



US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

## PUBLIC NOTICE

**In replying refer to:**

Public Notice Number: 2003-00028-L2  
Issue Date: April 20, 2004  
Expiration Date: May 20, 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: John J. Nickles  
P.O. Box 877  
Southold, NY 11971-0877

ACTIVITY: Bulkhead and Jetty Removal/Reconstruction

WATERWAY: Petty's Pond a tributary of Southold Bay, Shelter Island Sound

LOCATION: Town of Southold, Suffolk County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with

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particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

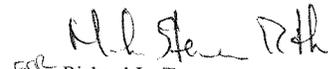
- New York State Department of Environmental Conservation
- Town of Southold Board of Trustees

It is requested that you communicate the foregoing information concerning the activity to any persons

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known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3912 and ask for Russell C Smith.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

  
Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE  
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**WORK DESCRIPTION**

The applicant, John J. Nickles, has requested Department of the Army authorization to remove/replace a bulkhead, and remove/install two jetties in Petty's Pond, a tributary to Southold Bay, Shelter Island Sound, Town of Southold, Suffolk County, New York.

The work would involve removal of 308 feet of timber bulkhead on the north side of the waterway, and 81 feet of timber bulkhead on the south side of the waterway. A total of 387 feet of bulkhead would be replaced, in-place, with a fiberglass sheathed bulkhead. A 12 foot section of the northern return, on the inside of the waterway, would be shortened to 10 feet. This stage of the proposal could be performed in accordance with Nationwide General Permit Number 3 (NWP3), pursuant to Title 33 of the Code of Federal Regulations (33CFR) Part 330, Appendix A.3. NWP3 applies to general maintenance activities including repair, rehabilitation, or replacement of any previously authorized and currently serviceable structure. Currently serviceable, as defined under NWP3, excludes structures that are degraded to the point where reconstruction is required.

Associated with the bulkhead replacement is a proposal to remove a total of 540 feet of timber jetty connected to the northern bulkhead, and reconstruct 308 feet thereof. The remaining 232 feet, the northern return, would be eliminated as non-essential.

The proposal also includes removal of a total of 225 feet of timber jetty connected to the southern bulkhead, and reconstruction of 78 feet thereof. The remaining 147 feet, the southern return, would be eliminated as non-essential. This stage of the proposal could not be performed in accordance with NWP3 because the current condition of the jetties is no longer serviceable and requires complete reconstruction.

The proposed work could have a minor adverse impact on Essential Fish Habitat (EFH) and EFH-managed species as a result of a temporary increase in turbidity during construction. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that fish populations would avoid the area of disturbance during construction.

The stated purpose of this project is to provide shoreline stability.

#2003-00028-22  
John J. Nickles

LONG ISLAND  
SOUND

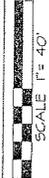
72 24'

72 20'



