



APPENDIX C

Agency and Tribal Coordination

Marshall, John C (Colby)

From: Harris, Abigail N <abigail_harris@fws.gov>
Sent: Tuesday, October 1, 2024 9:09 AM
To: Marshall, John C (Colby)
Cc: Mountain, Ryan C.
Subject: Re: [EXTERNAL] RE: MTSU Development Shelbyville, TN-USFWS Reference Code 2024-0044690

Mr. Marshall,

Thank you for the updated information regarding the MTSU development in Shelbyville, TN. The additional wetlands do not alter our previous review of the site, and our May 21, 2024, response is still valid. Thank you for reaching out and please let me know if you have any additional questions or concerns.

Thank you,

Abigail Harris
Fish and Wildlife Biologist
Ecological Services
U.S. Fish and Wildlife Service
446 Neal St.
Cookeville, TN 38501
Mobile Phone: 931-357-1654

From: Marshall, John C (Colby) <JCMarshall@GarverUSA.com>
Sent: Monday, September 30, 2024 4:18 PM
To: Harris, Abigail N <abigail_harris@fws.gov>
Cc: Mountain, Ryan C. <RCMountain@GarverUSA.com>
Subject: [EXTERNAL] RE: MTSU Development Shelbyville, TN-USFWS Reference Code 2024-0044690

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Ms. Harris, a follow up site visit was made in July 2024 to investigate potential additional wetlands. As a result, wetland acreages increased, and a small (0.01 acre) scrub-shrub wetland was added (see table below). Also, during the visit, a 0.02-acre area had intermittent swamp milkweed (*Asclepias incarnata*) growing (see attached habitat map). We feel no changes to determinations are warranted and are requesting your concurrence with no changes needed. Please contact me if you have any questions or need additional information.

Wetland	Cowardin Classification	Acreage within Study Area	Latitude, Longitude
W 1	PEM1E	0.05	35.555716°, -86.446578°
W 2	PEM1E	0.73	35.554775°, -86.445874°
W3	PSS1E	0.01	35.554815°, -86.445309°
W4	PEM1E	0.21	35.554866°, -86.446519°
P 1	PUB	0.21	35.556042°, -86.446110°
	Total	1.21	

Thanks,

Colby Marshall

Garver
479-879-9746

From: Harris, Abigail N <abigail_harris@fws.gov>

Sent: Tuesday, May 21, 2024 8:41 AM

To: Marshall, John C (Colby) <JCMarshall@GarverUSA.com>

Cc: Sikula, Nicole R <nicole_sikula@fws.gov>; Tennessee ES, FWS <tennesseeES@fws.gov>

Subject: MTSU Development Shelbyville, TN-USFWS Reference Code 2024-0044690

Mr. Marshall,

Thank you for coordinating with us on the proposed acquisition of lands project located in Shelbyville, Bedford County, Tennessee. Information about federally listed species that are located in the general vicinity of the project area was generated during a search of the Fish and Wildlife Service's Information for Planning and Consultation system. You have requested comments relative to the potential for environmental impacts, including those to threatened and endangered species.

Based on the project scope and site location, we are not aware of any federally listed species that are expected to occupy this project's anticipated area of impact. However, if the buildings on site proposed for demolition can be entered safely, we recommend any buildings proposed for demolition between April 1 and October 15, be inspected for bat use (bats present, guano, staining, etc.). If evidence of bat use is observed, additional coordination with our office should take place to determine species before the buildings are demolished. You should re-coordinate with us if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Note that the tricolored bat was proposed for federal listing in accordance with sections 3(6) and 4(a)(1) of the Endangered Species Act (ESA) of 1973, as amended, on September 14, 2022. No designated critical habitat has been proposed at this time. While a proposed species is not afforded protection under the ESA, there is a prohibition against jeopardy of its continued existence. The listing decision for this species should be announced within 12 months of the date the proposed rule was published. If the tricolored bat is listed, the prohibition against taking a listed species under section 9 of the ESA becomes effective 30 days later, regardless of a proposed action's stage of completion. At this time, you should determine if the

action is likely to jeopardize the continued existence of this species and confer with our office only if jeopardy may occur. If the proposed action will not be complete should the tricolored bat be listed and it may result in effects to the species after the effective date of the final listing rule, you would need to coordinate with our office at that time in regard to potential impacts. In any case, although not required in accordance with the Endangered Species Act, we recommend that any activity involving disturbance to forested habitats be conducted during the period of October 1 through March 31 to the greatest extent feasible in order to minimize impacts to bats in general and birds that may use the site for nesting.

