



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

**CESAM RD-A**  
**PUBLIC NOTICE NO. SAM-2024-00972-CDJ**

**January 23, 2025**

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

**REQUEST FOR AUTHORIZATION TO DISCHARGE FILL MATERIAL INTO WATERS**  
**OF THE UNITED STATES TO RESTORE MAGNOLIA BEACH IN THE TOWN OF**  
**FAIRHOPE, BALDWIN COUNTY, ALABAMA**

**TO WHOM IT MAY CONCERN:** This District 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). Please communicate this information to interested parties.

**APPLICANT:** City of Fairhope  
Attn: Richard Johnson  
555 South Section Street  
Fairhope, Alabama 36532

**AGENT:** Goodwyn Mills Cawood  
Attention: Scott Douglass  
2039 Main Street  
Daphne, Alabama 36526

**LOCATION:** The project is located on Mobile Bay, at the 400 block of South Mobile Street; within Section 37, Township 6 South, Range 2 East; centered near Latitude 30.517077 North, and Longitude -87.916389 West; in Fairhope, Baldwin County, Alabama.

**PROJECT PURPOSE:** The primary purpose of this project is to restore and preserve the currently eroding beach and bluff at Magnolia Beach to reduce the threat of shoreline retreat to upland infrastructure. Restoring and preserving the beach would ensure the beach and bluff remains safe for continued public access by visitors and the community.

**PROPOSED WORK:** The applicant proposes to discharge 8,900 cubic yards of sand fill material and 590 cubic yards of angular granite quarrystone rock, both clean and commercially sourced, into 70,735 square feet (1.62 acres) of shoreline beach, intertidal zone, and water bottoms of Mobile Bay for the purpose of restoring and preserving a public beach for the protection of shoreline infrastructure from erosion. Approximately 8,150 cubic yards of sand and all the rock would be placed below the mean high water (MHW) line. The rock would be used to construct three, headland breakwater structures

which would be underlain by geotextile or geofabric. The southernmost rock headland structure would be farthest from the MHW line into Mobile Bay at a maximum of 130 feet. Sand would be discharged along the shoreline and between the MHW line and the rock headland structures to restore and stabilize the beach area.

**AVOIDANCE AND MINIMIZATION:** The applicant has indicated the proposed project has been planned to provide the minimal shoreline width necessary to provide protection once the system equilibrates. Additionally, fill material would be commercially sourced and the sand would be matched by grain size as closely as possible to the native sand currently found along the shoreline, with less than 2% fines, to prevent turbidity concerns from the project. Construction would seek to avoid the disturbance of upland soil or vegetation and would employ best management practices (BMPs) as needed to address any concerns. No dredging or excavation is proposed. 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 proposed project does not request the discharge of fill material into a special aquatic site; therefore, no mitigation has been proposed. The Mobile District has not verified the adequacy of the applicant's proposed mitigation plan at this time.

**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 and for Coastal Zone Management (CZM) consistency concurrence 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 CZM consistency will be made by the Alabama Department of Environmental Management (ADEM). This notice serves as a notification to the Administrator of the Environmental Protection Agency (EPA) requesting a determination of potential water quality impacts to neighboring jurisdictions, 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 as well as portions of the upland parcel. The National Register of Historic Places will be consulted for properties listed in or eligible for the National Register, which are known to exist and would be affected by the proposed work. The Mobile District is seeking comment from the State Historic Preservation Officer (SHPO) regarding the existence, or the potential for existence, of significant cultural and historic properties within the permit area. Further coordination with the SHPO 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 approximately 70,735 square feet (1.62 acres) of unvegetated estuarine water bottoms, intertidal zone, and nearshore beach. Our initial determination is that the proposed action would not have an adverse impact on EFH or federally managed fisheries due to the minor area of impact and lack of submersed aquatic vegetation (SAV) within and near the project footprint. Our final determination 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 12-digit Hydrologic Code (HUC-12) of the project area: West Indian manatee (T), Rufa red knot (T), Eastern indigo snake (T), Alabama red-bellied turtle (E), Kemp's ridley sea turtle (E), Green sea turtle (T), Loggerhead sea turtle (T), Gulf sturgeon (T), and Giant manta ray (T). The USACE has initially determined the proposed activity will have no effect on the West Indian manatee, Rufa red knot, Eastern indigo snake, Kemp's ridley sea turtle, Green sea turtle, Loggerhead sea turtle, Gulf sturgeon, and Giant manta ray, and may affect, but not likely to adversely affect the Alabama red-bellied turtle. There is no designated critical habitat within the project action area. This determination is being coordinated with the USFWS via this Public Notice.

