

The Seneca Nation Environmental Protection Department (EPD) has initiated a public review process for the proposed “NY Route 280; State Line to Quaker Lake and Wolf Run Road Culvert Rehabilitation Project,” a construction initiative submitted by the New York State Department of Transportation (NYSDOT) Region 5. This project proposes rehabilitation of three culverts carrying unnamed tributaries to the Allegheny Reservoir within the Seneca Nation Allegany Territory. The work includes cured-in-place slip lining of the existing culverts, replacement of culvert end sections, and placement of stone fill for scour protection at the inlets and outlets.

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 January 30, 2026, the Seneca Nation Environmental Protection Department (EPD) received a completed permit application for Construction Projects Within Waterways from the New York State Department of Transportation (NYSDOT) for the project identified as “NY Route 280; State Line to Quaker Lake and Wolf Run Road Project” and associated with NYSDOT PIN 5030.09. The Project includes work at the following three culvert locations within the Seneca Nation Allegany Territory:

- CIN 514020087 – 36-inch diameter by 100-foot corrugated metal pipe carrying an unnamed tributary to the Allegheny Reservoir under NY Route 280
- CIN 514026042 – 36-inch diameter by 90-foot corrugated metal pipe carrying an unnamed tributary to the Allegheny Reservoir under Wolf Run Road
- CIN 514026045 – 30-inch diameter by 80-foot corrugated metal pipe carrying an unnamed tributary to the Allegheny Reservoir under Wolf Run Road

The Project scope includes slip lining of the existing culverts, installation of new culvert end sections, and placement of stone fill for scour protection. According to the application, fill placed below Ordinary High Water is proposed at the inlet and outlet of each culvert location in the amount of 17.8 cubic yards per crossing

The Project is anticipated to proceed under the CWA § 404 Nationwide Permit (NWP) and NYSDOT has identified NWP #3, Maintenance, as the expected federal authorization. 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 comments 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 for the NY Route 280; State Line to Quaker Lake and Wolf Run Road Culvert Rehabilitation Project shall be 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 4:30 p.m. on **[INSERT DEADLINE DATE]**, 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 the Construction Projects Within Waterways application and supporting materials may be made available under the “documents” tab of the EPD website at <https://sni.org/community-services/environmental-protection/> or may be requested by contacting the email above with the subject line: “Request for Copy of NY Route 280; State Line to Quaker Lake and Wolf Run Road Culvert Rehabilitation Project CPWW Application.”