Thank you for coordinating with us on the proposed action. If you have any questions or feel that further coordination regarding this project would be helpful, please contact me at abigail_harris@fws.gov, reference activity **2024-0044690**.

Thank you,

Abigail Harris
Fish and Wildlife Biologist
Ecological Services
U.S. Fish and Wildlife Service
446 Neal St.
Cookeville, TN 38501
Mobile phone: 931-357-1654

Mountain, Ryan C.

From: Marshall, John C (Colby)
Sent: Tuesday, May 21, 2024 10:43 AM
To: Mountain, Ryan C.
Subject: Fwd: MTSU Development Shelbyville, TN-USFWS Reference Code 2024-0044690

Follow Up Flag: Flag for follow up
Flag Status: Flagged

FYI

Colby Marshall
Garver
479-879-9746

Begin forwarded message:

From: "Harris, Abigail N" <abigail_harris@fws.gov>
Date: May 21, 2024 at 08:41:17 CDT
To: "Marshall, John C (Colby)" <JCMarshall@garverusa.com>
Cc: "Sikula, Nicole R" <nicole_sikula@fws.gov>, "Tennessee ES, FWS" <tennesseeES@fws.gov>
Subject: MTSU Development Shelbyville, TN-USFWS Reference Code 2024-0044690

Mr. Marshall,

Thank you for coordinating with us on the proposed acquisition of lands project located in Shelbyville, Bedford County, Tennessee. Information about federally listed species that are located in the general vicinity of the project area was generated during a search of the Fish and Wildlife Service's Information for Planning and Consultation system. You have requested comments relative to the potential for environmental impacts, including those to threatened and endangered species.

Based on the project scope and site location, we are not aware of any federally listed species that are expected to occupy this project's anticipated area of impact. However, if the buildings on site proposed for demolition can be entered safely, we recommend any buildings proposed for demolition between April 1 and October 15, be inspected for bat use (bats present, guano, staining, etc.). If evidence of bat use is observed, additional coordination with our office should take place to determine species before the buildings are demolished. You should re-coordinate with us if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which

were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Note that the tricolored bat was proposed for federal listing in accordance with sections 3(6) and 4(a)(1) of the Endangered Species Act (ESA) of 1973, as amended, on September 14, 2022. No designated critical habitat has been proposed at this time. While a proposed species is not afforded protection under the ESA, there is a prohibition against jeopardy of its continued existence. The listing decision for this species should be announced within 12 months of the date the proposed rule was published. If the tricolored bat is listed, the prohibition against taking a listed species under section 9 of the ESA becomes effective 30 days later, regardless of a proposed action's stage of completion. At this time, you should determine if the action is likely to jeopardize the continued existence of this species and confer with our office only if jeopardy may occur. If the proposed action will not be complete should the tricolored bat be listed and it may result in effects to the species after the effective date of the final listing rule, you would need to coordinate with our office at that time in regard to potential impacts. In any case, although not required in accordance with the Endangered Species Act, we recommend that any activity involving disturbance to forested habitats be conducted during the period of October 1 through March 31 to the greatest extent feasible in order to minimize impacts to bats in general and birds that may use the site for nesting.

Thank you for coordinating with us on the proposed action. If you have any questions or feel that further coordination regarding this project would be helpful, please contact me at abigail_harris@fws.gov, reference activity **2024-0044690**.

Thank you,

Abigail Harris

Fish and Wildlife Biologist

Ecological Services

U.S. Fish and Wildlife Service

446 Neal St.

Cookeville, TN 38501

Mobile phone: 931-357-1654



TENNESSEE WILDLIFE RESOURCES AGENCY

ELLINGTON AGRICULTURAL CENTER
5105 EDMONDSON PIKE
NASHVILLE, TENNESSEE 37211

5/2/2024

TWRA Environmental Review:
MTSU Shelbyville Municipal Airport, Bedford County, TN

The Tennessee Wildlife Resources Agency has reviewed the information that you provided. Garver, LLC has requested an endangered species review on the proposed construction of an aerospace training facility at the Shelbyville Municipal Airport in Bedford County, TN. It is my understanding that two wetlands and one pond will be impacted by construction related activities.

