

# 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: NAN-2023-00978-TREC

Issue Date:

Expiration Date:

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**To Whom It May Concern:**

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

**APPLICANT:** Lagoon Association  
Attn: Joe Flotteron  
175 Clearwater Lane  
Cutchogue, NY 11935

**ACTIVITY:** Ten-Year Maintenance Dredging with Beach Disposal

**WATERWAY:** Wunneweta Lagoon

**LOCATION:** (40.993270°, -72.443000°) 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 benefit 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, historic properties, fish and wildlife values, flood hazards, 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, considerations of property ownership and, in general, the needs and welfare of the people.

The USACE 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 USACE 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 SENT VIA E-MAIL TO [Alexandra.Ryan@usace.army.mil](mailto:Alexandra.Ryan@usace.army.mil) OR PREPARED IN WRITING AND MAILED TO THE ATTENTION OF ALEXANDRA RYAN AT THE ABOVE ADDRESS TO REACH THIS OFFICE

**CENAN-OP-RW**  
**PUBLIC NOTICE NO. NAN-2023-00978-TREC**

BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a USACE internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

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 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 (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations 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. The applicant has received a water quality certificate from the appropriate state agency in accordance with Section 401 of the Clean Water Act.

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. The New York State Department of State determined the proposal meets the general consistency concurrence criteria on January 31,

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2024.

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 – Tidal Wetlands; Excavation & Fill in Navigable Waters

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 Alexandra Ryan at [Alexandra.Ryan@usace.army.mil](mailto:Alexandra.Ryan@usace.army.mil).

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

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

Jon T. Coleman  
**FOR AND IN BEHALF OF**  
Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

**WORK DESCRIPTION**

The applicant, Lagoon Association, has requested Department of the Army authorization for ten-year maintenance dredging with upland disposal in Wunneweta Lagoon, Cutchogue, Town of Southold, Suffolk County, New York.

The work would involve:

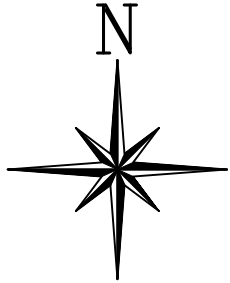
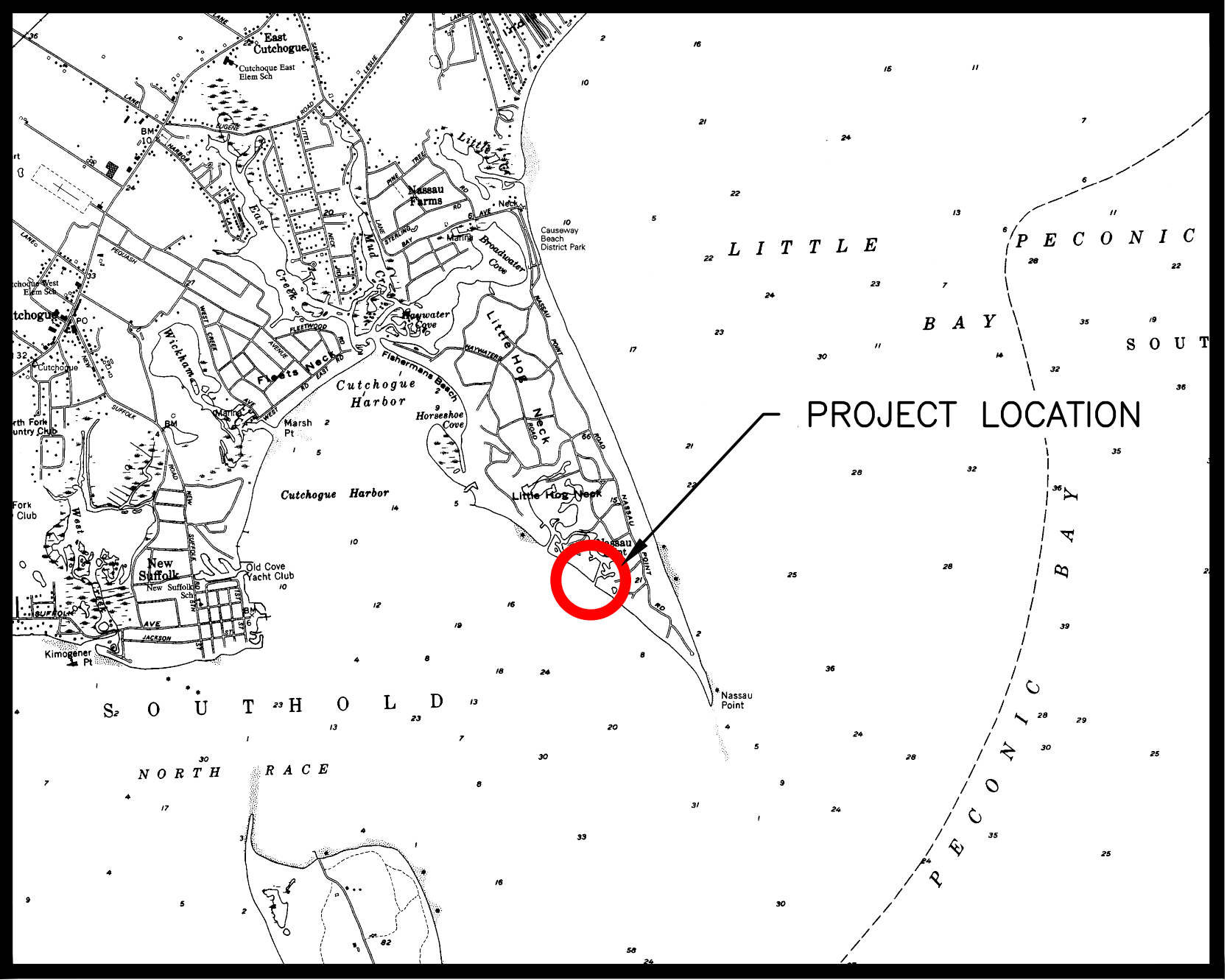
Maintenance dredge 550 cubic yards (cy) over an area of 4,125 square feet (sf) to five (5) feet below apparent low water. Dredged material would be placed above spring high water (SHW) over an area of 11,600 sf on the beach adjacent to the dredging area.

