



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, MOBILE DISTRICT  
P.O. BOX 2288  
MOBILE, AL 36628-0001

**CESAM RD-A**  
**PUBLIC NOTICE NO. SAM-2019-00054-DCH**

**July 15, 2020**

**JOINT PUBLIC NOTICE**  
**U.S. ARMY CORPS OF ENGINEERS AND**  
**STATE OF ALABAMA**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**REQUEST TO DISCHARGE FILL MATERIAL INTO 4.6 ACRES OF OPEN WATERS IN**  
**MOBILE BAY FOR THE CONSTRUCTION OF AN ARTIFICIAL POCKET BEACH IN**  
**ALABAMA PORT, MOBILE COUNTY, ALABAMA**

**TO WHOM IT MAY CONCERN:** This District has received an application for a Department of the Army (DA) 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). Please communicate this information to interested parties.

**APPLICANT:** Mobile County Commission  
Attention: Mr. Eddie Kerr  
205 Government Street  
Mobile, Alabama 36644-1600

**AGENT:** Barry A. Vittor & Associates, Inc.  
Attention: Dr. Barry A. Vittor  
8060 Cottage Hill Road  
Mobile, Alabama 36695

**LOCATION:** Mobile Bay; Dauphin Island Parkway; within Section 18, Township 8 South, Range 1 West; at Latitude 30.356905°, Longitude -88.116174°; Alabama Port, Mobile County, Alabama.

**PROJECT PURPOSE:** The basic project purpose is to improve and expand amenities at an existing waterfront park. The overall project purpose is to create a recreational beach, expand nature boardwalks, and improve associated parking areas, roadways, restrooms, and other amenities at Bayfront Park on the west shoreline of Mobile Bay.

**PROPOSED WORK:** The applicant proposes to discharge a total of 18,000 cubic yards of sandy fill and 8,500 cubic yards of rip-rap into 4.6 acres of open waters for the construction of a new artificial pocket beach along 900 linear feet of shoreline within the waters of Mobile Bay. Specifically, the work would involve the discharge of 7,900 cubic yards of clean sand below the plane of Mean High Water (MHW) within 3.1 acres of open water for the proposed beach area, and 3,600 cubic yards of rip-rap below the plane of MHW within 1.5 acres of open waters for installation of protective groin and breakwater structures. The work would include the construction of timber walkover structures that would span over an existing rip-rap revetment to provide pedestrian access to the new beach. In addition to the new beach, the applicant proposes to construct 160 linear feet of new boardwalk across tidal marsh at the south end of

Bayfront Park. The proposed boardwalk across tidal marsh would be 6 feet wide, constructed at a height of 5 feet above the mud line, and would connect with additional boardwalks and observations decks to be constructed along an upland berm to the north. In addition to the above-referenced activities regulated by the USACE, Mobile District, the applicant plans additional improvements to upland areas within Bayfront Park, including the construction new roadways, parking areas, walkways, boardwalks, restroom/shower facilities, playground, and picnic areas.

**AVOIDANCE AND MINIMIZATION:** The applicant has avoided impacts to wetlands by utilizing existing upland areas within Bayfront Park, and has minimized impacts to waters of the United States by selecting an artificial beach design that would be constructed from land without the need to dredge temporary access channels for construction barges. All proposed fill material would be washed to remove fine particulates prior to delivery, in order to reduce the potential for elevated turbidity levels in adjacent waters during construction of the pocket beach. The applicant proposes to monitor turbidity levels daily during construction, to determine if suspended sediment control measures are needed. In the event that elevated turbidity levels are detected, the applicant would deploy turbidity curtain around the perimeter of the work area. Should turbidity levels exceed applicable State water quality standards (i.e. no more than 50 NTU above ambient background levels), work would be suspended until compliant turbidity levels are re-established. The U.S. Army Corps of Engineers (USACE), Mobile District has not verified the adequacy of the applicant's avoidance and minimization efforts at this time.

**MITIGATION:** The provision of compensatory mitigation has not been proposed, as the work would not result in the permanent loss of any special aquatic sites, including wetlands.

**WATER QUALITY/COASTAL ZONE MANAGEMENT:** The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, as well as Coastal Zone Management (CZM) consistency certification in accordance with the Alabama Coastal Zone Management Program. Upon completion of the required advertising and public comment review, a determination relative to water quality certification and CZM consistency will be made by the Alabama Department of Environmental Management (ADEM).

**HISTORIC PROPERTIES:** In accordance with Section 106 of the National Historic Preservation Act and Appendix C of 33 CFR Part 325, the undertaking defined in this notice is being considered for the potential to affect cultural and historic properties within the permit area. In accordance with Appendix C of 33 CFR Part 325, the Mobile District has determined the permit area consists of the entire undertaking in waters of the United States, which includes the footprint of the proposed fill areas, a portion of proposed boardwalk across tidal marsh, and portions of the adjacent property that would be utilized for construction access and equipment and materials staging. The National Register of Historic Places will be consulted for properties listed, or eligible for listing, in the National Register, which are known to exist and would be affected by the proposed work. The applicant has submitted a Phase I cultural resources survey of the permit area, which is currently under evaluation by the USACE for a federal determination of effects. The Mobile District is seeking comment from the State Historic Preservation Officer regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area.