Occurrences of the state endangered Streamside Salamander (*Ambystoma barbouri*), the state threatened Striated Darter (*Etheostoma striatulum*), and the state deemed in need of management Redband Darter (*Etheostoma luteovinctum*) are documented within two miles of the project location. Based on the information and photos provided it is my understanding that no suitable habitat exists for these species onsite.

Therefore, we do not anticipate adverse impacts to state listed species under our authority due to the proposed construction; provided that best management practices to address erosion and sediment are implemented and maintained during construction activities. Thank you for the opportunity to review and comment on this proposed project. If I may be of further assistance, please contact me at katie.m.murphy@tn.gov.

Sincerely,

Katie Murphy
Region 2 Aquatic Habitat Biologist

The State of Tennessee

AN EQUAL OPPORTUNITY, EQUAL ACCESS, AFFIRMATIVE ACTION EMPLOYER

Mountain, Ryan C.

From: Travis Blake <Travis.Blake@tn.gov>
Sent: Monday, April 15, 2024 1:08 PM
To: Mountain, Ryan C.
Cc: Jennifer Tribble
Subject: Request for Information - MTSU Relocation Environmental Assessment

The Tennessee Department of Environment and Conservation's Division of Air Pollution Control received your request for information for the Environmental Assessment that is being prepared to address the potential environmental impacts associated with relocation of the Middle Tennessee State University's Aerospace campus from Murfreesboro Municipal Airport to Shelbyville Municipal Airport. The infrastructure needed to accommodate these programs would include hangars, classroom/office space, security fences, utilities, aprons, taxiway connections, and landside parking areas. The Division of Air Pollution Control has reviewed your request and offers the following comments:

Asbestos: If this project involves the demolition or renovation of structures, be advised that there are federal regulations enforced by the EPA and the Division of Air Pollution Control regarding asbestos renovation and demolition activity. These regulations apply to any building or structure known to contain asbestos and to any facilities proposed to be demolished. When any structures are proposed to be demolished, an asbestos demolition notification must be provided in advance, and proper pre demolition surveys must be conducted to identify any regulated asbestos containing material (ACM) present. Prior to any building demolition, all facilities must be examined for ACM, and all potential ACM in the buildings proposed for demolition must be handled and disposed of in accordance with the applicable Federal, state, and local regulations. Tennessee's asbestos regulations can be found in [Chapter 1200-03-11 of the Tennessee Air Pollution Control Regulations \(TAPCR\)](#).

Idling: Truck traffic associated with construction projects generate emissions of PM, CO, NO₂, SO₂, VOC, and CO₂, and the Division of Air Pollution Control recommends the operation of trucks with up-to-date emission control technologies and proper maintenance to minimize vehicle and equipment emissions. The Division also recommends the adoption of best practices to minimize vehicle idling to minimize the impact of mobile source emissions on ambient air quality.

Open Burning: If disposal of trees or vegetation is necessary during construction, the Division of Air Pollution Control recommends the evaluation of alternatives to open burning. Tennessee's open burning regulations can be found at <https://publications.tnsosfiles.com/rules/1200/1200-03/1200-03-04.pdf>.

Fugitive Dust: If fugitive dust will be generated from construction activities, the Division of Air Pollution Control recommends the use of wet suppression or other measures to minimize the generation of fugitive dust.

Please contact me if you have any questions or need additional information.



Travis J. Blake | Environmental Fellow
Division of Air Pollution Control
William R. Snodgrass Tennessee Tower, 15th Floor
312 Rosa L. Parks Avenue, Nashville, TN 37243
p. (615) 532-0617
travis.blake@tn.gov
tn.gov/environment

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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation, Nashville Field Office
711 R.S. Gass Boulevard
Nashville, Tennessee 37216

April 5, 2024

Garner, LLC
Attn: Mr. Ryan Mountain
4300 South J.B. Hunt Dr., Suite 240
Rogers, AR 72758

RE: MTSU Relocation Environmental Assessment
Shelbyville Municipal Airport (1) Property (March 21, 2024)

Dear Mr. Mountain,

The Division of Remediation (DoR) received your environmental review request dated March 21, 2024, on April 3, 2024, regarding the MTSU Relocation Environmental Assessment for Relocation to Shelbyville Municipal Airport located in Shelbyville, Tennessee. A search of the DoR database was conducted based on the information provided within the environmental review request. The environmental review request included One (1) site location. As a result of this search, DoR identified Zero (0) DoR site within a one-mile radius of the subject properties.