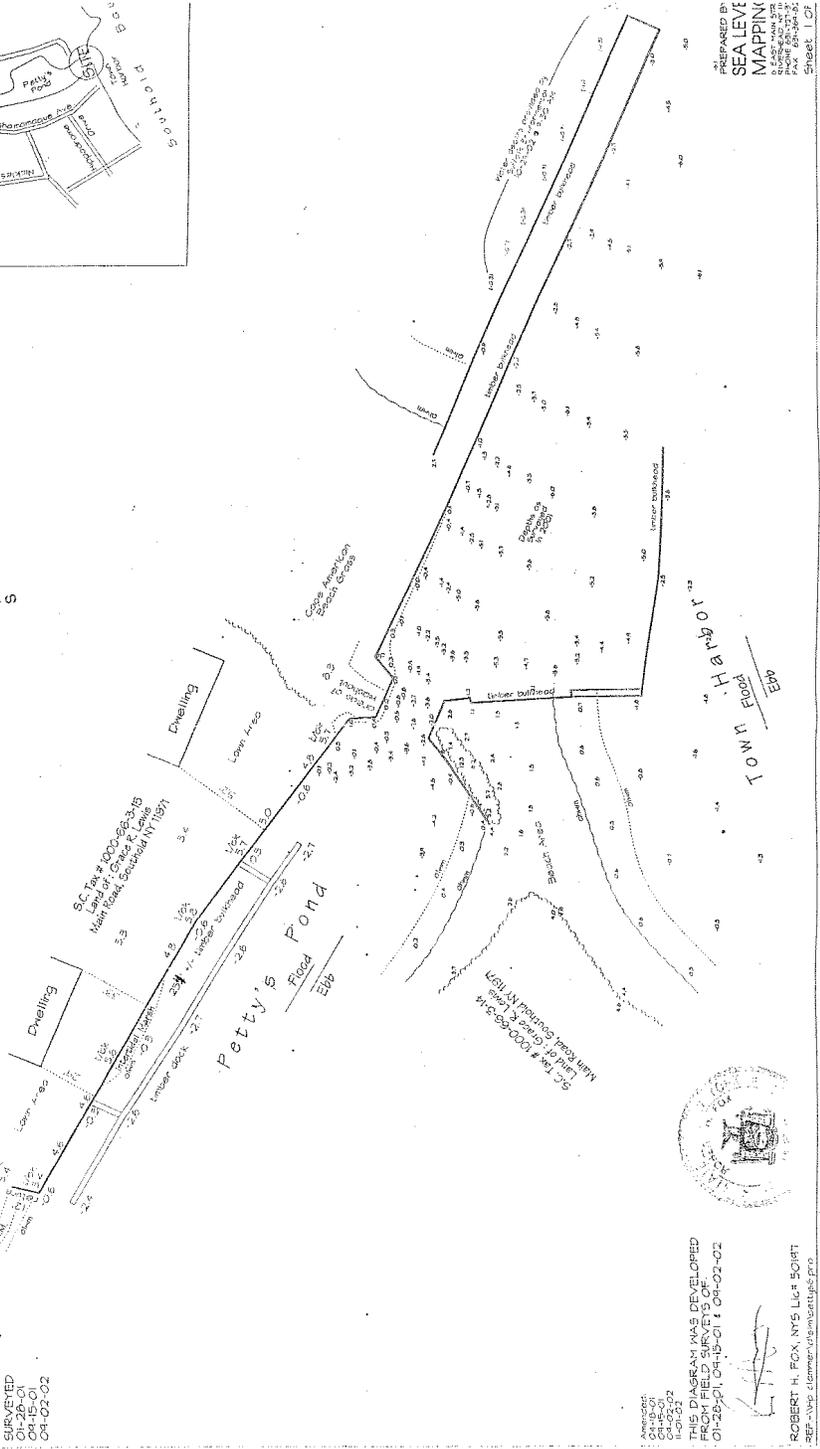
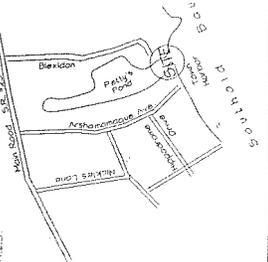
**TOPOGRAPHIC MAP**  
**NEAR "PETTY'S POND"**  
**SITUATE: SOUTHOLD**  
**TOWN: SOUTHOLD**  
**SUFFOLK COUNTY**

SURVEYED  
 04-26-01  
 04-02-02



Proposed: Bulkhead, Repair  
 Site: Southold  
 Town: Southold, NY  
 Suffolk County, NY  
 Purpose: Erosion Control  
 Datum: A.L.A.  
 Tide Range: 2.5' +/-

Location Diagram  
 n.t.s.



