



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-2020-00107-DCH

August 21, 2020

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

REQUEST TO DISCHARGE FILL MATERIAL INTO 1.3 ACRES OF OPEN WATERS IN
MOBILE BAY FOR THE CONSTRUCTION OF AN ARTIFICIAL POCKET BEACH IN
FAIRHOPE, BALDWIN 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: City of Fairhope
Attention: Mr. Richard Johnson
161 North Section Street
Fairhope, Alabama 36532

AGENT: South Coast Engineers
Attention: Dr. Scott Douglass
Post Office Box 72
Fairhope, Alabama 36533

LOCATION: Mobile Bay; Fairhope South Beach Park, 1 North Beach Road; within Section 37, Township 6 South, Range 2 West; at Latitude 30.5234°, Longitude -87.9127°; Fairhope, Baldwin County, Alabama

PROJECT PURPOSE: The basic project purpose is to rehabilitate the shoreline at an existing waterfront park. The overall project purpose is to replace a failing bulkhead at South Beach Park with a more natural, resilient shoreline to improve public access to Mobile Bay.

PROPOSED WORK: The applicant proposes to discharge a total of 12,500 cubic yards of sandy fill and 3,300 cubic yards of rip-rap into 1.3 acres of open waters for the construction of a new artificial pocket beach along 460 linear feet of shoreline within the waters of Mobile Bay. Specifically, the work would involve the discharge of 8,450 cubic yards of clean sand below the plane of Mean High Water (MHW) within 0.90 acres of open water for the proposed beach area, and 2,460 cubic yards of rip-rap below the plane of MHW within 0.40 acres of open waters for installation of protective rock headland structures. The work would include the removal of 460 linear feet of failing bulkhead, and construction of sidewalks and a new stepped retaining wall at the landward side of the shoreline to provide pedestrian access to the new beach. The proposed beach is a component of a larger waterfront and green space improvement project at Fairhope Municipal Pier and South Beach Park.

AVOIDANCE AND MINIMIZATION: The applicant considered several shoreline improvement alternatives prior to selection of the proposed design, and has avoided impacts to waters of the United States by selecting a design that replaces the existing bulkhead with a more natural, sandy shoreline intended to restore intertidal habitat and increase long-term resiliency to storm events and sea level rise. Alternatives considered by the applicant included: replacement bulkhead, stepped concrete block seawall, non-stabilized beach nourishment, and various pocket beach designs. The proposed pocket beach incorporates the least amount of waterbottom impacts of other beach designs considered and is designed to avoid interference with adjacent stormwater infrastructure. The composition and grain size distribution of the proposed sand fill would closely match that of adjacent native sands. Fill material would be washed to remove fine particulates, and the applicant would employ sediment control barriers, as necessary, in order to reduce the potential for elevated turbidity levels in adjacent waters during removal of the existing bulkhead and construction of the pocket beach. 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 and portions of the adjacent uplands that would be disturbed by construction of associated sidewalks and stepped retaining wall, 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 Mobile District is seeking comments regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. At this time, the USACE, Mobile District has made no determination regarding potential effects of the project on cultural/historic resources. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

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 1.3 acres of estuarine substrate and water column as a result of construction of the proposed pocket beach. 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 460 linear feet of shoreline currently armored by bulkhead. 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), Gopher Tortoise (C), 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 regarding 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-2020-00107-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, or (251) 694-3772. Copies of all comments should be furnished to the ADEM at coastal@adem.alabama.gov, or sent to: Alabama Department of Environmental Management, Mobile Branch, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

