



## PUBLIC NOTICE

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

**In replying refer to:**  
Public Notice Number: 2004-00185-L2  
Issue Date: May 3, 2004  
Expiration Date: June 3, 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).

APPLICANT: Thomas Cavanagh  
219 West 81st Street  
Apt. 10H  
New York, NY 10024

ACTIVITY: Install and replace bulkheads, dock, ramp, float, and dredge

WATERWAY: Wunneweta Pond, Little Peconic Bay

LOCATION: Cutchogue, 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 the attached Work Description. The District Engineer has made the preliminary determination that the 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.

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.

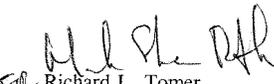
In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

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

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

  
For Richard L. Tomer  
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Thomas Cavanagh, has requested Department of the Army authorization to replace a timber bulkhead, a set of dock access stairs, and an existing dock structure. The authorization request also includes installation of two (2) low profile bulkheads, planting of *Spartina alterniflora*, and dredging with upland disposal. The project proposal site is in Wunneweta Pond, a tributary to Little Peconic Bay, Cutchogue, Town of Southold, Suffolk County, New York.

The work would involve replacement of an approximately 130 foot section of timber bulkhead, a 4 foot wide by 4 foot long set of dock access stairs, and a 12 foot wide by 21 foot long fixed dock. The replacement bulkhead, stairs, and dock would be constructed approximately 18-inches further seaward than the existing structures.

The applicant also proposes to install a mooring structure consisting of a 3 foot wide by 10 foot long ramp, and one (1) 4 foot wide by 20 foot long float.

The proposal also includes the installation of two (2) low profile concrete bulkheads at the east-end of the property. The overall height of the concrete bulkheads would be approximately 4-feet 10 1/2-inches, from top to bottom, with approximately 8-inches above mean high water. The area immediately behind these bulkheads would be planted with *Spartina alterniflora*.

The proposal also includes dredging of approximately 65 cubic yards of material from a 15 foot wide by 48 foot long area to a depth of 4 feet below the plane of mean low water. The dredged material would be used as backfill behind the timber bulkhead.

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.

The stated purpose of this project is to provide the applicant with a safe mooring facility for an 18-foot power boat and a 30-foot sailboat, and shoreline erosion protection.

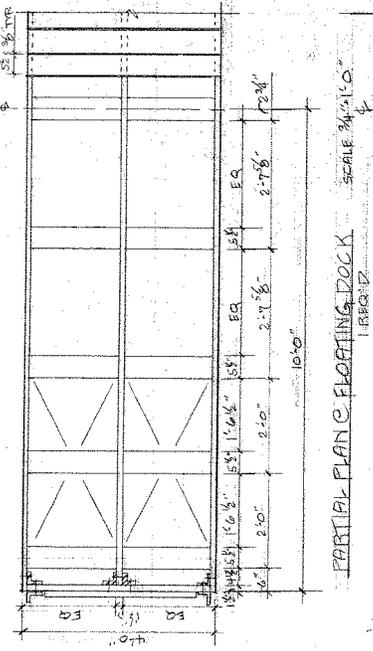




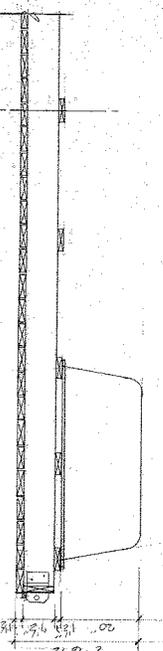




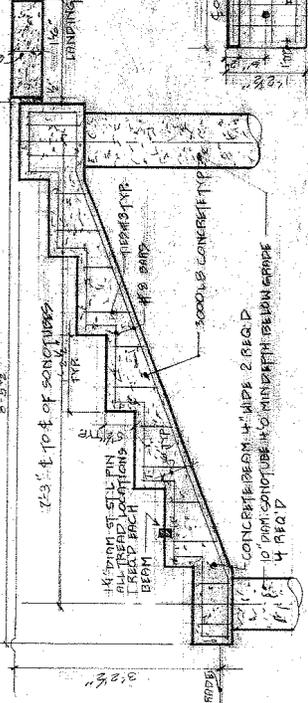
Thomas F. Cavanagh AIA  
 Architect  
 219 W. 81 St.  
 New York, NY 10024  
 212 877-9794