THIS DIAGRAM WAS DEVELOPED  
 FROM FIELD SURVEYS OF  
 04-26-01, SUBJECT 04-02-02

ROBERT H. FOX, NYS LICENSED SURVEYOR  
 REF: NYS eLicense: 04040202000

PREPARED BY  
**SEA LEVEL  
 MAPPING**  
 6 EAST MAIN ST  
 PO BOX 414  
 SOUTHOLD, NY 11988  
 Sheet 1 of 2

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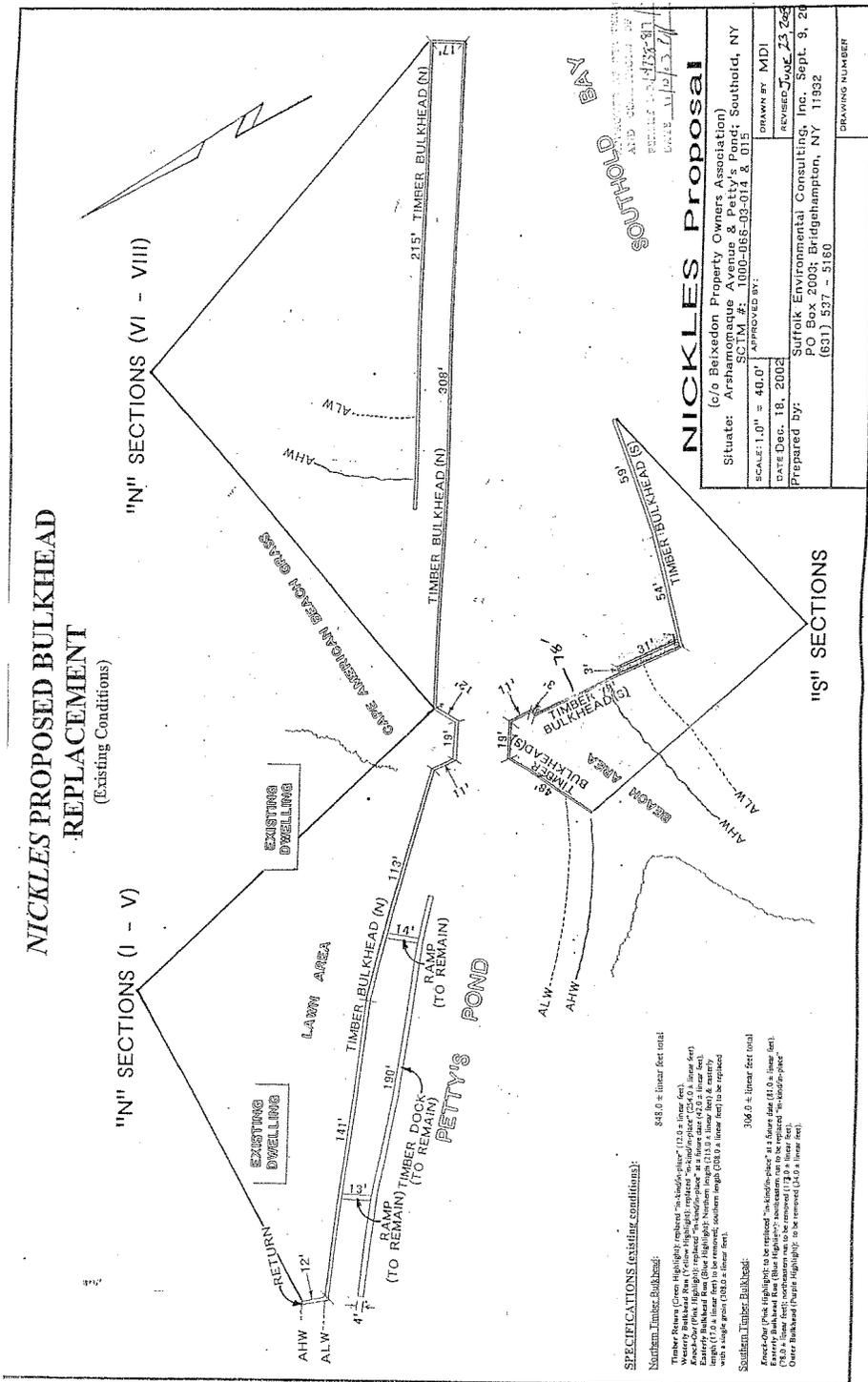


# NICKLES PROPOSED BULKHEAD REPLACEMENT

(Existing Conditions)

"N" SECTIONS (I - V)

"N" SECTIONS (VI - VIII)



**SPECIFICATIONS (existing conditions):**

- Northern Timber Bulkhead: 848.0 ± linear feet total
- Timber Retain (Green highlight) retained "in-kind/replace" (13.0 ± linear feet)
- Western Bulkhead Ret (Yellow highlight) replaced "in-kind/replace" (236.0 ± linear feet)
- Eastern Bulkhead Ret (Blue highlight) replaced "in-kind/replace" (412.0 ± linear feet)
- Early Bulkhead Ret (Blue highlight) Northern length 21.0 ± linear feet to be replaced "in-kind/replace" (21.0 ± linear feet) to be removed; southern length 638.0 ± linear feet to be replaced "in-kind/replace" (638.0 ± linear feet)
- Southern Timber Bulkhead: 306.0 ± linear feet total
- Timber Retain (Pink highlight) to be replaced "in-kind/replace" (4.0 ± linear feet) (4.0 ± linear feet)
- CLM Bulkhead Ret (Blue highlight) to be replaced "in-kind/replace" (11.0 ± linear feet)
- CLM Bulkhead Ret (Blue highlight) to be replaced "in-kind/replace" (11.0 ± linear feet)
- Other Bulkhead (Purple highlight) to be removed (0.0 ± linear feet)

