



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

**February 8, 2023**

**CEASAM RDTA**  
**PUBLIC NOTICE NO. SAM-2022-01079-JEB**

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

**REQUEST TO CONSTRUCT A BULKHEAD BETWEEN TWO EXISTING BULKHEADS**  
**AND FILL BELOW THE MEAN HIGH-WATER LINE OF MOBILE BAY, 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 404 of the Clean Water Act (33 U.S.C. 1344). Please communicate this information to interested parties.

**APPLICANT:** Rosie McGowin  
11197 County Road 1  
Fairhope, Alabama 36532

**AGENT:** EcoSolutions, Inc.  
Attention: Mr. Tom Hutchings  
P.O. Box 361  
Montrose, Alabama 36559

**LOCATION:** The project is located at 11197 County Road 1; within Section 33, Township 7 South, Range 2 East; at Latitude 30.387628, Longitude -87.870866; in Fairhope, Baldwin County, Alabama.

**PROJECT PURPOSE:** The project purpose is to construct a new bulkhead waterward of an existing bulkhead at a private residential lot at 11197 County Road 1.

**PROPOSED WORK:** The applicant is requesting a permit to construct 50-linear feet of new bulkhead and backfill behind it with 230 cubic yards of sand fill material. The fill will impact 1,015 square feet of water bottoms below the Mean High-Water Line of Mobile Bay between two existing bulkheads.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated the proposed fill area represents minimal impacts necessary to satisfy the project purpose. The entire shoreline on either side of the proposed work was bulkheaded many years ago and the subject property has eroded landward to the location of the existing bulkhead. The U.S. Army Corps of Engineers (USACE), Mobile District, has not yet verified the adequacy of the applicant's avoidance and minimization efforts at this time.

**MITIGATION:** No mitigation for the requested impacts has been proposed. The Mobile District has not yet verified the adequacy of the applicant's proposal at this time.

**WATER QUALITY:** The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, and for a consistency determination regarding Coastal Zone regulations in accordance with the Alabama Coastal Area Management Program. Upon completion of the required advertising and public comment review, a determination relative to Water Quality Certification and Coastal Zone consistency will be made by the ADEM. This notice will serve as the notification to the Administrator of the Environmental Protection Agency (EPA) pursuant to section 401(a)(2) of the Clean Water Act.

**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 fill area that would be disturbed by construction of the project. The National Register of Historic Places has been 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. Further coordination with the State Historic Preservation Officer and/or federally-recognized American Indian tribes will be performed as determined to be appropriate.

**ENDANGERED SPECIES:** The USACE, Mobile District's review of the U.S. Department of the Interior's List of Endangered and Threatened Wildlife and Plants indicate the following listed endangered (E) or threatened (T) species have the potential to exist within the Fly Creek 12 digit HUC 031602050205 boundary: Florida manatee (E), Wood stork (T), Alabama red belly turtle (E), 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's action area.

Review of this proposed activity for potential effects on the above list of threatened or endangered species has been accomplished by use of species-specific Standard Local Operating Procedures for Endangered Species (SLOPES). The USACE, Mobile District's review has indicated the proposed activity will have no effect on the above listed species. Details of the proposed activity are being provided to federal and state agencies via this Public Notice for receipt of any relevant comments regarding potential effects of the proposed project on the listed species.

**COMMENTS:** This public notice is being distributed to all known interested persons to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (USACE) can be based. The USACE is soliciting comments from the public, from federal, state and local agencies and officials, from Indian tribes, and from 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-2022-01079-JEB**, and should be directed to the project manager, Mr. Eric Buckelew by e-mail at [james.e.buckelew@usace.army.mil](mailto:james.e.buckelew@usace.army.mil), or to the U.S. Army Corps of Engineers, Mobile District, Regulatory Division, Attention: Mr. Eric Buckelew, Post Office Box 2288, Mobile, Alabama 36628-0001. Copies of all comments should be furnished to the Alabama Department of Environmental Management 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.** If you have any questions concerning this publication, you may contact Mr. Eric Buckelew by e-mail at [james.e.buckelew@usace.army.mil](mailto:james.e.buckelew@usace.army.mil), or (251) 690-3184. Please refer to the above Public Notice Number SAM-2022-01079, in any communication concerning this project.