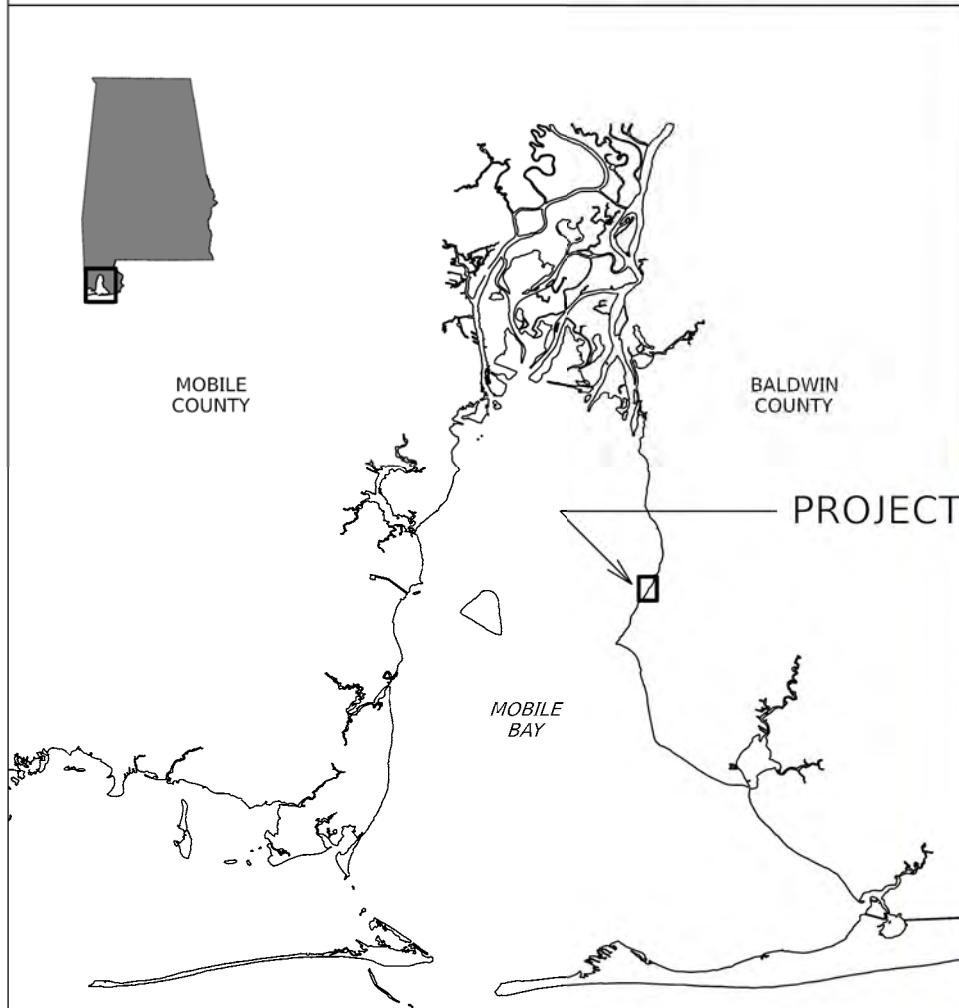
All comments should be received no later than 30 days from the date of this Public Notice.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Attachments

NOT FOR CONSTRUCTION - FOR PERMIT APPLICATION REVIEW ONLY



DIRECTIONS TO SITE: FROM EASTBOUND I-10, TURN SOUTH ON US-98 E & FOLLOW FOR 9.4 MILES. TURN WEST ON FAIRHOPE AVE (CR 48) & FOLLOW TO END, DOWN THE HILL TO PARKING AREA AT FAIRHOPE MUNICIPAL PARK & PIER. PROJECT SITE AT SOUTH BEACH PARK IMMEDIATELY SOUTH OF FAIRHOPE MUNICIPAL PARK & PIER.