Material would be dredged using a clam shell bucket on either a barge mounted crane and/or land mounted crane. Dredging would occur annually, during approved NYS Department of Environmental Conservation and Army Corps of Engineers dredging windows and avoiding dredging between the windows of January 1 to May 31 and June 1 to September 30.

The stated purpose of this project is to maintain a safe navigational depth to enter and exit Wunneweta Lagoon.

TOWN OF SOUTHOLD  
SUFFOLK COUNTY, NEW YORK

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SHEET NO.	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	DREDGING PLAN
4	DREDGING SECTIONS



PERMIT PLANS FOR  
LAGOON AT NASSAU POINT MAINTENANCE DREDGING PERMIT  
CUTCHOGUE – NEW YORK  
MARCH 2024

PREPARED AND  
RECOMMENDED BY: **LKMA** L. K. McLEAN ASSOCIATES, D.P.C.  
ENGINEERS & SURVEYORS 437 SOUTH COUNTRY RD. BROOKHAVEN, NY 11719

ROBERT A. STEELE, P.E. – NYSPE Lic. No. 077397 DATE: \_\_\_\_\_

THE EDUCATION LAW OF THE STATE OF NEW YORK PROHIBITS  
ANY PERSON FROM ALTERING ANYTHING ON THE DRAWINGS  
AND/OR THE ACCOMPANYING SPECIFICATIONS, UNLESS IT'S UNDER  
THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, WHERE  
SUCH ALTERATIONS ARE MADE, THE PROFESSIONAL ENGINEER  
MUST SIGN, SEAL, DATE AND DESCRIBE THE FULL EXTENT OF  
THE ALTERATION ON THE DRAWING AND/OR IN THE SPECIFICATION  
(NYS ED. LAW SECTION 7209-2).