**ESSENTIAL FISH HABITAT:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact 4.6 acres of estuarine substrate and water column, and shade approximately 960 square feet of tidal marsh, as a result of construction of the proposed pocket beach and southern portion of boardwalk. The applicant previously submitted an EFH Assessment to the National Marine Fisheries Service (NMFS) Habitat Conservation Division on February 20, 2020, as part of its early coordination process. Our initial determination is that the proposed action would have a minimal adverse effect on EFH or federally managed fisheries due to the minor area of impact and the anticipated long-term benefits of restoring sandy intertidal habitat along 900 linear feet of shoreline currently armored by rip-rap revetment. Additionally, the applicant has minimized shading effects to tidal marsh by proposing the use of grid panel decking to allow for light penetration to marsh vegetation. Our final determination relative to project impacts and the need for mitigative measures is subject to review by and coordination with the National Marine Fisheries Service (NMFS).

**ENDANGERED SPECIES:** Preliminary review of this application and the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following federally-listed species are known or expected to occur within the project area: Alabama Red-bellied Turtle (E), West Indian Manatee (T), Wood Stork (T), Eastern Indigo Snake (T), Green Sea Turtle (T), Kemp's Ridley Sea Turtle (E), Loggerhead Sea Turtle (T), and Gulf Sturgeon (T). There is no designated critical habitat within the project action area. At this time, the USACE, Mobile District has made no determination with regard to potential effects of the project on the above-listed species. Further coordination with the U.S. Fish and Wildlife Service (USFWS) and NMFS will be performed as determined to be appropriate.

**COMMENTS:** This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the USACE can be based. The Mobile District 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 below. Comments are used in the 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. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

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, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and in general, the needs and welfare of the people. Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will also include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

Correspondence concerning this notice should refer to Public Notice Number **SAM-2019-00054-DCH**, and should be directed to the District Engineer, Mobile District, Regulatory Division, Attention: **Mr. Dylan C. Hendrix**, Post Office Box 2288, Mobile, Alabama 36628-0001, or by e-mail at [dylan.c.hendrix@usace.army.mil](mailto:dylan.c.hendrix@usace.army.mil), or (251) 694-3772. Copies of all comments should be furnished to the ADEM at [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov), or sent to: Alabama Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

**All comments should be received no later than 30 days from the date of this Public Notice.**

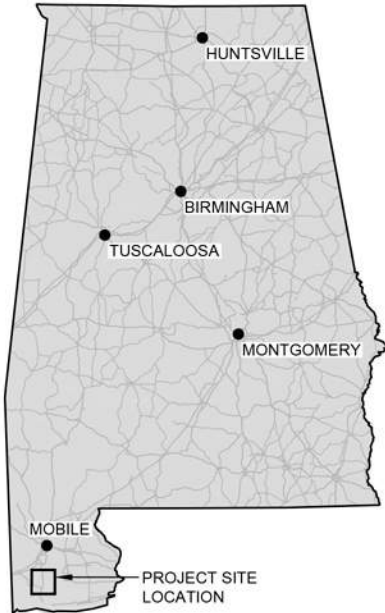
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