South Beach Park:
Location Map

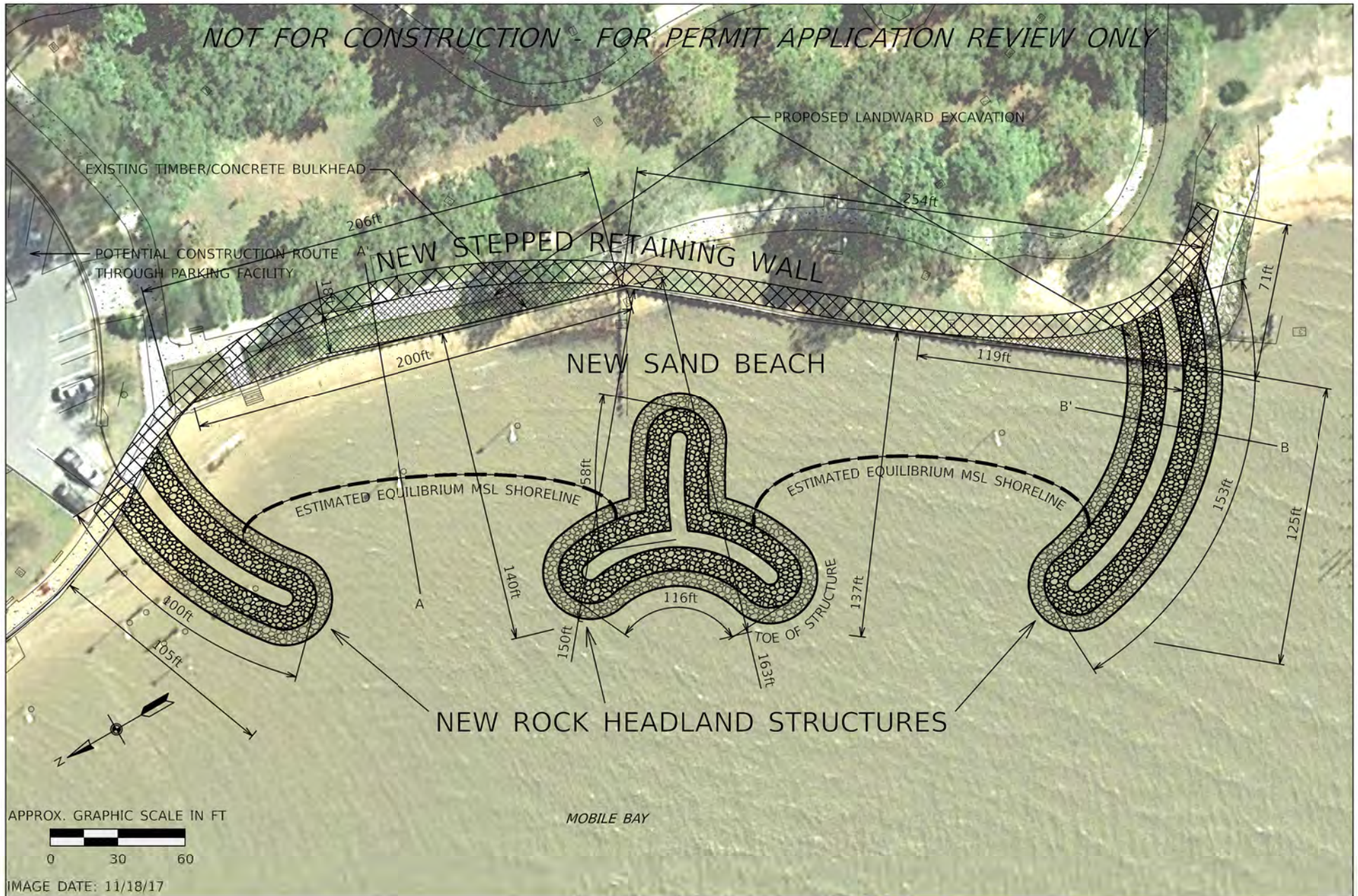
DESIGNED BY: SLD	CHECKED BY:
DRAWN BY: BB	REVIEWED BY:
DATE: 7/10/20	SUBMITTED:



City of Fairhope

DRAWING NO.
M
SHEET 1 ()

NOT FOR CONSTRUCTION - FOR PERMIT APPLICATION REVIEW ONLY



APPROX. GRAPHIC SCALE IN FT

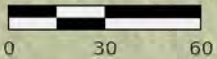


IMAGE DATE: 11/18/17

South Beach Park: Beach Restoration Plan

DESIGNED BY: SLD	CHECKED BY:
DRAWN BY: BB	REVIEWED BY:
DATE: 7/9/20	SUBMITTED:



City of Fairhope

DRAWING NO.