DoR may provide any files or information on any sites determined to be located within the one-mile radius upon request. The one-mile radius is an industry standard and does not imply that any identified site within that area will or will not have impact on the Project Area. Additionally, the Division cannot make a determination as to whether any of the identified sites currently or potentially may impact the Project Area. If such a determination is necessary, it is recommended that an environmental consultant be contacted to review all potential variables associated with the subject site.

If you have any further questions, do not hesitate to contact me at 615-687-7032 or Ken.Johnson@tn.gov.

Sincerely,

Ken Johnson P.G.
Middle Tennessee Regional Manager



cc: DoR/NCO – file

Mountain, Ryan C.

From: James M. Dye <James.M.Dye@tn.gov>
Sent: Friday, April 26, 2024 8:21 AM
To: Mountain, Ryan C.
Subject: MTSU Shelbyville
Attachments: Shelbyville MTSU airport comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Filed by Newforma

Good morning,

Please see the attached, and let me know if you have any questions.

Thank you,

James



James Dye, P.G. | Environmental Consultant 1
Department of Environment and Conservation
Division of Solid Waste Management
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway
Nashville, TN 37243
p. (615)532-0859
james.M.Dye@tn.gov
tn.gov/environment

External Customers: We value your feedback! Please complete [Customer Satisfaction Survey](#)

Internal Customers: We value your feedback! Please complete: [Customer Satisfaction Survey](#)

The Division of Solid Waste Management (DSWM) strongly recommends that any wastes associated with construction confined to the limits of the proposed project — construction may include but is not limited to the following: unforeseen damages and repairs, cleanup, grading, excavation, testing of subsurface conditions, confining sediment, surface stabilization, leaks, and spills — must be handled in accordance with the Solid and Hazardous Waste Rules and Regulations of the state. This includes all materials that would be classified as solid and/or hazardous wastes per these chapters.

With respect to the possibility of a legacy solid waste site, Tennessee's Solid Waste Management program only dates back to 1972, so there could conceivably be disposal in this area that predates the DSWM's program of which no information is available. Any wastes which may be uncovered during this project would be subject to a hazardous waste determination and must be managed appropriately.

Reviews were conducted in internal state and federal databases (WasteBin, ECHO/NEPAssist, respectively) with respect to the delineated project site. Review indicated there is a hazardous waste generating site within approximately one mile; Summit Polymers (Handler ID: TNR000018408).

Bedford County, Tennessee

Shelbyville Airport Project

The Division understands the project is needed to address potential program expansion impacts at Murfreesboro Municipal Airport because of the increased demand for MTSU-offered aviation training. As a result, MTSU is looking to relocate their program to Shelbyville Airport, which does not currently have capacity to accommodate these programs. Infrastructure at the Shelbyville Airport needed to accommodate these programs includes hangars, classroom/office space, security fences, utilities, aprons, taxiway connections, and landside parking areas. The project includes land acquisition of approximately 20.8 acres.

Mountain, Ryan C.

From: James M. Dye <James.M.Dye@tn.gov>
Sent: Friday, April 26, 2024 8:21 AM
To: Mountain, Ryan C.
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James



James Dye, P.G. | Environmental Consultant 1
Department of Environment and Conservation
Division of Solid Waste Management
Davy Crockett Tower, 7th Floor
500 James Robertson Parkway
Nashville, TN 37243
p. (615)532-0859
james.M.Dye@tn.gov
tn.gov/environment

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Internal Customers: We value your feedback! Please complete: [Customer Satisfaction Survey](#)

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Bedford County, Tennessee

Shelbyville Airport Project

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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF ARCHAEOLOGY
Cole Building #3, 1216 Foster Avenue
NASHVILLE, TN 37243
(615) 741-1588

Ryan Mountain
Garver, LLC
4300 South J.B. Hunt Dr., Suite 240
Rogers, AR 72758

April 3, 2024

RE: MTSU Relocation Environmental Assessment, Shelbyville Municipal Airport (SYI), Shelbyville, Tennessee.