**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-2024-00972-CDJ**, and should be directed to the project manager, Ms. C. Dianne Jordan by e-mail at [Cynthia.D.Jordan@usace.army.mil](mailto:Cynthia.D.Jordan@usace.army.mil), or to the USACE, Mobile District, Regulatory Division, Attention: Ms. C. Dianne Jordan, 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, 1615 South Broad Street, Mobile, Alabama 36605.

**All comments should be received no later than 30 days from the date of this Public Notice.** If you have questions concerning this publication, you may contact Ms. C. Dianne Jordan by email at [Cynthia.D.Jordan@usace.army.mil](mailto:Cynthia.D.Jordan@usace.army.mil), or by phone at (251) 510-1162. Please refer to the above Public Notice Number **SAM-2024-00972-CDJ**, 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

Attachments



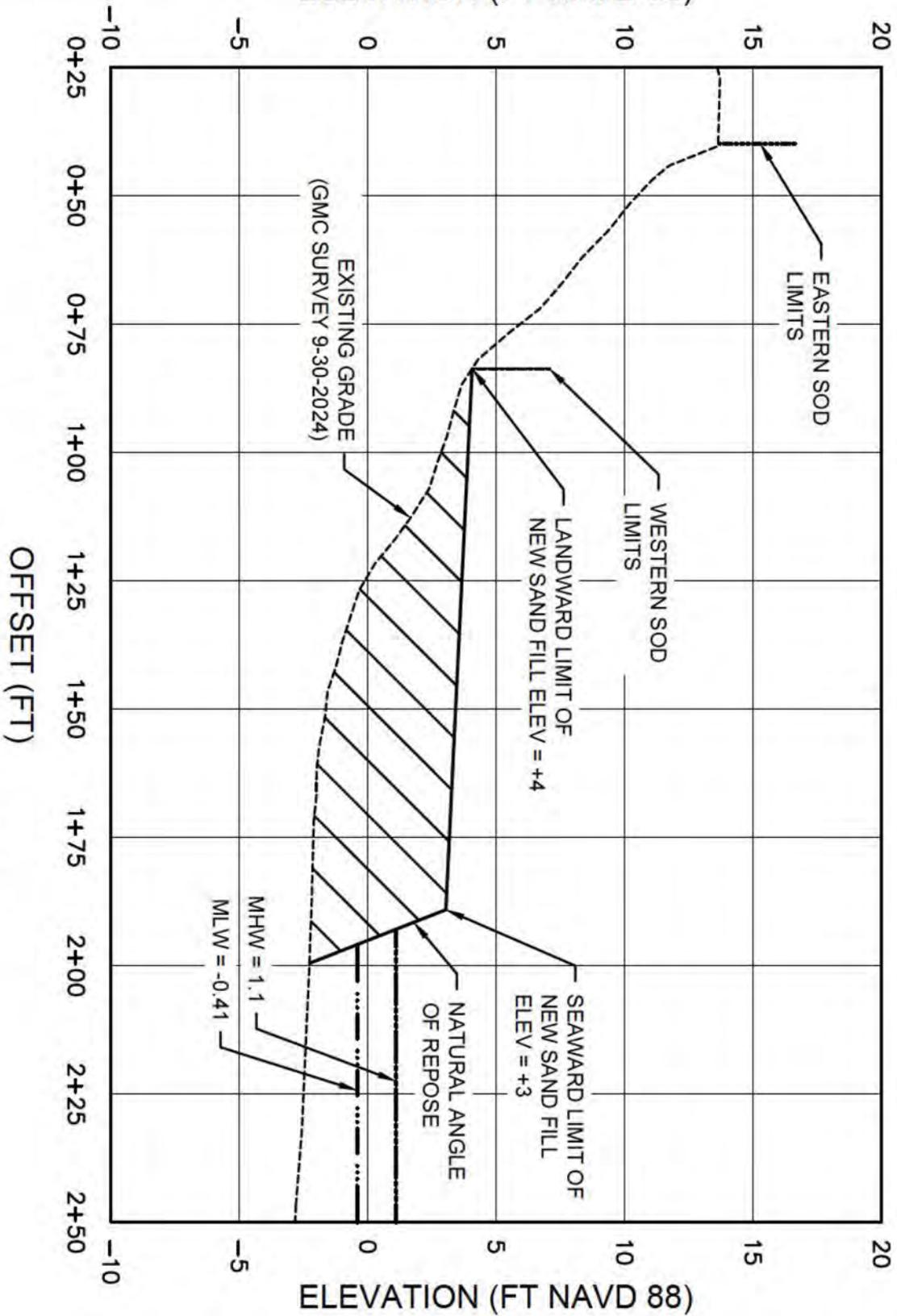
Figure 1: Vicinity of Magnolia Beach, Fairhope, AL