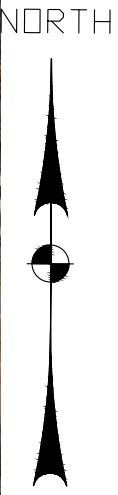


PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4

LEGEND

- | SYMBOL | DESCRIPTION                                |
|--------|--|
|        | DIRECTION OF PHOTO TAKEN                   |
|        |  |
|        | APPROXIMATELY SUFFOLK COUNTY TAX MAP LINES |



SCALE IN FEET (22"x34")



SCALE IN FEET (11"x17")

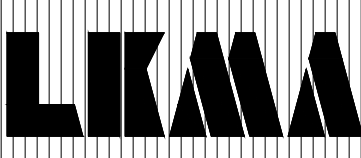
EXISTING CONDITIONS PLAN

SCALE 1"=80' (22"x34")

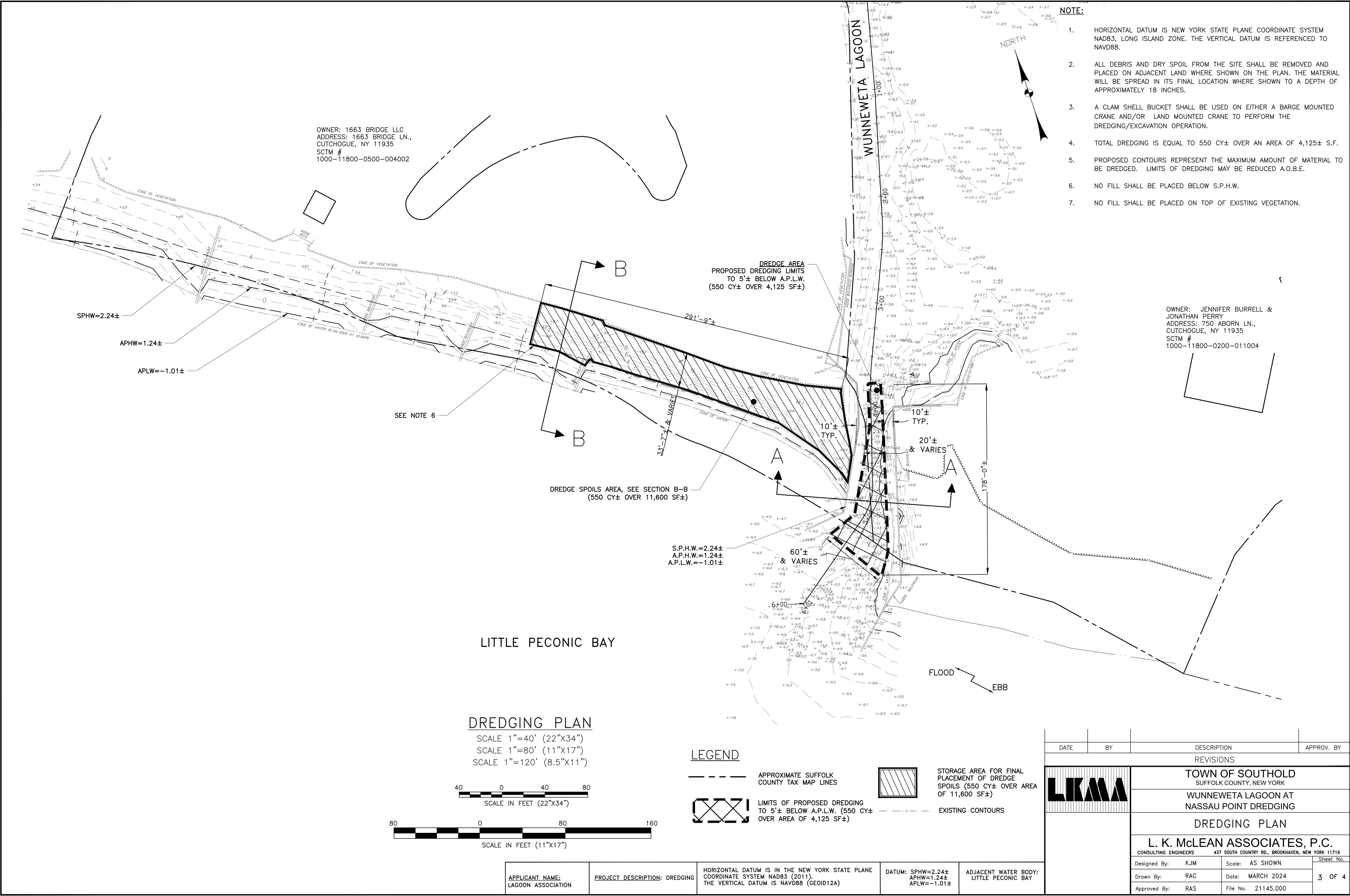
SCALE 1"=160' (11"x17")

