

Dredging Update



The business end of the Suffolk County dredge working its way through Goose Creek entrance
Photo: Dennis Lane

A letter of thanks to Tom Rogers of the Suffolk County Dept. of Public Works, Div. of Bridges, Structures & Waterways, and the Dredge Captain, Capt. Wayne Miller,

Gentlemen,

SoutholdVOICE would like to congratulate and commend the hard-working crew of the county's hydraulic dredge. Your men have been working very hard, dawn to dusk through all sorts of weather to execute their permits to clear the creeks of Southold Town. We have watched you haul heavy pipe around and put them in place to deepen and widen our waterways. You should know, and the citizens of Southold should know, that your efforts are greatly appreciated.

Most particularly, the boaters who use these waterways are deeply appreciative of your hard work during a very short "season," to clear our channels of shoals, sandbars and other dangerous hazards to navigation. Boating in Southold should

be much safer next summer. Additionally, the free inflow of bay waters to the creeks should re-oxygenate the waters where fish breed and fingerlings feed.

We understand that one of your crew has suffered injury on the job and has been hospitalized. We wish him a speedy recovery!

Photos of the dredge in action at Cedar Beach, Deep Hole, Brushes, Little, Richmond, Jockey Spur and Goose Creeks can be viewed on-line at www.SoutholdVOICE.com

We are happy to report that the entrance to School House Creek was dredged. They finished the job late on Saturday, January 5th. This creek is home to many local sailors associated with the Around Robins Island Wednesday night races. As such, this project made many local sailors very happy! The rig is on its way to Shinnecock Bay to take care of two inlets in the bay. As such, it is highly likely that this will end dredging for Southold for the season. Ten creeks were done in Southold, a new record!

Do YOU have a question you would like to ask the Trustees? One of the positive outcomes of our meeting with the Trustees was an offer on their part to reserve some time for us at their work sessions to answer any questions that we want to pose to them. I think it is a good opportunity for us to get a better understanding of how the rules and regs work and clear up some grey areas as demonstrated at the 12/4 meeting. You can either post your question on-line in a special forum on the Southold-VOICE.com soapbox, or email to me at SoutholdVOICE@gmail.com and we will ask the question and post the answer we get from them. The next work session is 1/23, so email your questions and we will get some answers!

John Kramer

Mission Statement

SoutholdVOICE is a citizen-run, non-profit organization of waterfront property owners and other stakeholders in Southold's extensive waterfront. Our mission is to raise awareness among the community of Southold Town regarding issues that impact shoreline and marine resources, including dredging, erosion control, ecological land use, road runoff abatement and permitting. And, to promote among the general public, environmentally sound policies regulating coastlines and waterways.

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SoutholdVOICE

will celebrate the return of dredging to the North Fork at a

De-Frost Dinner Party

On Saturday, January 19th at 6 pm at the

Touch of Venice Restaurant

Wickham Avenue, Mattituck
(At Matt-a-Mar Marina)

Buffet Dinner including wine, beer and soft drinks
Ticket price: \$55.00 per person
Join the celebration of our united effort

Advance reservations are required, space is limited. Reserve your place by sending your check to

SoutholdVOICE, Inc.
P.O. Box 996, Southold, NY 11971
For more information call
Loretta at 631-765-1764 or
Jackie 631-765-9501

What is the Andros Patent?

Extracted from "Town of Southold Local Waterfront Revitalization Program" Section II":

In 1674, shortly after New York was re-captured by the British, the people of the Town of Southold were approached by the Governor, Edmund Andros. The Governor petitioned the townspeople to align themselves with New York, thus coming under the authority of James, the Duke of York, who was the younger brother of Charles II, King of England. The request was met with opposition by the Town inhabitants. In response to this opposition, Governor Andros authorized the *Andros Patent* in October of 1676. The Patent established the Town government, the Town boundaries, affirmed the original property rights of Town inhabitants, and described in detail natural resource, hunting and fishing rights.

The Andros Patent

In 1796, the State Legislature passed an act recognizing the associates ("commoners" in the legislation) as owners of the undivided lands and meadows in the town. The act authorized the commoners to elect three trustees to manage the common lands (*Laws of 1796, Chapters 52*).

In 1893, the State Legislature created the Trustees of the Town of Southold to hold and to manage these lands for the benefit of taxpayers and residents. (Laws of 1893, Chapter 615, as amended by Laws of 1952, Chapter 404). Under this legislation, the Trustees exercise exclusive jurisdiction over town-owned creeks and harbors.

A clear distinction must be made between Trustee holdings and Trustee jurisdictions. The Trustees have jurisdiction over activities occurring on or adjacent to underwater lands within the boundaries of the Town of Southold. This jurisdiction extends to privately owned ponds and freshwater wetlands. Not all creeks and inlets present today along Southold's shoreline were in existence when the *Andros Patent* was issued. Nor was the Patent all inclusive. Accordingly, there are many privately owned ponds, inlets, and canals where the Town does not own the underwater land. Nevertheless, the Trustees

retain jurisdiction or oversight over activities occurring on those lands and waters.

Within Long Island Sound, title to the foreshore of and submerged lands under Long Island Sound is vested in the State of New York, unless otherwise conveyed away by the State. *Loundes v. Town of Huntington*, 153 U.S. 1, 22-23 (1894). Town jurisdiction (but not ownership) of lands beneath Long Island Sound has been extended northerly to the New York - Connecticut State Line by Act of the State Legislature (*Laws of 1881, Chapter 695*).

Presently, the Town of Southold Trustees regulate boat mooring activities and navigation in Town creeks, residential and commercial dock and bulkhead construction, shellfish harvesting and counts, and wetland permits. The Trustees also provide guidance to the Bay Constables for the management of the over 2,000 acres of public underwater land within the Town. Furthermore, the Trustees regulate activities that may occur on private lands under the Town's Wetlands and Coastal Erosion Hazard Area ordinances. This last responsibility was given to the Trustees by the Southold Town Board in recognition of their inseparable relation to the Andros Patent and the need to protect the Town's natural resources under home rule.

[Note that the Andros Patent is dated 1676 and, in this case, the term "trustees" dates from 1893. Note, also, that "ownership" and "jurisdiction" are two different concepts. The "LWRPCC nine-page document" is reported to state that "In fact, the term 'trustees' does not even appear in the Andros Patent" is true but rather not relevant, since the trustees were introduced into the picture some 214 years after the Andros Patent was issued!]

Bumper Sticker

Want a bumper sticker? Free to all members who send a stamped self-addressed #10 envelope to our P.O. box. Become a member. Show the flag!



SoutholdVOICE, Inc. PO Box 996, Southold NY 11971

Join SoutholdVOICE

Download a membership application online or fill out the form below and mail to SoutholdVOICE, PO Box 996, Southold NY 11971

E-mail: southoldVOICE@gmail.com

Annual Membership Dues:

\$35 per year

*Those who join now are **Founding Members** and their dues will be good until June 2009!*

Are you presently on our mailing list? _____

First Name

Last Name

Mailing Address (include PO Box if necessary)

City

State

Zip code

Contact Phone #

E-mail

I don't have e-mail. Please mail material.

If your property address is different than your mailing address, please fill out the information below:

Property Street Address

Property City

State

Zip Code

Colophon

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