**NICKLES Proposal**

(c/o Beixedon Property Owners Association)  
 Situate: Arshamonaque Avenue & Petty's Pond; Southold, NY  
 SC 11M 25-0000-066-09-014 & 015

SCALE: 1.0" = 40.0'  
 DATE: Dec. 18, 2002  
 Prepared by: Suffolk Environmental Consulting, Inc. Sept. 9, 2003  
 PO Box 2003; Bridgehampton, NY 11932  
 (631) 537 - 5160

APPROVED BY: [Signature]  
 DRAWN BY: MDI  
 REVISION: [Table with 2 columns: No., Description]

DRAWING NUMBER

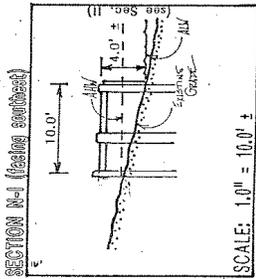
4/9



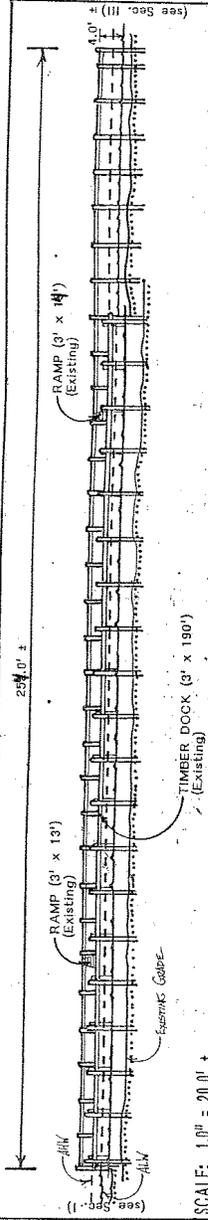
# PROPOSED CONDITIONS OF 'N' SECTIONS (I through V)

## Cross-Sectional Diagram for NORTHERN PORTION (I through V) BULKHEAD REPLACEMENT (Proposed Conditions)

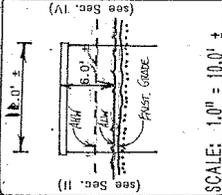
- SECTION SPECIFICATIONS:**
- N-I: 18.0" L
  - N-II: 252.0" L
  - N-III: 190.0" L
  - N-IV: 19.0" L
  - N-V: 13.9" L
  - N-VI: 13.9" L
- Additional Specifications:**
- Con: 2.0" wide x 14.0" long
  - Water: 6.0" wide x 6.0" high
  - Piling: 8.0" round x 20.0' long
  - Reinforce: 8.0" round x 8.0' - 12.0' long
  - Sheetpiling: 10.0' x 12.0' height



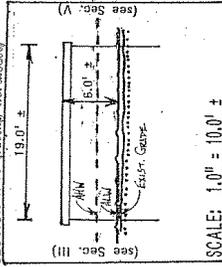
SECTION N-II (Facing northeast)



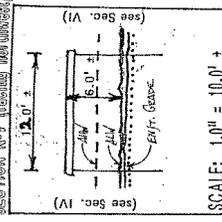
SECTION N-III (Facing east)



SECTION N-IV (Facing northeast)



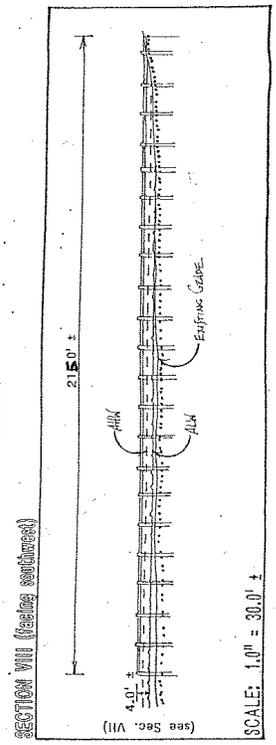
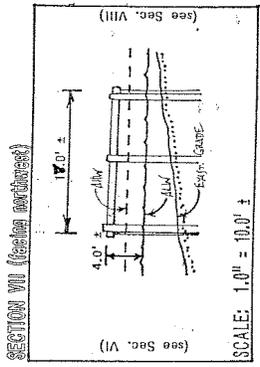
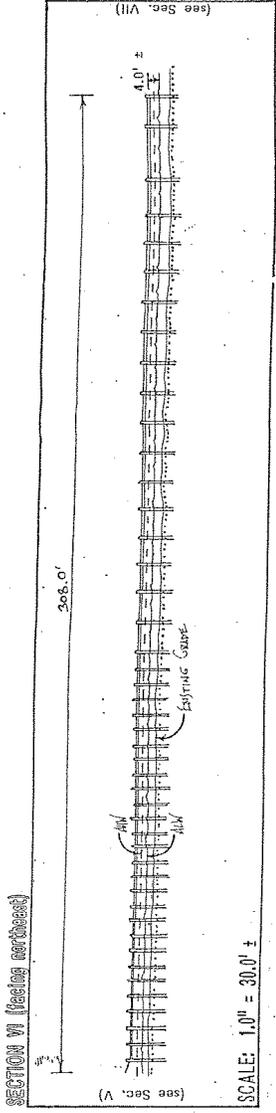
SECTION N-V (Facing northwest)