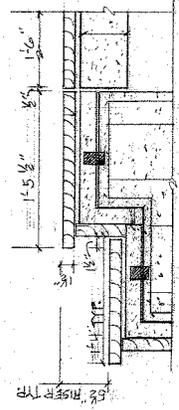
PARTIAL PLAN OF FLOATING DOCK  
 SCALE 3/4" = 1'-0"  
 1/8" REQ'D



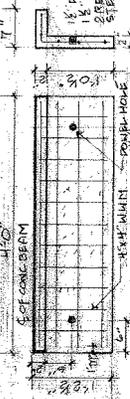
PARTIAL VERT. SEC. OF FLOATING DOCK  
 SCALE 3/4" = 1'-0"  
 1/8" REQ'D



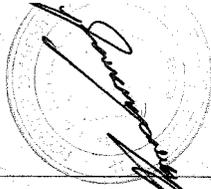
VERT. SEC. OF NEW BLUFF STAIRS  
 SCALE 1/2" = 1'-0"  
 CONCRETE STEPS & BLUFFSTONE FINISH NOT INDICATED  
 SEE DETAIL OF LANDING



DETAIL OF LANDING  
 SCALE 1/2" = 1'-0"



PLAN VIEW OF CONCRETE STEPS  
 SCALE 1/2" = 1'-0"  
 7 PICES REQ'D

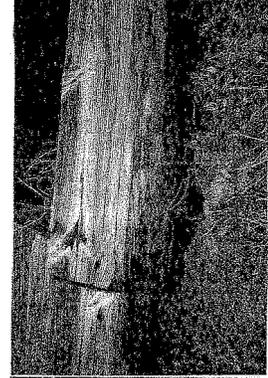


REVISIONS	12/2/24	1/2" PERIOD
Cavanagh / Frank Residence		
Business Deck & Bluff Stair		
600 Little Paceson Bay Road		
Nassau Point, Cataraugus, New York, 11935		
DATE	12/2/24	SCALE
NO.	27/264	SHEET
		B-4

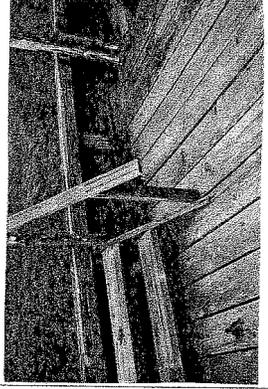
Thomas F. Cavanagh AIA  
 Architect  
 219 W. 81 St.  
 New York, NY 10024  
 212 877-9794