Mr. Mountain,

I received your environmental review packet for relocation of the MTSU Aerospace campus to Shelbyville Municipal Airport in Bedford County. The project has been reviewed by our office and no significant archaeological resources will be disturbed by the proposed project based on the information provided. A previous archaeological survey was conducted on a portion of the property along Highway 231 which produced no evidence of archaeological remains. No archaeological sites are recorded in the project area and no additional archaeological survey is recommended. This is a state-level review response only and cannot be substituted for a federal agency review. Please contact me if you have any questions or concerns.

Sincerely,

Daniel Brock | State Programs Archaeologist
Tennessee Division of Archaeology
1216 Foster Avenue Cole Building #3
Nashville, TN 37243
615-687-4778
Daniel.Brock@tn.gov

Mountain, Ryan C.

From: TN Help <tnhelp@service-now.com>
Sent: Monday, October 7, 2024 2:05 PM
To: Xavier.gliesman@tn.gov
Cc: Mountain, Ryan C.
Subject: Relocation of MTSU Aerospace Campus to Shelbyville Municipal Airport - Project # SHPO0004904



TENNESSEE HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
2941 LEBANON PIKE
NASHVILLE, TENNESSEE 37243-0442
OFFICE: (615) 532-1550
www.tnhistoricalcommission.org

10-07-2024 14:01:52 CDT

Xavier Gliesman
Tennessee Department of Transportation Aeronautics Division
Xavier.gliesman@tn.gov

RE: Federal Aviation Administration (FAA), Relocation of MTSU Aerospace Campus to Shelbyville Municipal Airport, Project#: SHPO0004904, Shelbyville, Bedford County, TN

Dear Xavier Gliesman:

In response to your request, we have reviewed the archaeological report of investigations and accompanying documentation submitted by you regarding the above-referenced undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicants for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

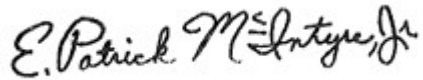
Please note: In accordance with the Tennessee State Historic Preservation Office Standards and Guidelines for Archaeological Resource Management Studies, you must submit a shapefile of the survey area to this office for our files.

Considering the information provided, we find that no archaeological resources eligible for listing in the National Register of Historic Places will be affected by this undertaking. If project plans are changed or archaeological remains are discovered during project construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. Complete and/or updated Tennessee Site Survey Forms should be submitted to the Tennessee Division of Archaeology for all sites recorded and/or revisited during

the current investigation. Please provide your Project # when submitting any additional information regarding this undertaking. Questions or comments may be directed to Jennifer Barnett, who drafted this response, at Jennifer.Barnett@tn.gov, +16156874780.

Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink that reads "E. Patrick McIntyre, Jr." in a cursive script.

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

Ref:MSG15733024_BcadZ9IJjAPYWnJsUku

Mountain, Ryan C.

From: TN Help <tnhelp@service-now.com>
Sent: Wednesday, April 24, 2024 3:05 PM
To: Marshall, John C (Colby); Mountain, Ryan C.
Subject: Relocation of MTSU Aerospace Campus to Shelbyville Municipal Airport - Project # SHPO0004904

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Filed by Newforma



TENNESSEE HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
2941 LEBANON PIKE
NASHVILLE, TENNESSEE 37243-0442
OFFICE: (615) 532-1550
www.tnhistoricalcommission.org

04-24-2024 14:43:53 CDT

Ryan Mountain
Garver
rcmountain@garverusa.com

RE: Federal Aviation Administration (FAA), Relocation of MTSU Aerospace Campus to Shelbyville Municipal Airport, Project#: SHPO0004904, Shelbyville, Bedford County, TN

Dear Ryan Mountain:

In response to your request, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicants for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

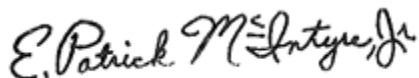
In order to complete our review of this undertaking's potential affects to archaeological resources, we will need to receive from you a detailed archaeological survey report on the area of potential effect for this undertaking. A list of individuals and organizations which have indicated a desire to work in Tennessee is available at <https://www.tn.gov/environment/program-areas/arch-archaeology/services-and-resources.html>. This list is solely for the convenience of persons or firms seeking archaeological services. It does not indicate nor imply any sanction, certification, or approval by the State of Tennessee.

Additionally, we will need the following information in order to continue our review of the undertaking's potential affects to architectural resources.