Figure 2: 2023 aerial photography showing the northern end of Magnolia Beach, with the Pier Street boat ramp shown to the left and the Pecan Street pier shown near the center



ELEVATION (FT NAVD 88)



**CROSS-SECTION OF BEACH FILL SL - 18**

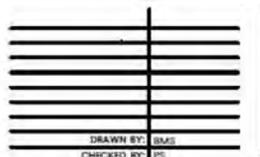
HORZ.: 1"=30'  
VERT.: 1"=6'

CROSS SECTION -  
BEACH FILL SL - 18

C-501

MAGNOLIA BEACH  
CITY OF FAIRHOPE  
FAIRHOPE, ALABAMA

CMOB240041



2039 Main Street  
Daphne, AL 36526  
T 251.626.2626  
OMCNETWORK.COM

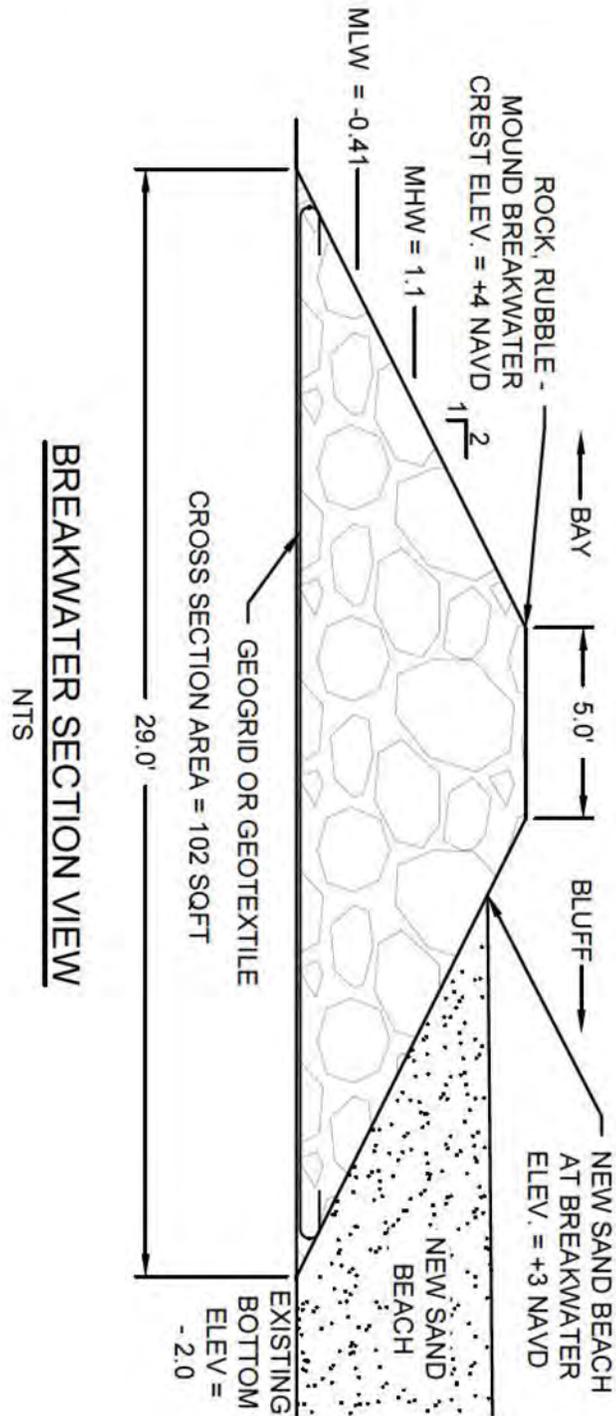


GOODWYN MILLS CAWOOD, LLC





Dept of the Army // SAM-2024-00972-CDJ

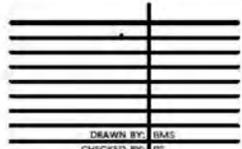


BREAKWATER DETAIL -  
SECTION VIEW

C-903

MAGNOLIA BEACH  
CITY OF FAIRHOPE  
FAIRHOPE, ALABAMA

CMOB240041



DRAWN BY: BMS  
CHECKED BY: PS

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**GMC**

GOODWYN MILLS CAWOOD, LLC