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

Enclosures

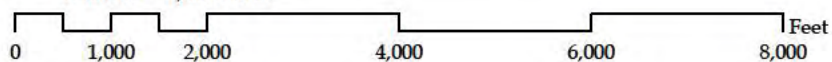


P.O. Box 361 Montrose, AL 36559  
Phone: 251-621-5006 Fax: 251-621-5058

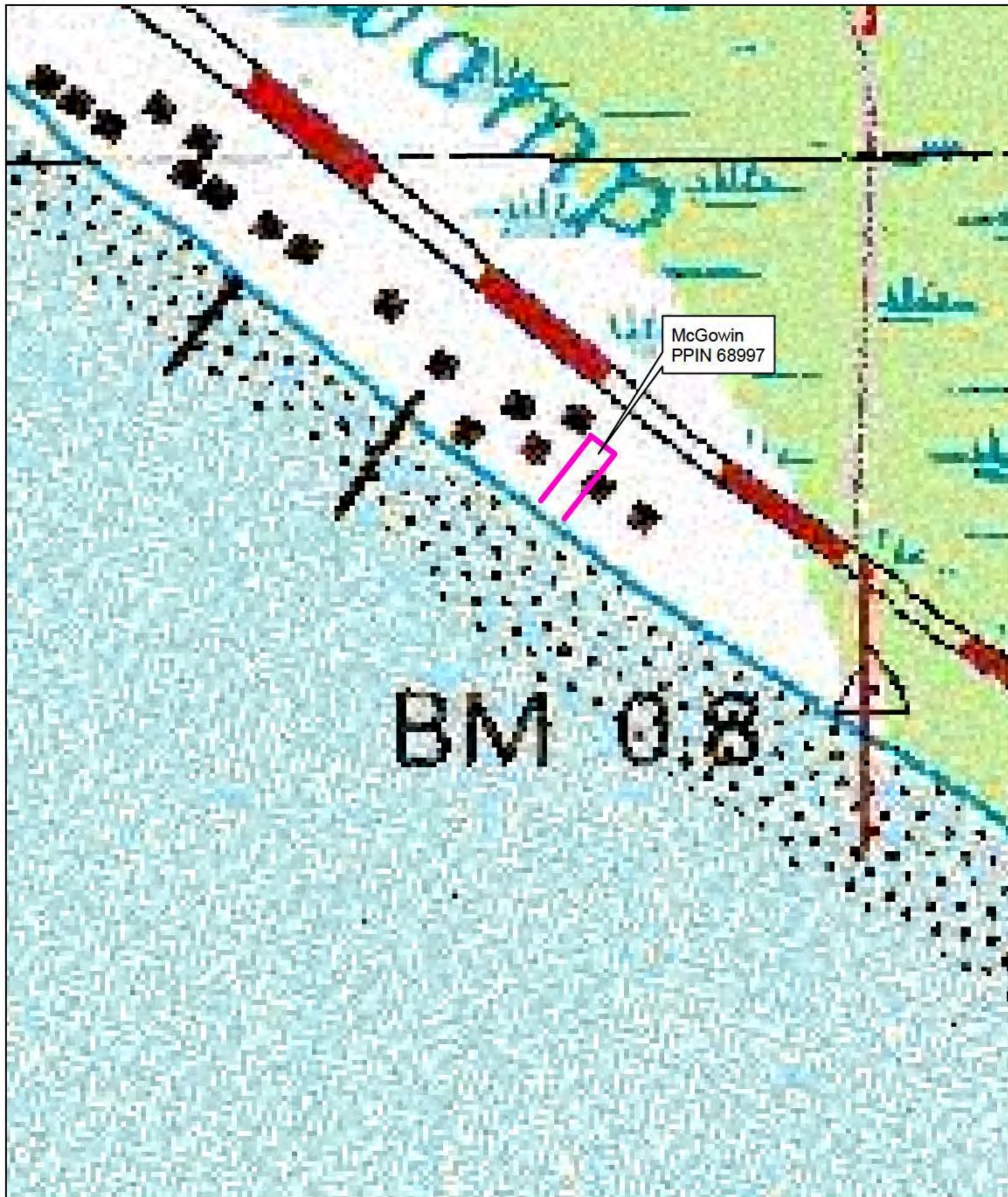
SAM-2022-01079-JEB

Locator Map  
Project: McGowin Mobile Bay  
Applicant: Rosie McGowin  
1 inch = 2,000 feet