SCALE 1"=240' (8.5"x11")

APPLICANT NAME: LAGOON ASSOCIATION	PROJECT DESCRIPTION: DREDGING	HORIZONTAL DATUM IS IN THE NEW YORK STATE PLANE COORDINATE SYSTEM NAD83 (2011). THE VERTICAL DATUM IS NAVD88 (GEOD12A)	DATUM: SPHW=2.24± APHW=1.24± APLW=-1.01±	ADJACENT WATER BODY: LITTLE PECONIC BAY
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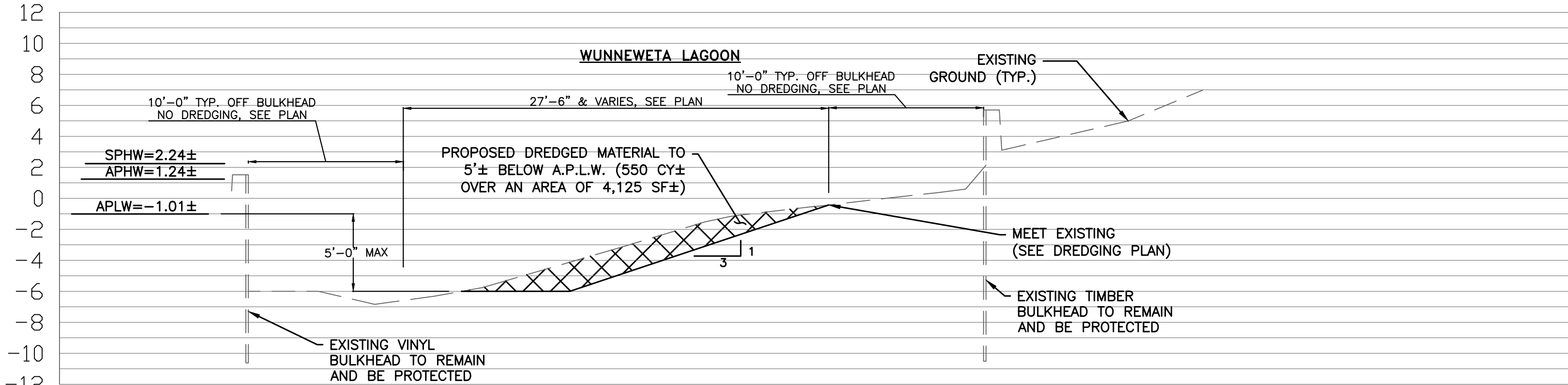
DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
			
TOWN OF SOUTHOLD SUFFOLK COUNTY, NEW YORK			
WUNNEWETA LAGOON AT NASSAU POINT DREDGING			
EXISTING CONDITIONS PLAN			
L. K. McLEAN ASSOCIATES, P.C.			
CONSULTING ENGINEERS		437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719	
Designed By:	KJM	Scale:	AS SHOWN
Drawn By:	RAC	Date:	MARCH 2024
Approved By:	RAS	File No.	21145.000
			Sheet No. 2 OF 4