1. Identify and evaluate potential historic properties and assess the potential affects to them. Particular attention should be paid to the buildings and structures slated to be demolished
2. Does the relocation involve any work (demolition, modification, etc.) to the Murfreesboro Municipal airport?
3. Actual plans for the work (e.g. locations of proposed buildings, taxiways, parking and their respective sizes).=

Upon receipt of the survey report and additional information, we will continue our review of this undertaking as expeditiously as possible. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded, licensed, or permitted by the federal agency. Provide your Project # when submitting additional materials regarding this undertaking. Questions and comments may be directed to Jennifer Barnett, who drafted this response, at Jennifer.Barnett@tn.gov, +16156874780. Your cooperation is appreciated.

Sincerely,

A handwritten signature in black ink that reads "E. Patrick McIntyre, Jr." in a cursive script.

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

Ref:MSG13531525_APmW4AnMK4kCBAXJpZP

Mountain, Ryan C.

From: TN Help <tnhelp@service-now.com>
Sent: Tuesday, September 24, 2024 1:02 PM
To: Xavier.gliesman@tn.gov
Cc: Mountain, Ryan C.
Subject: Relocation of MTSU Aerospace Campus to Shelbyville Municipal Airport - Project # SHPO0004904



TENNESSEE HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
2941 LEBANON PIKE
NASHVILLE, TENNESSEE 37243-0442
OFFICE: (615) 532-1550
www.tnhistoricalcommission.org

2024-09-24 13:00:02 CDT

Xavier Gliesman
Tennessee Department of Transportation Aeronautics Division
Xavier.gliesman@tn.gov

RE: Federal Aviation Administration (FAA), Architecture Review, Relocation of MTSU Aerospace Campus to Shelbyville Municipal Airport, Project#: SHPO0004904, Shelbyville, Bedford County, TN

Dear Xavier Gliesman:

In response to your request, we have reviewed the architectural survey report and accompanying documentation submitted by you regarding the above-referenced undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicants for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

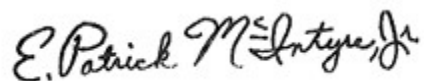
Based on the information provided, we find that the Shelbyville Municipal Airport is eligible for listing in the National Register of Historic Places. We further find that the project as currently proposed will not adversely affect the Shelbyville Municipal Airport. This review is for above-ground resources only. An archaeology review is still needed.

For future submissions, please note that a cover letter is required for every submission. Submittals without a cover letter will be sent back.

If project plans are changed, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act. Please provide your Project # if you submit additional information regarding this undertaking. Questions and comments

may be directed to Casey Lee, who drafted this response, at Casey.Lee@tn.gov, +16152533163. We appreciate your cooperation.

Sincerely,

A handwritten signature in black ink that reads "E. Patrick McIntyre, Jr." in a cursive script.

E. Patrick McIntyre, Jr.
Executive Director and
State Historic Preservation Officer

Ref:MSG15563685_px5CKIzexNRBi7PyFve



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER RESOURCES

William R. Snodgrass - Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243-1102

March 26, 2024

Mr. Colby Marshall
Garver USA
2049 E. Joyce Blvd
Suite 400
Fayetteville, AR 72703

Re: MTSU Aerospace Campus - Shelbyville
Bedford County, Tennessee

Sent via email to: jcmarshall@garverusa.com

Dear Mr. Marshall:

Division staff have reviewed the proposed move of MTSU's aerospace campus to Shelbyville, Tennessee from Murfreesboro Municipal Airport. The site is 19.3 acres in size and the land is owned by the City of Shelbyville. The site will need a hydrologic determination by a certified hydrologic professional to determine potential impacts to water resources. The request for confirmation should be sent to Sherry Glass, Manager of the DWR Columbia Field Office (she is being copied on the email). An Aquatic Resource Alteration Permit (ARAP) application will need to be submitted to determine if a permit can be issued or if any compensatory mitigation is required. The land disturbed, including staging areas, is expected to disturb more than an acre of land and will require a stormwater construction permit (CGP).

If you have any further questions, I will be glad to try to assist you. You may reach me at (615) 917-4135 or tom.moss@tn.gov.