T-7-S, R-2-E, Sect. 33  
Fairhope, AL







SAM-2022-01079-JEB



P.O. Box 361 Montrose, AL 36559  
Phone: 251-621-5006 Fax: 251-621-5058

Topo Map  
Project: McGowin Mobile Bay  
Applicant: Rosie McGowin  
1 inch = 200 feet

T-7-S, R-2-E, Sect. 33  
Fairhope, AL

0 100 200 400 600 800 Feet







1- Manav Bhogal  
11201 Co Rd 1  
Fairhope, AL 36532

2 - John McNamara  
416 Common St  
New Orleans, La 70130

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



P.O. Box 361 Montrose, AL 36559  
Phone: 251-621-5006 Fax: 251-621-5058

SAM-2022-01079-JEB

Adjacent Properties Map  
Project: McGowin Mobile Bay  
Applicant: Rosie McGowin  
1 inch = 100 feet

T-7-S, R-2-E, Sect. 33  
Fairhope, AL

0 50 100 200 300 400 Feet





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

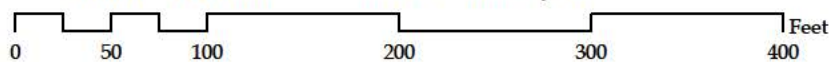


P.O. Box 361 Montrose, AL 36559  
Phone: 251-621-5006 Fax: 251-621-5058

Aerial Map  
Project: McGowin Mobile Bay  
Applicant: Rosie McGowin  
1 inch = 100 feet