## NICKLES Proposal

|  |                  |
|--|------------------|
| (c/o Babcock Property Owners Association)<br>Situate: Airsheds & Petty's Pond; Southold, NY<br>SCIM # 1000-08-02-014 & 015 |                  |
| DATE: Dec. 18, 2002  | APPROVED BY: MDI |
| SCALE: 1.0" = 10.0' ±  | REVISIONS:       |
| Prepared by: Suffolk Environmental Consulting, Inc.<br>PO Box 2003; Bridgehampton, NY 11932<br>(631) 537 - 5160            | DRAWING NUMBER   |

EXISTING CONDITIONS OF "N" SECTIONS (VI through VIII)



Cross-Sectional Diagram for  
NORTHERN PORTION (VI through VIII)  
BULKHEAD REPLACEMENT  
(Existing Conditions)

SECTION SPECIFICATIONS:  
DATE: 11/11/01  
N-VII. Semi-functional (To BE REPAIRED)  
N-VIII. Semi-functional (To BE REPAIRED)  
215.0' L

**NICKLES Proposal**

(c/o Beixodon Property Owners Association)  
Situata: Arshantisque Avenue & Petty's Pond; Southold, NY  
SCHEM. #. 1000-066-03-014 & 015

DATE: 10.18.2003

APPROVED BY:

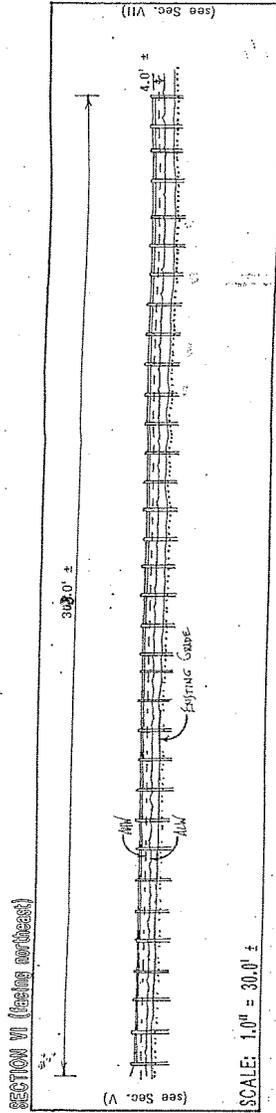
PREPARED BY: Suffolk Environmental Consultants, Inc.  
PO Box 2003; Bridgehampton, NY 11932  
(631) 537 - 5160

DRAWN BY: MDI

REVISED: June 2, 2002

DRAWING NUMBER

PROPOSED CONDITIONS OF "N" SECTION (W)

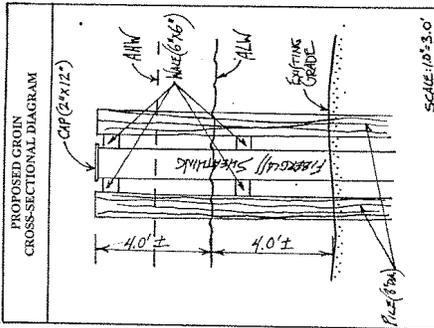


Cross-Sectional Diagram for  
 NORTHERN PORTION (VI through VIII)  
 BULKHEAD REPLACEMENT  
 (Proposed Conditions)

SECTION SPECIFICATIONS:  
 Single Spanning

308'

