

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

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

**Project:** On February 1, 2023, 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 5101.92, and encompasses Pavement Rehabilitation and Restoration on US Route 219 and Route 954T, from 1-mile south of the Seneca Nation Territory boundary line, to “T” intersection with Route 417, the replacement of culvert CIN 5101.18 (“Pavement Rehabilitation on US Route 219 and Route 954T from 1-mile south of Seneca Nation Territory boundary line, to “T” intersection with Route 417” or “Project”), as follows: bridge rehabilitation portion for BIN 6414.50 over the Allegheny River, replace ground mounted signs and guiderail, in the Town of Carrollton, Cattaraugus County, New York. The Project is anticipated to proceed under the CWA § 404 Nationwide Permit 3 (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 the 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 Rehabilitation and Restoration of US Route 219 and Route 954T from 1-mile south of the south of Seneca Nation Territory boundary line, to “T” intersection with Route 417 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 April 25, 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 Pavement Rehabilitation on US Route 219 and Route 954T CPWW Application” in the subject line.