P1

SHEET 2 OF 5

NOT FOR CONSTRUCTION - FOR PERMIT APPLICATION REVIEW ONLY



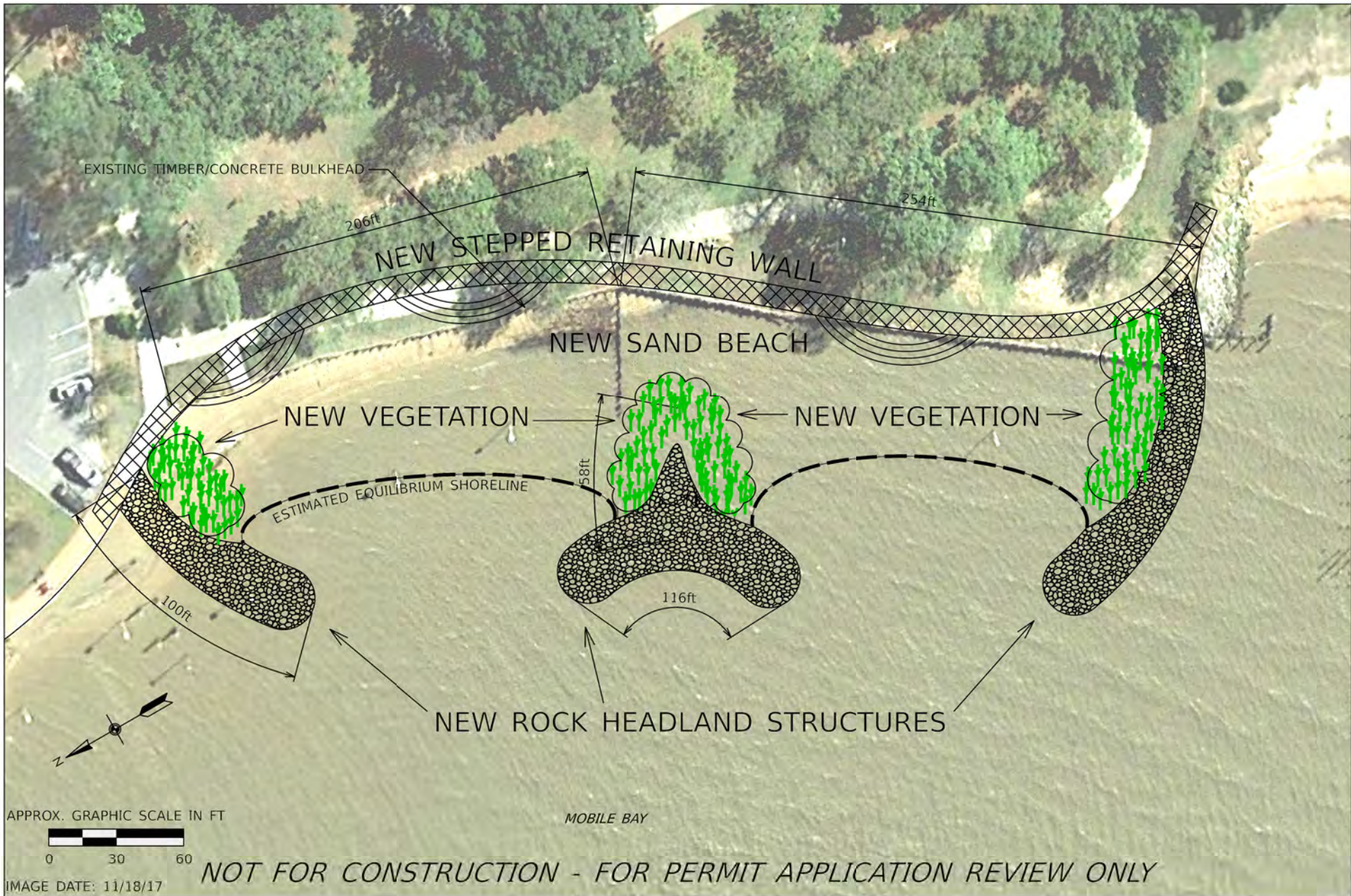
South Beach Park:
Equilibrium Shoreline Analysis

DESIGNED BY: SLD	CHECKED BY:
DRAWN BY: BB	REVIEWED BY:
DATE: 7/10/20	SUBMITTED:



