

## **PUBLIC NOTICE OF PROPOSED CWA § 401 CERTIFICATION**

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### **SENECA NATION ENVIRONMENTAL PROTECTION DEPARTMENT**

**Project:** On July 14, 2022, the Seneca Nation (Nation) Environmental Protection Department (EPD) received a completed “Permit Application for Construction Projects Within Waterways” (CPWW) from the New York State Department of Transportation (applicant). The scope of work for the project identified as Pin Number 5758.79, encompasses the replacement of the Red House Bridge, Old Route 17 rehabilitation, and culvert replacements (“Old Route 17 Project” or “Project”), as follows: replacement of the Red House Bridge (BIN 6012230) over the Allegany River, rehabilitation of the paved section of Old Route 17 as a gravel roadway, reestablishment of roadside drainage features, and the replacement of culverts along Old Route 17. The Old Route 17 Project will also include the installation of 2,656 feet of a gabion wall along a portion of the Allegany River, located along Old Route 17, in the Town of Red House, New York. The Project is anticipated to proceed under the CWA § 404 Nationwide Permit (NWP) 3. This project requires permitting under Section 404 of the federal Clean Water Act (CWA), which in turn requires certification under CWA § 401 by the Seneca Nation as to whether the Project will comply with the Nation’s water quality requirements. Pursuant to CWA § 401, the Seneca Nation Environmental Protection Department (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. Examples of federal permits and licenses requiring certification include the CWA §§ 402 and 404 permits issued by the EPA and the U.S. Corps of Engineers, respectively.

**Public Comment Period:** Pursuant to CWA § 401(a)(1), the public comment period for the proposed CWA § 401 certification of the Old Route 17 Project by EPD is thirty (30) days from the date of publication of this notice in the SNI Newsletter (Community News Section) and other publicly available locations. Agency representatives and members of the public are encouraged to submit written comments to EPD, by 4:30pm on February 22, 2023, as follows:

- by email at [epd@sni.org](mailto:epd@sni.org) or
- by USPS mail to the Seneca Nation Environmental Protection Department, 84 Iroquois Drive, Irving NY 14081, Attention: 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 Old Route 17 CPWW Application” in the subject line.