title, “Request for Copy of Breed Run Culvert Project CPWW Application” in the subject line.