MOBILE DISTRICT  
U.S. Army Corps of Engineers

Attachments

# MOBILE COUNTY

## BAYFRONT PARK RESTORATION AND IMPROVEMENTS

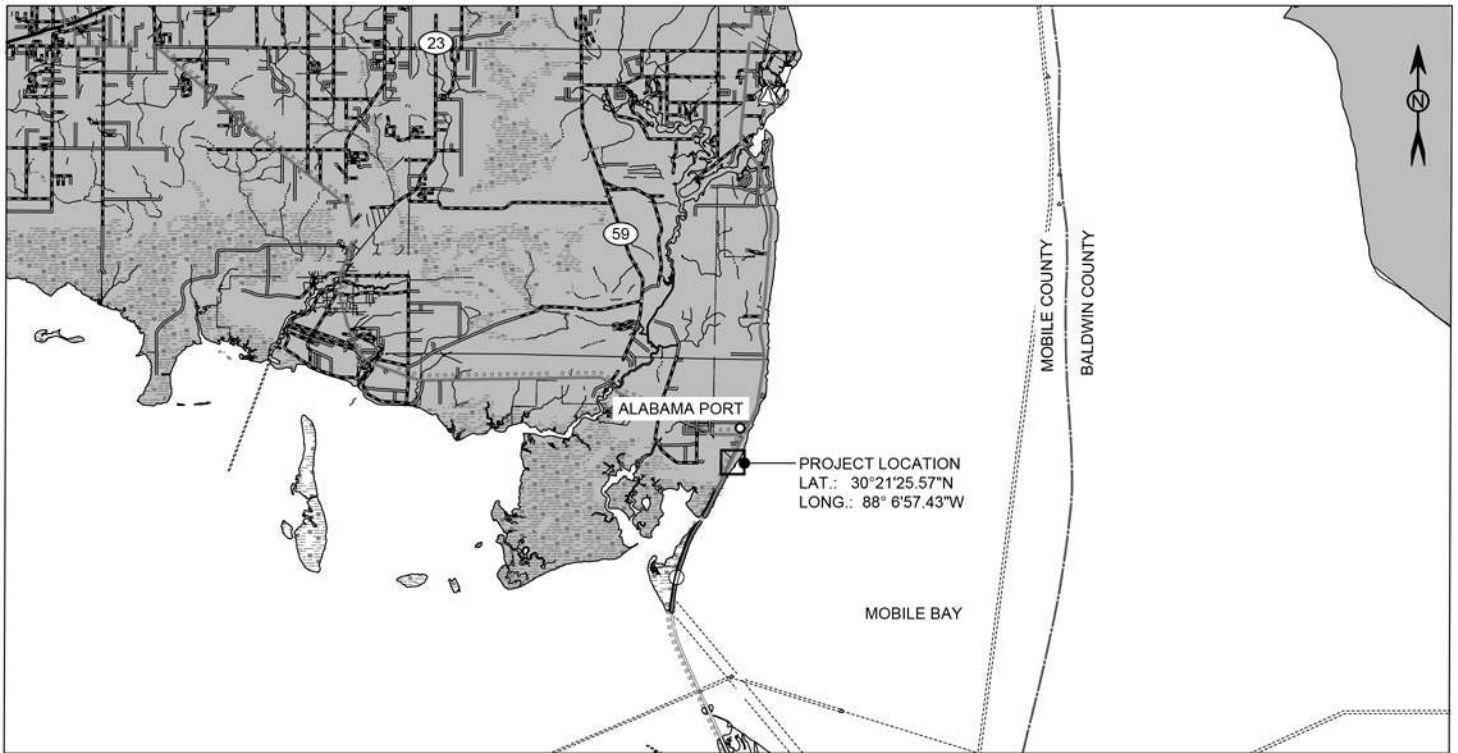


ALABAMA KEY MAP

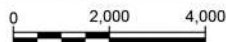
**DIRECTIONS:**

THE PROJECT SITE CAN BE ACCESSED ALONG THE 193 DAUPHIN ISLAND PKWY SOUTH OF THE INTERSECTION WITH ALABAMA'S COASTAL CONNECTION

SHEET INDEX	
SHEET NO.	TITLE
1	VICINITY - LOCATION MAP
2	EXISTING SITE PLAN
3	SITE PLAN
4	SECTIONS
5	SECTIONS



ALABAMA KEY MAP



SCALE IN FEET

PERMIT

APPLICANT: MOBILE COUNTY

DECEMBER 6, 2019

SHEET 1 OF 5

**M**  
**MOTT**  
**MACDONALD**

107 Saint Francis Street  
Suite 2900  
Mobile AL 36602  
T +1 (251) 343 4366  
www.mottmac.com

SITE ADDRESS:  
30°21'25.57"N  
88° 6'57.43"W

VERIFY SCALE

BAR IS ONE INCH ON ORIGINAL  
DRAWINGS IF NOT ONE INCH ON THIS  
SHEET, ADJUST SCALES ACCORDINGLY



CLIENT: MOBILE COUNTY  
IN: MOBILE COUNTY  
ADJACENT: MOBILE BAY  
COUNTY: MOBILE  
STATE: ALABAMA  
VERTICAL DATUM: MHW (EPOCH  
1983-2001)  
HORIZ DATUM: NAD83-FT

**BAYFRONT PARK RESTORATION  
AND IMPROVEMENTS**

**VICINITY - LOCATION MAP**

Figure 1. Locator map for Bayfront Park in Mobile County, Alabama.





LEGEND	
	ELEVATION CONTOURS
	MHW — EXISTING MHHW
	EXISTING REVETMENT

NOTE: AERIAL PHOTOGRAPHY DATED OCTOBER 18 2017, FROM GOOGLE EARTH AND IS ONLY REPRESENTATIVE OF THE CONDITIONS AT THE TIME TAKEN CONTOURS SHOWN REPRESENT BATHYMETRY DATA SET FROM SUMMER 2019



DECEMBER 6, 2019 SHEET 2 OF 5

**BAYFRONT PARK RESTORATION AND IMPROVEMENTS**  
**EXISTING SITE PLAN**

CLIENT: MOBILE COUNTY  
IN: MOBILE COUNTY  
ADJACENT: MOBILE BAY  
COUNTY: MOBILE  
STATE: ALABAMA  
VERTICAL DATUM: MHW (EPOCH 1983-2001)  
HORIZ DATUM: NAD83-FT

SITE ADDRESS:  
30° 21' 25.57" N  
88° 6' 57.43" W  
VERIFY SCALE  
BAR IS ONE INCH ON ORIGINAL DRAWINGS IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

**PERMIT**

APPLICANT: MOBILE COUNTY

107 Saint Francis Street  
Suite 2900  
Mobile AL 36602  
T +1 (251) 343-4366  
www.motmac.com

**MOTT MACDONALD**

THESE PLANS ARE INTENDED FOR PERMITTING AND ARE NOT TO BE USED FOR BIDDING OR CONSTRUCTION.

Figure 2. Aerial view of the existing Bayfront Park and shoreline.

