

The Seneca Nation Environmental Protection Department (EPD) has initiated a public review process for the proposed " NY Route 417 over Ten Mile Creek Check Dam Replacement Project", a construction initiative submitted by New York State Department of Transportation in Region 5. This project proposes installing a rock riffle and plunge pool immediately downstream of BIN 6012290 over Tenmile Creek. This is required to address stream degradation and provide bank stabilization at the channel beneath and downstream of the bridge.

Additional work (outside of the waterway) includes milling 3" along NY 417 and resurfacing with 1.5" of Top Course Asphalt. In addition, road signs and guiderail will be replaced, pedestrian curb ramps will be brought to current ADA standards, and drainage structures will be cleaned and repaired if needed.

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 March 24, 2025, the Seneca Nation (Nation) Environmental Protection Department (EPD) received a completed “*Permit Application for Construction Projects Within Waterways*” from the New York State Department of Transportation (NYSDOT) Region 5 Office. The Project herein known as “NY Route 417 over Ten Mile Creek Check Dam Replacement Project” or “Project” carries a detailed scope of work which includes as follows: installing a grade stabilization structure (rock riffle) immediately downstream of BIN #6012290. The rock riffle will prevent additional stream degradation and channel incision (head cutting), restore the streambed to a more natural elevation, and facilitate aquatic organism passage (AOP). The proposed rock riffle and plunge pool extends approximately 28-feet downstream. The amount of fill to be placed below Ordinary High-Water Mark (OHW) is 237.5 Cubic Yards (8.48 CY per running foot of stream bank). This amount of fill is necessary due to the severe stream degradation at this location (2 to 3 feet since 2013). Plan sheets and hydraulic report are included in Appendix B.

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 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 of NY Route 417 over Ten Mile Creek Check Dam 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 {**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 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 NY Route 417 over Ten Mile Creek Check Dam Project CPWW Application” in the subject line.