City of Fairhope

DRAWING NO.
P2
SHEET 3 OF 5



South Beach Park:
Vegetation Plan

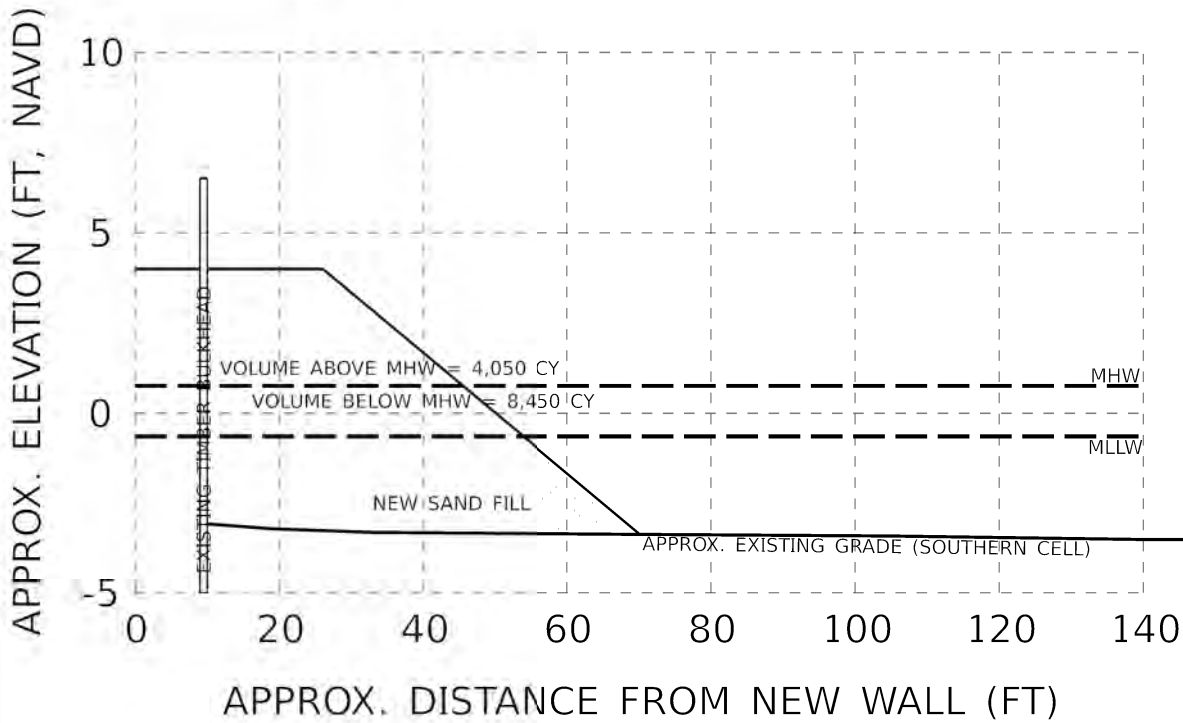
DESIGNED BY: SLD	CHECKED BY:
DRAWN BY: BB	REVIEWED BY:
DATE: 5/20/20	SUBMITTED:



City of Fairhope

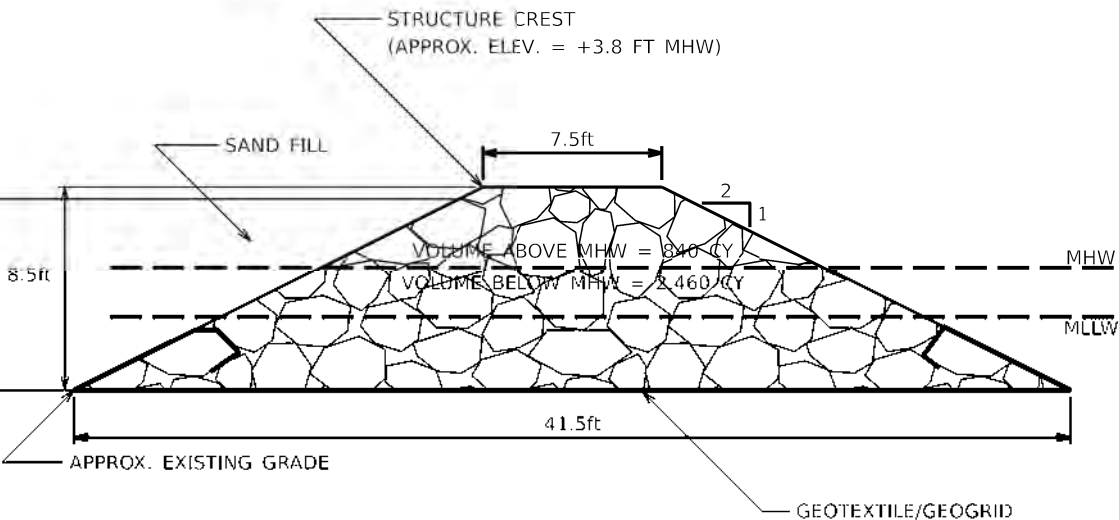
DRAWING NO.
P3
SHEET 4 OF 5

CROSS-SECTION OF BEACH FILL



A'-A

CROSS-SECTION OF ROCK HEADLAND



*NOT FOR CONSTRUCTION
 FOR PERMIT APPLICATION REVIEW ONLY*

B'-B

DRAWING NO. X
 SHEET 5 OF 4

City of Fairhope



DESIGNED BY:	CHECKED BY:
SLD	
DRAWN BY:	REVIEWED BY:
BB	
DATE:	SUBMITTED:
7/21/20	

South Beach Park:
 Beach Restoration Cross-sections