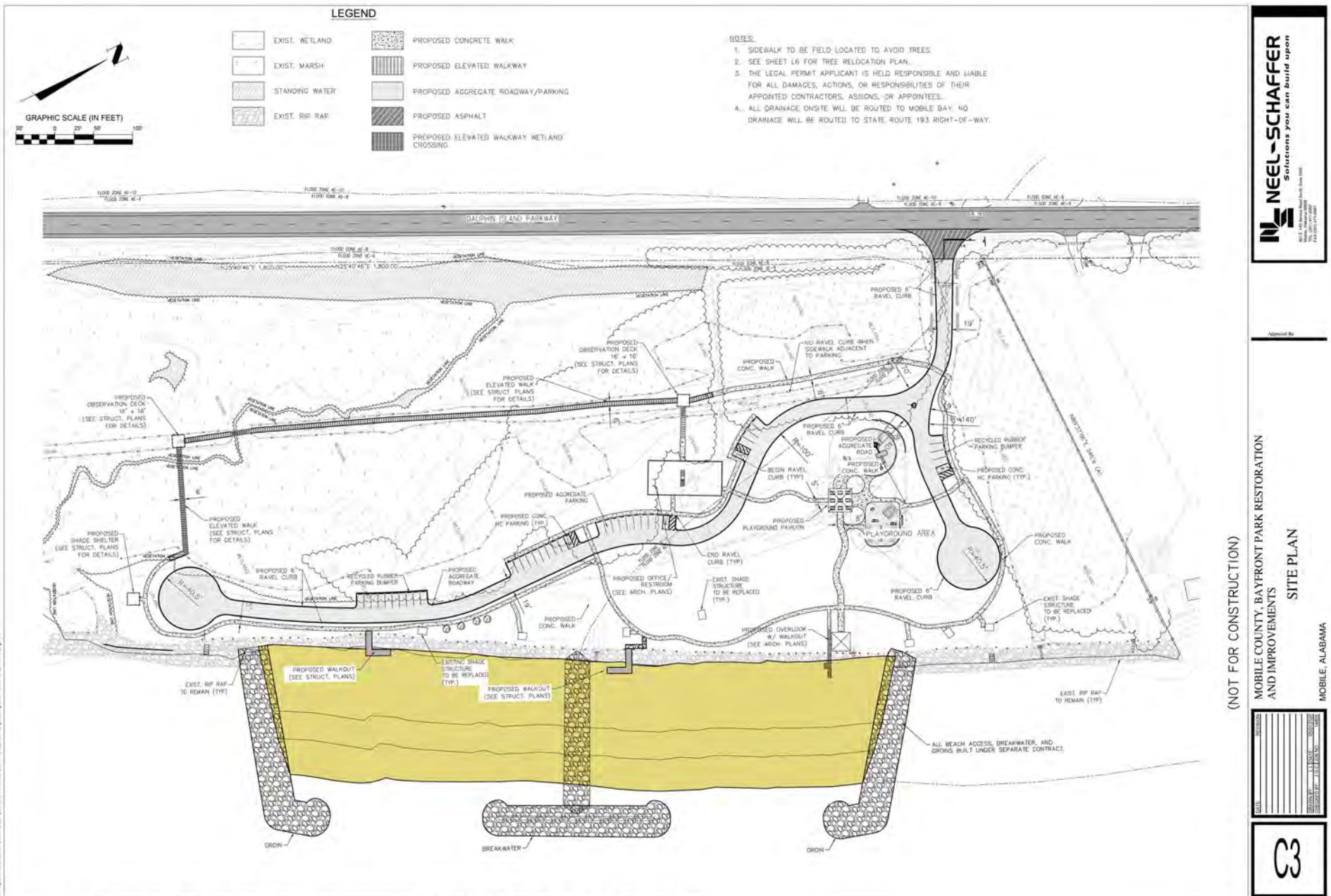
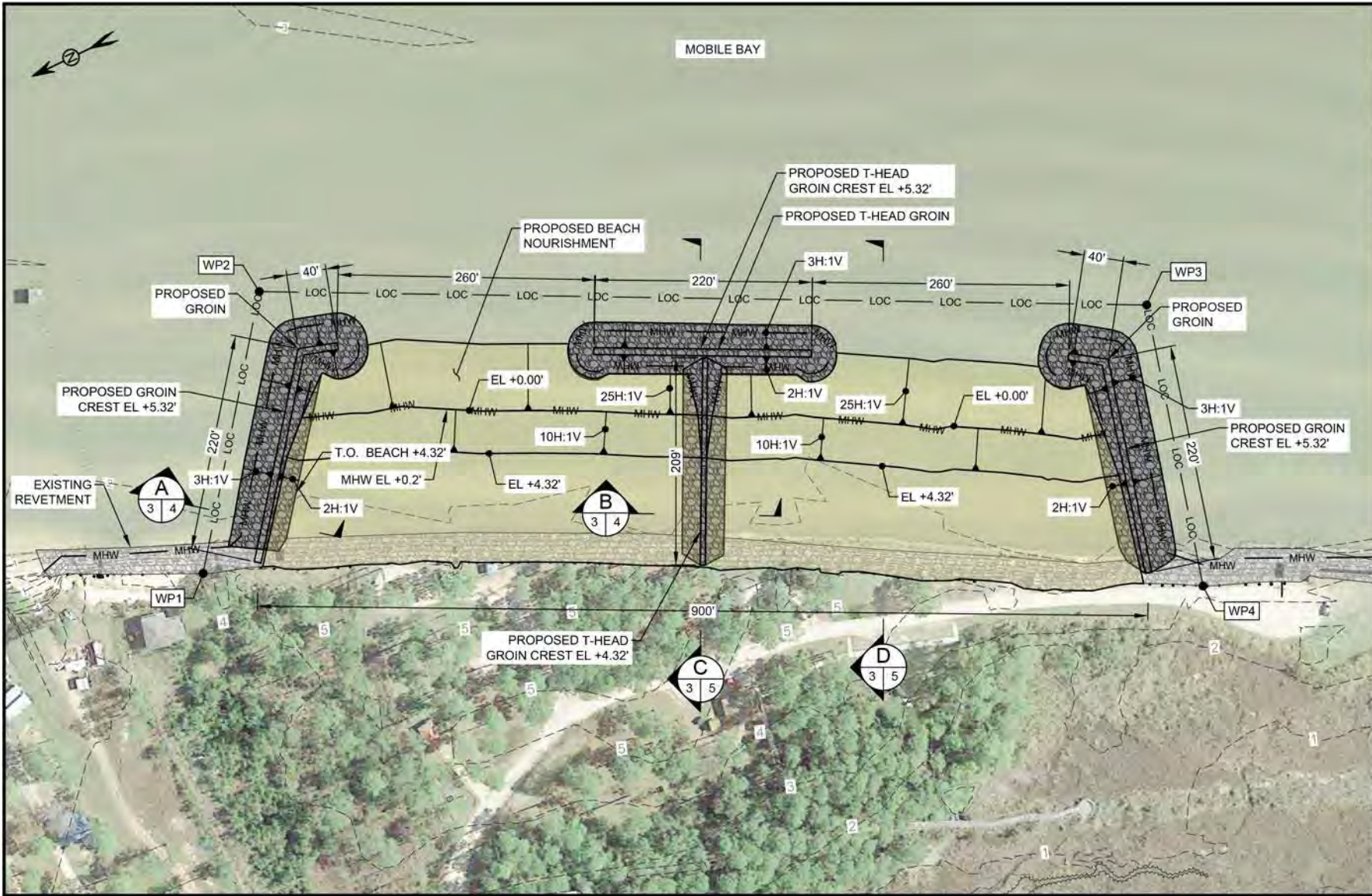