Additional Specifications:  
 Cap: 2.0' wide x 12.0' long  
 Web: 6.0' wide x 6.0' wide  
 Deck: 12.0' wide x 12.0' long  
 Deckman: 8.0' wide x 8.0' - 12.0' long  
 Sheathing: 10.0' x 14.0' lengths



NICKLES Proposal

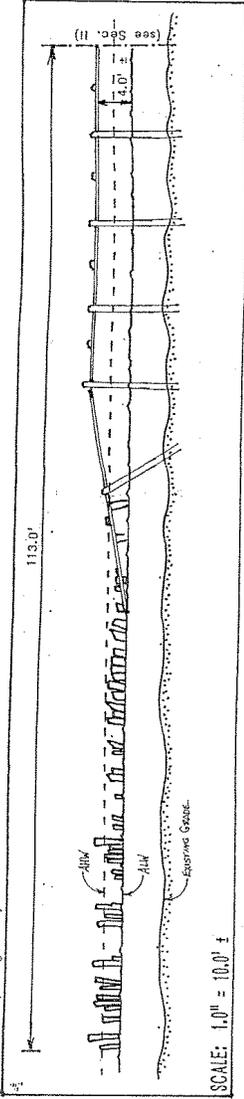
(c/o Beixodon Property Owners Association)  
 Situate: Arshamsaque Avenue & Putty's Pond; Southold, NY  
 S.C.T.M. #: 1000-066-03-014 & 015

|                    |  |               |
|--------------------|--|---------------|
| SCALE:             | APPROVED BY:   | DRAWN BY: MDI |
| DATE: ac. 18, 2004 | REVISOR: JULE 23 2005  |               |
| Prepared by:       | Suffolk Environmental Consulting, Inc.<br>PO Box 2003; Bridgehampton, NY 11932<br>(631) 537 - 5180 |               |
|                    | DRAWING NUMBER   |               |

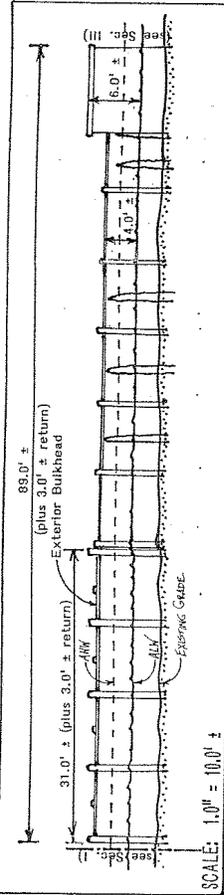
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# EXISTING CONDITIONS OF 'S' SECTIONS

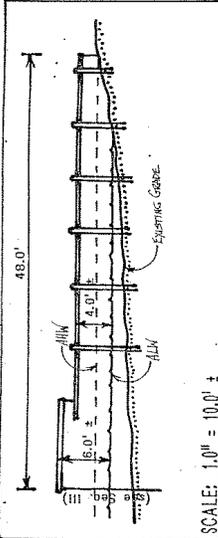
SECTION S-I (Facing south)



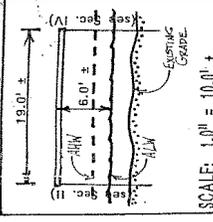
SECTION S-II (Facing west)



SECTION S-IV (Facing southeast)



SECTION S-III (Facing southeast)



## Cross-Sectional Diagram for SOUTHERN PORTION BULKHEAD REPLACEMENT (Existing Conditions)

- SECTION SPECIFICATIONS:**
- S-I: Functional to semi-functional (to be removed); 113.0' L
  - S-II: Functional (to be replaced); 92.0' L
  - S-III: Functional to be replaced at a later date; 34.0' L
  - S-IV: Functional (to be replaced at a later date); 19.0' L
  - S-V: Functional (to be replaced at a later date); 48.0' L

## NICKLES PROPOSAL

(c/o Beixodon Property Owners Association)  
 Situated: Arshamaque Avenue & Petty's Pond, Southold, NY  
 SCALE: 1" = 100'-0" (03-014 & 015)

|                     |  |
|---------------------|--|
| SCALE:              | DRAWN BY: MDI                          |
| DATE: Dec. 18, 2002 | REVISED: Sep. 9, 2001                  |
| APPROVED BY:        | PREPARED BY:                           |
|                     | Suffolk Environmental Consulting, Inc. |
|                     | PO Box 2003; Bridgehampton, NY 11832   |
|                     | (631) 537 - 5160                       |
|                     | DRAWING NUMBER                         |

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