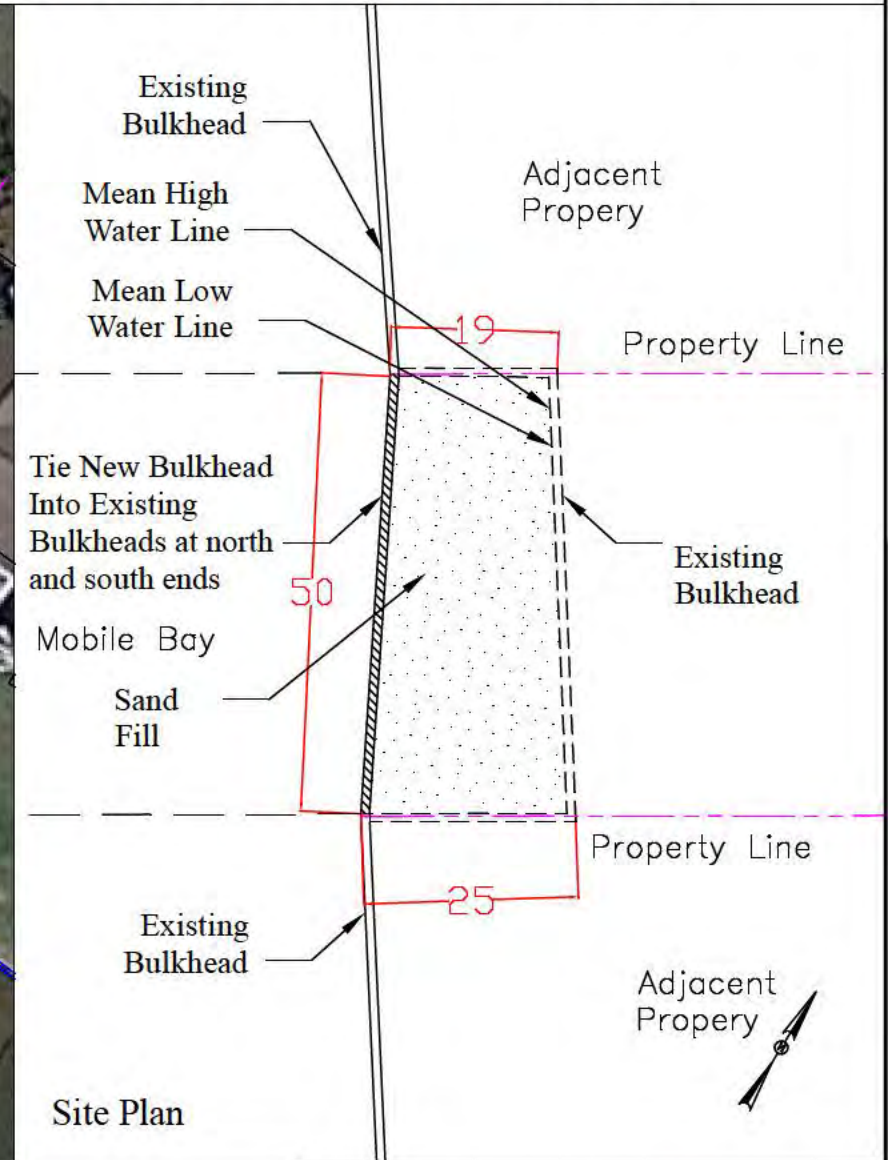
T-7-S, R-2-E, Sect. 33  
Fairhope, AL

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# FOR PERMITTING ONLY, NOT TO BE RELIED ON FOR CONSTRUCTION



Note: All dimensions shown are measured in feet. Drawings are for USACE, ADEM and AL State Lands permitting only and should not be used for construction.

A survey should be performed prior to placement of structures. Distances from existing structures were estimated based on aerial photos. Property boundaries are estimated based on available information.

**Fill Area = 1,015 sq ft**

**Fill Volume = 230 cu yds**

SAM-2022-01079-JEB

## McGowin Site Plan

**EcoSolutions**  
ENVIRONMENTAL MEDIATION, MANAGEMENT & PLANNING

P.O. BOX 361  
MONTROSE, AL 36559  
(251) 621-5006

PREPARED FOR  
Raele McGowin  
11197 Co Rd. 1  
Fairhope, Alabama

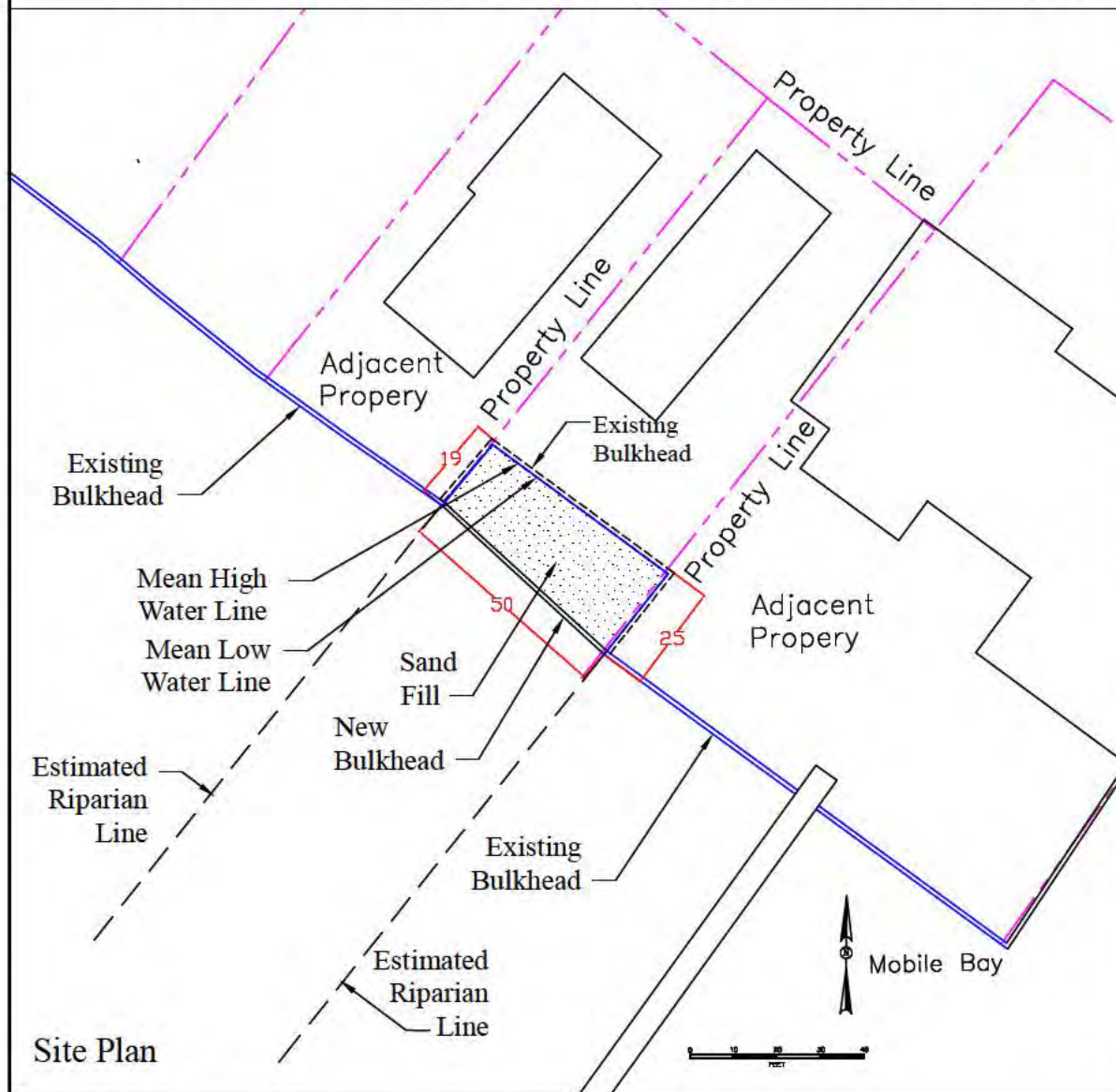
DRAWN BY  
L. Kercher  
CHECKED BY  
L. Camblay