Figure 3. Proposed plan for improvements to Mobile County's Bayfront Park.





CLIENT: MOBILE COUNTY  
 IN: MOBILE COUNTY  
 ADJACENT: MOBILE BAY  
 COUNTY: MOBILE  
 STATE: ALABAMA  
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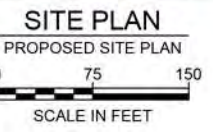
**LEGEND**

- ELEVATION CONTOURS
- MHW — PROPOSED MHHW
- - - LOC — LIMITS OF CONSTRUCTION
- [Pattern] GROIN/T-HEAD GROIN
- [Yellow] BEACH FILL
- [Pattern] EXISTING REVETMENT

**WORKING POINT TABLE**

POINT ID	LAT	LONG
WP1	N30° 21' 26.32"	W88° 06' 57.12"
WP2	N30° 21' 24.61"	W88° 06' 54.46"
WP3	N30° 21' 16.65"	W88° 06' 58.99"
WP4	N30° 21' 17.34"	W88° 07' 02.20"

NOTE: ALL COORDINATES SHOWN IN NAD83 ALABAMA STATE PLANES, WEST ZONE US FOOT.



**TIDAL WATER LEVELS (MHW)**

MEAH HIGH WATER (MHW)	+0.00'
MEAN SEA LEVEL (MSL)	+0.62'
NAVD88	-0.68'
MEAN LOW WATER (MLW)	-1.17'