1. EXIST STAIRS & DOCK



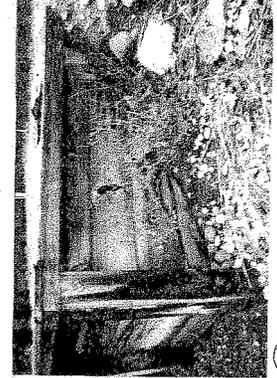
2. TOP OF BULKHEAD & STAIR



3. SOUTH BULKHEAD



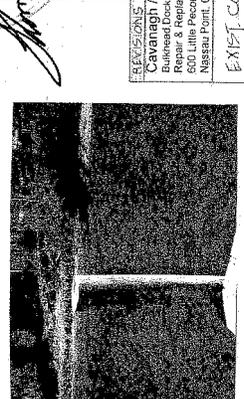
4. EAST & NORTH BULKHEAD



5. CORNER & EAST BULKHEAD



6. CORNER OF SOUTH & EAST BULKHEAD



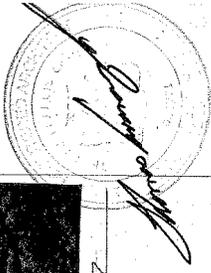
7. EXIST STAIR & BLUFF



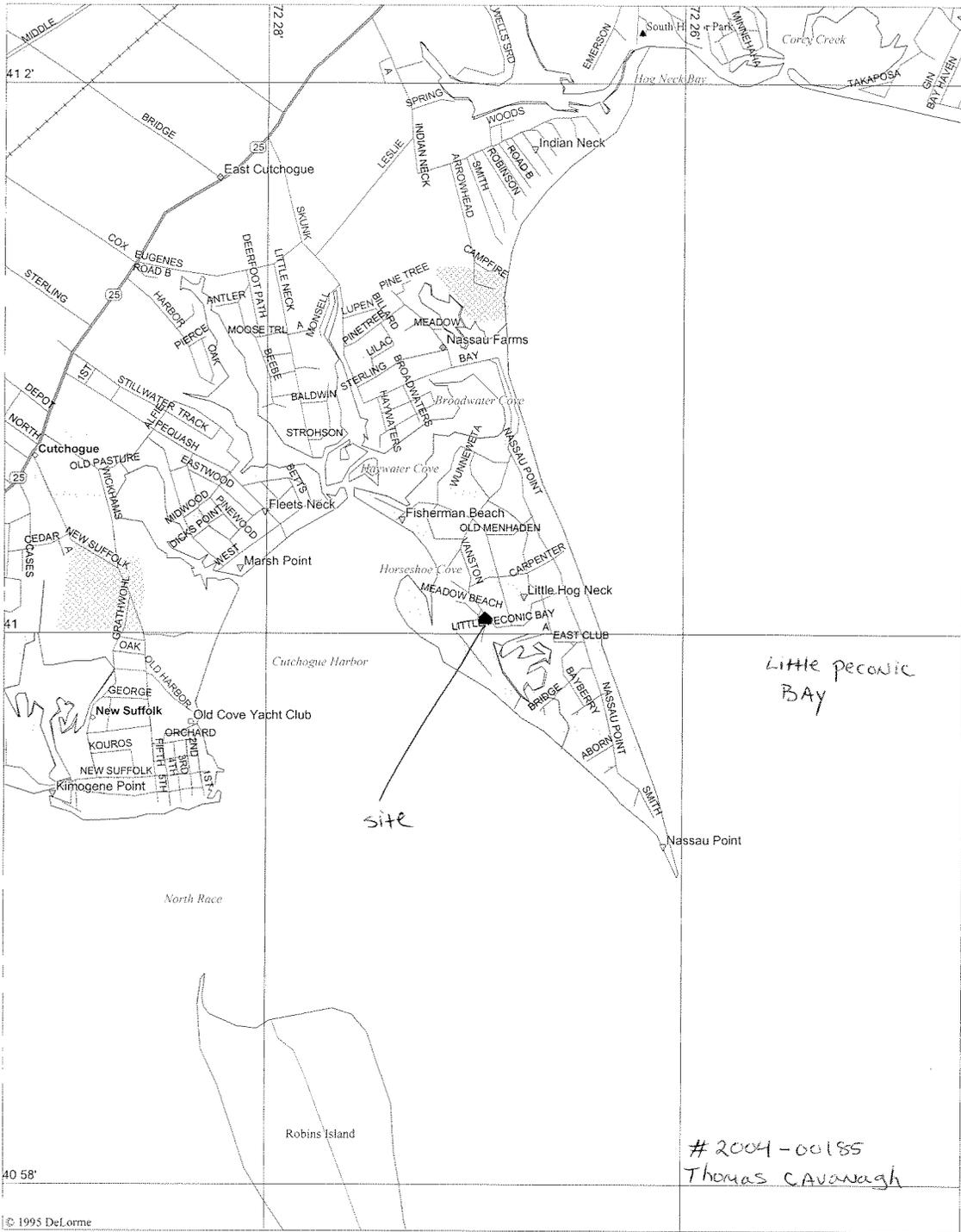
8. WATERWAY & DOCK LOOKING WEST



9. WATERWAY & DOCK LOOKING EAST



REVISIONS	1	3/2/04	APPROVED	1/10/04
Cavanagh / Frank Residence				
Waterway, Dock & Bluff Stair				
600 Little Pecone Bay Road				
Massau Point, Culchogue, New York 11935				
EXIST. CONDITION	DATE	NO.		
SITE PHOTOS	2/2/04	B-5	SHEET 5 OF 6	
SCALE	NONE			



MAP 1/2



Little Peconic Bay

site

# 2004-00185  
Thomas Cavanagh

MAP 2/2