DATE OF LAST REVISION  
1/18/23  
SCALE: AS STATED

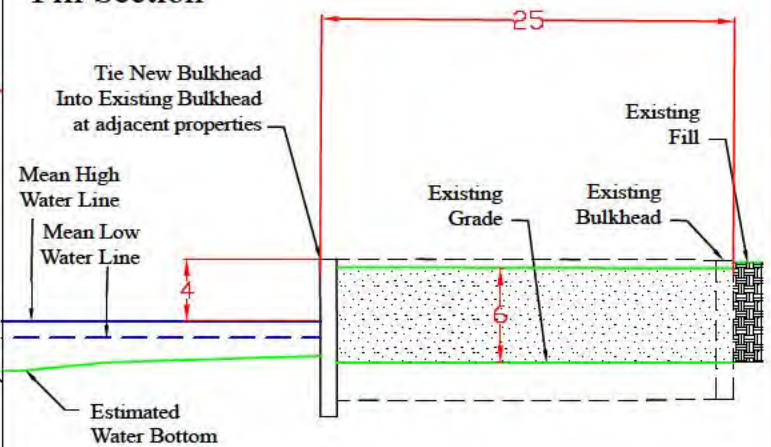
DWG  
McGowin Property 9.28.22  
SHEET 1



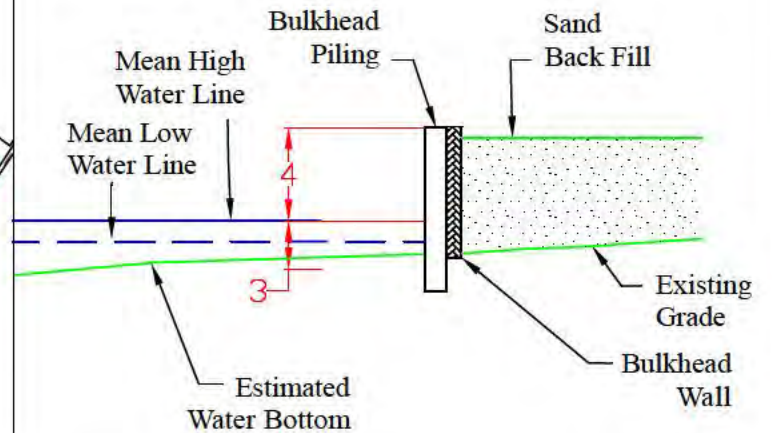
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## Fill Section



## Bulkhead Section



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P.O. BOX 361  
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(251) 621-5006

PREPARED FOR  
Raele McGowin  
11197 Co Rd. 1  
Fairhope, Alabama

DRAWN BY  
L. Kercher  
CHECKED BY  
T. Hutchings

DATE OF LAST REVISION  
1/18/23  
SCALE: AS STATED

DWG  
McGowin Property 9.28.22  
SHEET 1