**PERMANENT IMPACTS**

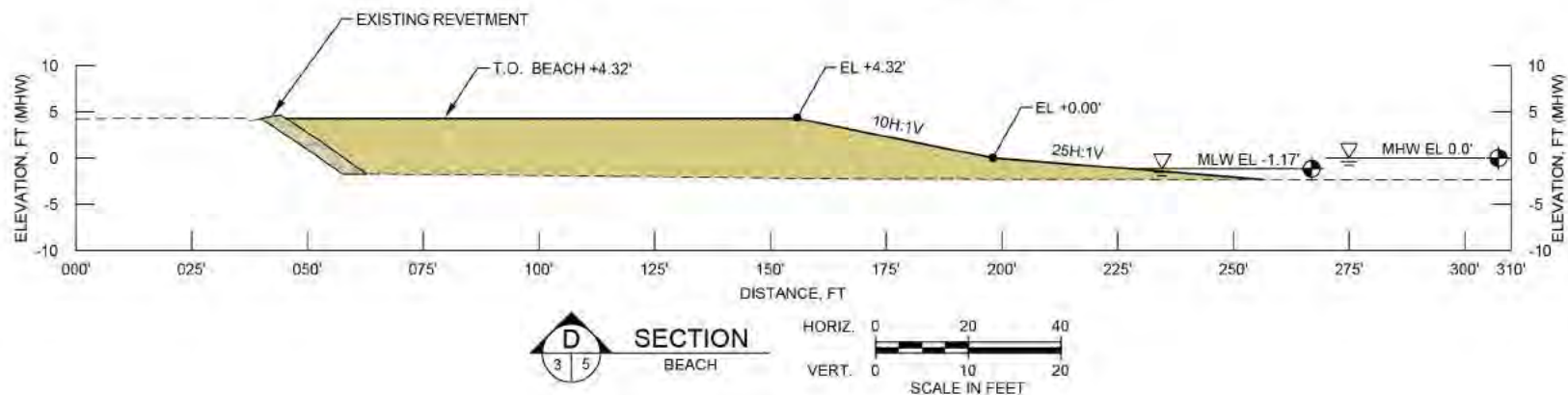
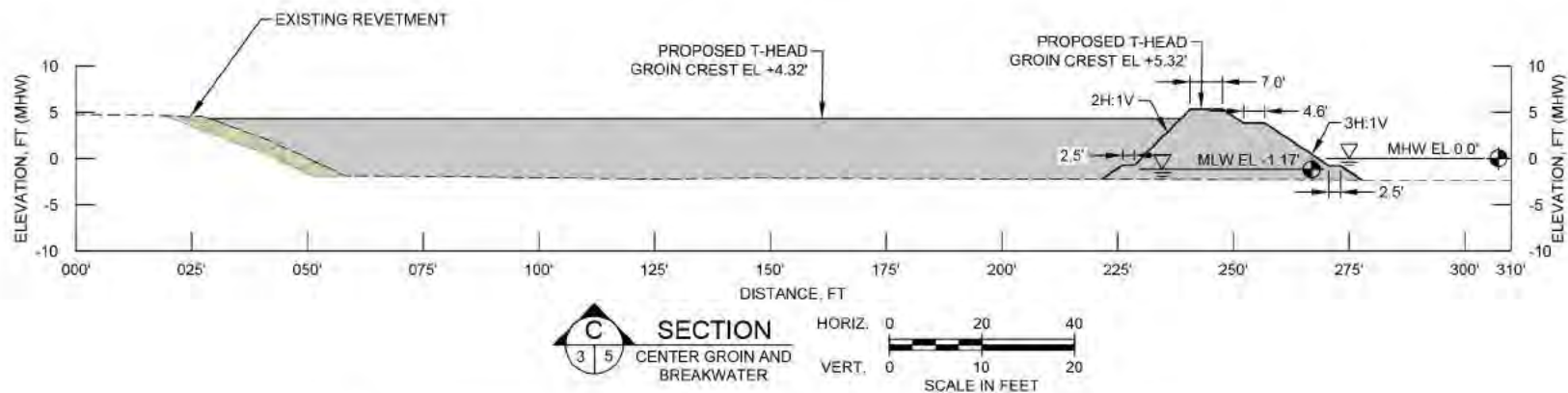
MATERIAL	FOOTPRINT (AC)
GROIN	1.50
BEACH NOURISHMENT	3.10

Figure 4. Site plan for the selected design for the proposed pocket beach.



**BAYFRONT PARK RESTORATION AND IMPROVEMENTS**

**SECTIONS**



	PROPOSED RIP-RAP (CY)	PROPOSED BEACH FILL (CY)
ABOVE MHW	4,900	12,100
BELOW MHW	3,600	7,900
TOTAL	8,500	20,000

**PERMIT**

Figure 5A. Profile views of the proposed beach nourishment areas and protective structures.

CLIENT: MOBILE COUNTY  
 IN: MOBILE COUNTY  
 ADJACENT: MOBILE BAY  
 COUNTY: MOBILE  
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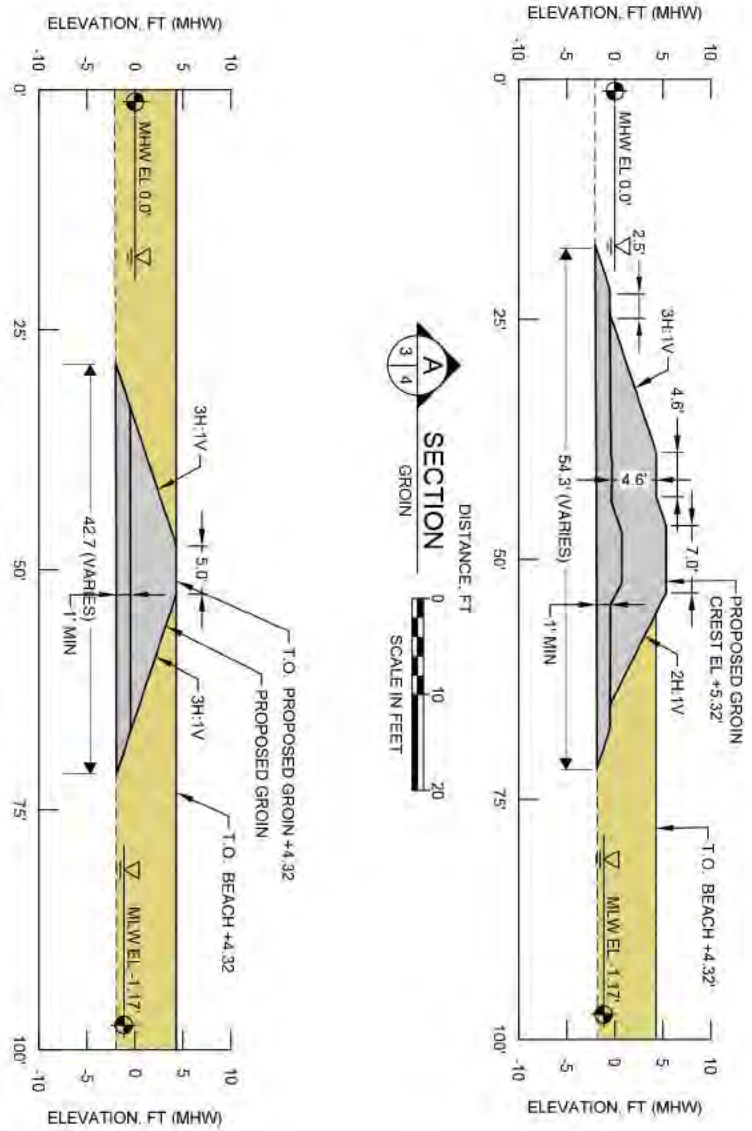


Figure 5B. Cross sections of the proposed beach nourishment areas and protective structures.

