



REGION 2

NEW YORK, N.Y. 10007

DATE OF NOTICE: January 21, 2026

PUBLIC NOTICE NUMBER:

COMMENT PERIOD: Fifteen (15) calendar days after issuance of this Public Notice

ACTION: Clean Water Act §401 Water Quality Certification for the Garlow Road Fish Creek culvert replacement on Tuscarora Nation Lands

SUMMARY: The New York State Department of Transportation has requested [§401 Clean Water Act \(CWA\) Water Quality Certification](#) for the replacement of a deteriorating and collapsed culvert on Tuscarora Nation lands in New York. As the water quality certifying authority for project activities within the Tuscarora Nation Lands, EPA will decide whether to (1) certify as proposed; (2) certify with conditions; (3) deny or (4) waive certification of the proposed activities.

Project Applicant: Michael Jurkowski, Region 05 Environmental Contact, New York State Department of Transportation

Project Location: Latitude: 43.158166 Longitude: -78.979786

Purpose of the project: To eliminate the identified structural deficiencies of the current 5-span Corrugated Metal Pipe (CMP) culvert

Supplemental Information:

The U.S. Environmental Protection Agency (EPA) received a request from the New York State Department of Transportation for a Clean Water Act (CWA) Section 401 water quality certification (WQC) for the above project. Section 401 of the CWA requires applicants for Federal licenses or permits that may result in any discharge into waters of the United States to obtain a certification or waiver from the certifying authority where the discharge would originate. Where no state agency or Tribe has authority to give such certification, EPA is the certifying authority. In this case, the Tuscarora Nation does not have the authority to provide CWA section 401 certification; therefore, the EPA is making the certification decision for discharges that may result from the proposed project.

EPA must decide whether to (1) grant certification as proposed; (2) grant certification with specific conditions; (3) deny certification; or (4) waive certification consistent with CWA Section 401 and the EPA's implementing regulations at 40 CFR 121.

The proposed project would be covered under the United States Army Corps of Engineers CWA Section 404 Transportation Regional General Permit (TRGP-1).

Project Descriptions

The proposed project is located where Garlow Road is carried over Fish Creek in Lewiston, Niagara County, New York. The existing 5-span CMP culvert is deteriorating due to corrosion. The steel pipe in Spans 1 & 2 has collapsed approximately 14' to 16' from the inlet. Spans 3, 4, and 5 currently exhibit significant corrosion and failure of the galvanized lining.

NYSDOT proposes to replace the existing 5-span CMP culvert with a 3-span corrugated steel pipe (CSP) arch culvert on the same orientation. Each of the three spans will consist of one 65' long x 60" span x 46" rise CSP arch. The three spans will all be buried to a depth of 2.5' beneath the finished grade of Garlow Road. The dimension, pattern, and/or profile of the stream above or below the crossing will not be permanently modified by changing the width or depth of the stream channel.

Public Comments

How to Comment (**box at righthand side of public notice webpage**)

Comments accepted through: February 5, 2026

Currently, EPA encourages submitting comments or requests via email. To submit your comments or for more information contact: Region2_CWA401@epa.gov.

When commenting via email, use the subject line “Garlow Road Culvert Replacement”. Notice of any extension of the comment period will be published on this page and sent to those who have requested updates. All comments received prior to the end of the comment period will be considered in the preparation of the CWA Section 401 Water Quality Certification decision and will be part of the administrative record. If you are unable to submit electronically or to request additional information, public notice updates, submit comments or provide additional information relevant to this certification, please contact:

Jaclyn Woppard
Life Scientist
Wetland Protection Section
Watershed Management Branch
Water Division
US Environmental Protection Agency, Region 2
Telephone Number: (212) 637-3832
E-mail: Woppard.jaclyn@epa.gov

Do not submit any information you consider to be Confidential Business Information. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Dated: January 21, 2026

Christine Ash, Deputy Director
Water Division