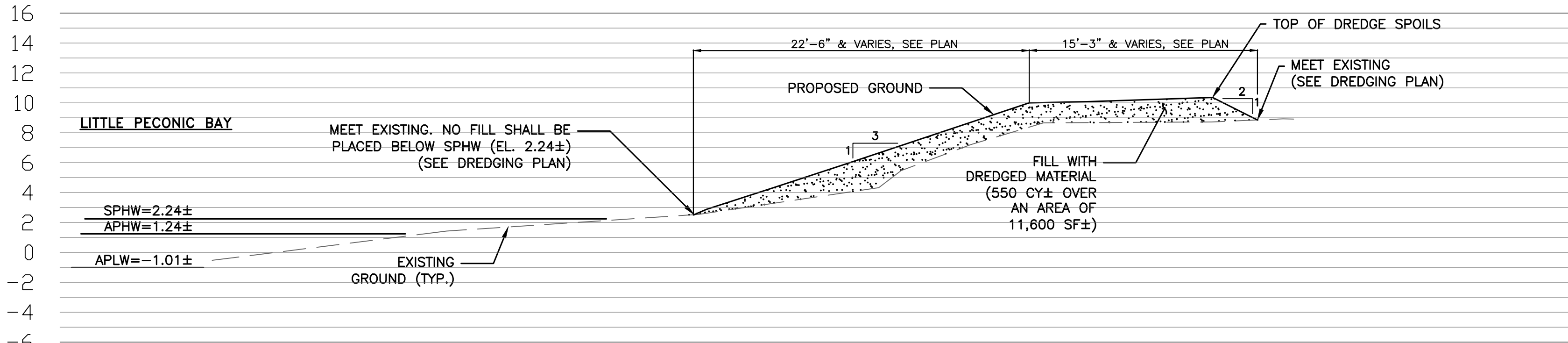


NOTE:

1.
- HORIZONTAL DATUM IS NEW YORK STATE PLANE COORDINATE SYSTEM NAD83, LONG ISLAND ZONE. THE VERTICAL DATUM IS REFERENCED TO NAVD88.
2.
- ALL DEBRIS AND DRY SPOIL FROM THE SITE SHALL BE REMOVED AND PLACED ON ADJACENT LAND WHERE SHOWN ON THE PLAN. THE MATERIAL WILL BE SPREAD IN ITS FINAL LOCATION WHERE SHOWN TO A DEPTH OF APPROXIMATELY 18 INCHES.
3.
- A CLAM SHELL BUCKET SHALL BE USED ON EITHER A BARGE MOUNTED CRANE AND/OR LAND MOUNTED CRANE TO PERFORM THE DREDGING/EXCAVATION OPERATION.
4.
- TOTAL DREDGING IS EQUAL TO 550 CY± OVER AN AREA OF 4,125± S.F.
5.
- PROPOSED CONTOURS REPRESENT THE MAXIMUM AMOUNT OF MATERIAL TO BE DREDGED. LIMITS OF DREDGING MAY BE REDUCED A.O.B.E.
6.
- NO FILL SHALL BE PLACED BELOW S.P.H.W.



SECTION A-A  
SCALE 1"=6' (22"x34")  
SCALE 1"=12' (11"x17")  
SCALE 1"=15' (8.5"x11")



SECTION B-B  
SCALE 1"=6' (22"x34")  
SCALE 1"=12' (11"x17")  
SCALE 1"=15' (8.5"x11")

APPLICANT NAME: LAGOON ASSOCIATION	PROJECT DESCRIPTION: DREDGING	HORIZONTAL DATUM IS IN THE NEW YORK STATE PLANE COORDINATE SYSTEM NAD83 (2011). THE VERTICAL DATUM IS NAVD88 (GEOID12A)	DATUM: SPHW=2.24± APHW=1.24± APLW=-1.01±	ADJACENT WATER BODY: LITTLE PECONIC BAY
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DATE	BY	DESCRIPTION	APPROV. BY
REVISIONS			
TOWN OF SOUTHOLD SUFFOLK COUNTY, NEW YORK			
WUNNEWETA LAGOON AT NASSAU POINT DREDGING			
DREDGING SECTIONS			
L. K. McLEAN ASSOCIATES, P.C. CONSULTING ENGINEERS 437 SOUTH COUNTRY RD., BROOKHAVEN, NEW YORK 11719			
Designed By:	KJM	Scale: AS SHOWN	Sheet No.
Drawn By:	RAC	Date: MARCH 2024	4 OF 4
Approved By:	RAS	File No. 21145.000	