PERMIT

APPLICANT: MOBILE COUNTY

DECEMBER 6, 2019

SHEET 4 OF 5

**M**  
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**BAYFRONT PARK RESTORATION  
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**SECTIONS**

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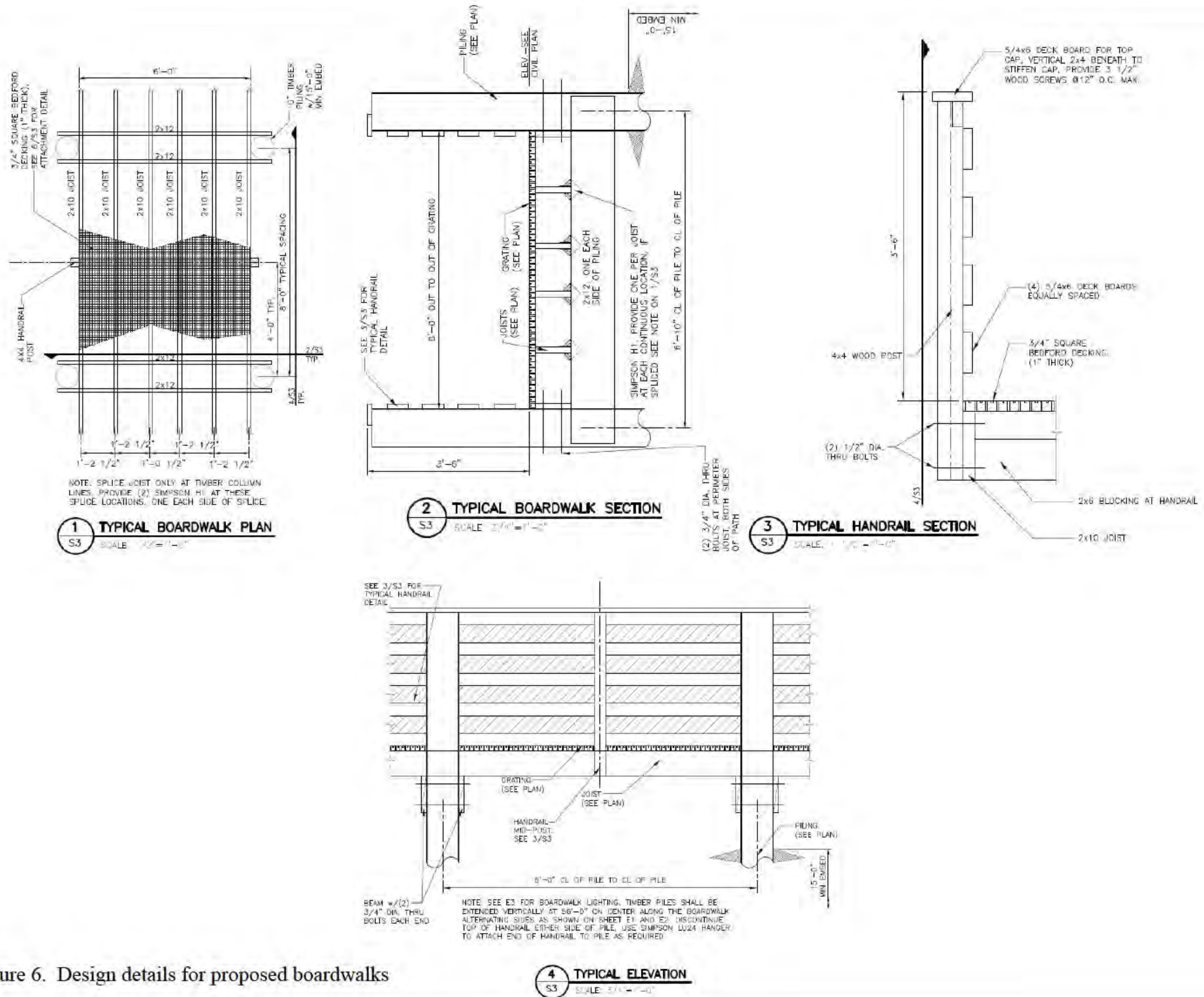


Figure 6. Design details for proposed boardwalks



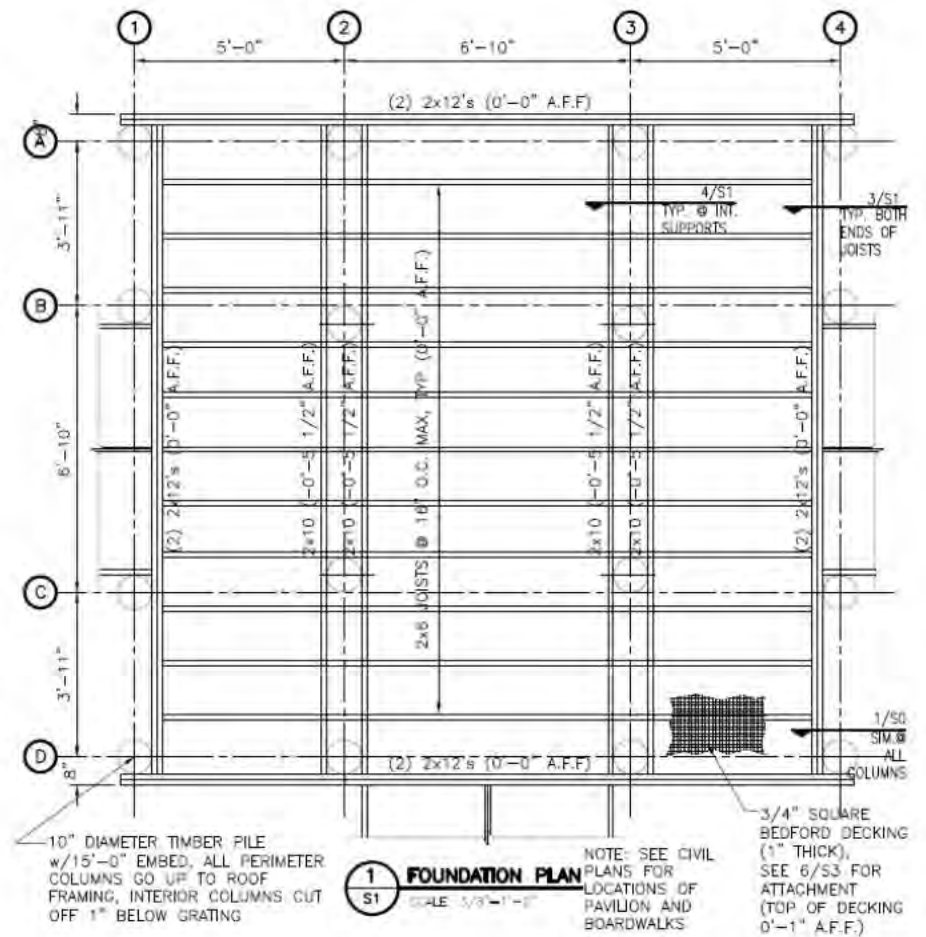
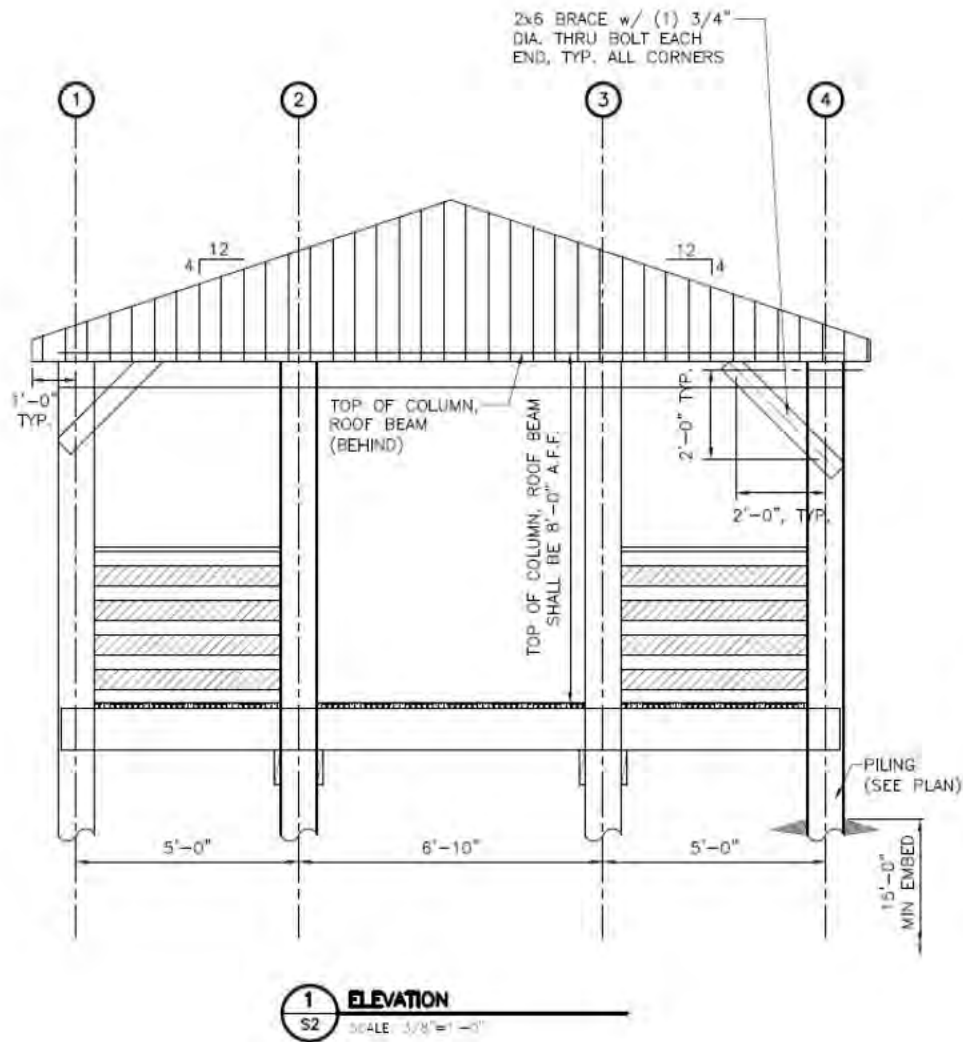


Figure 7. Design details for proposed observation decks