Sincerely,

Tom Moss
Environmental Review Coordinator
Compliance and Enforcement Unit

Sherry Glass, Columbia DWR EFO Manager



DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
REGULATORY DIVISION
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214

September 30, 2024

SUBJECT: LRN-2024-00256, Preliminary Jurisdictional Determination/Concurrence Request, Middle Tennessee State University (MTSU) Development, Shelbyville Municipal Airport County, Bedford County, Tennessee

Mr. Colby Marshall
Garver USA
2049 E. Joyce Blvd., Suite 400
Fayetteville, AR 72703

Dear Mr. Marshall:

This letter is regarding your updated report entitled "Wetland Delineation Report and PJD Request", received September 30, 2024, which documented potential waters of the United States on the Middle Tennessee State University (MTSU) Development, Shelbyville Municipal Airport County, Bedford County, Tennessee, and indicated your preference for potential waters of the U.S. on the review area to be reviewed as a preliminary jurisdictional determination (PJD). This project has been assigned File No. LRN-2024-00256, please refer to this number in any future correspondence.

The U.S. Army Corps of Engineers (USACE) has regulatory responsibilities pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Under Section 10, the USACE regulates any work in, or affecting, navigable waters of the U.S. It appears the review area does not include navigable waters of the U.S. and would not be subject to the provisions of Section 10. Under Section 404, the USACE regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands.

Based on a the updated report, 1.21-acres of wetlands were documented within the review area. This office has determined these features **may** be jurisdictional waters of the U.S. in accordance with 33 C.F.R. 331.2 and a PJD has been prepared. The PJD is non-binding, cannot be appealed and only provides a written indication that waters of the U.S, including wetlands, may be present on-site. For purposes of computation of impacts, compensatory mitigation requirements and other resource protection measures, a permit decision made on the basis of a PJD will treat all waters that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This determination is only valid for the review area shown on the attached map entitled "LRN-2024-00256, Enclosure 3", attached to this letter.

Enclosed with this letter is a copy of the PJD. If you agree with the findings of this PJD and understand your options regarding the same, please sign and date the form and return it to this office within 30 days of receipt of this letter. You should submit the signed copy to the following address:

U.S. Army Corps of Engineers
Nashville District
3701 Bell Rd.
Nashville, TN 37214
Attn: Jennifer Watson

Please contact this office if you would like to schedule a pre-application meeting to further discuss alternatives for site development to assist you in avoiding and minimizing impacts to waters of the United States. If your development plan requires the discharge of material into waters of the U.S., a Department of the Army Permit would be required.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

We appreciate your awareness of the USACE regulatory program. If you have any questions, you may contact me at (615) 587-4716 or by e-mail at Jennifer.A.Watson2@usace.army.mil.

Sincerely,



Jennifer Watson
Biologist, West Branch
Regulatory Division

Enclosures:

Enclosure 1 – PJD Form
Enclosure 2 – Appeal Form
Enclosure 3 – PJD Map

Electronic Copies Furnished:
Colby Marshall, Garver USA

U.S. Army Corps of Engineers (USACE) PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.				Form Approved - OMB No. 0710-0024 Expires 2024-04-30		
DATA REQUIRED BY THE PRIVACY ACT OF 1974						
Authority	Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.					
Principal Purpose	The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the review area that may be subject to federal jurisdiction under the regulatory authorities referenced above.					
Routine Uses	This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any resulting jurisdictional determination (JD), which may be made available to the public on the District's website and/or on the Headquarters USACE website.					
Disclosure	Submission of requested information is voluntary; however, if information is not provided, the request for a JD cannot be evaluated nor can a PJD be issued.					
The Agency Disclosure Notice (ADN)						
The public reporting burden for this collection of information, 0710-0024, is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil . Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.						
SECTION I - BACKGROUND INFORMATION						
A. REPORT COMPLETION DATE FOR PJD: 2024-09-30						
B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Mr. Colby Marshall, Garver USA, 2049 E. Joyce Blvd., Suite 400, Fayetteville, AR 72703						
C. DISTRICT OFFICE, FILE NAME, AND NUMBER: LRN-2024-00256, Middle Tennessee State University (MTSU) Development, Shelbyville Municipal Airport						
D. PROJECT LOCATION AND BACKGROUND INFORMATION: (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)						
State: <u>Tennessee</u> County/Parish/Borough: <u>Bedford</u> City: <u>Shelbyville</u>						
Center coordinates of site (lat/long in degree decimal format): Latitude: <u>35.555768</u> ° Longitude: <u>-86.44650</u> °						
Universal Transverse Mercator: <u>16</u>						
Name of nearest waterbody: <u>Fall Creek</u>						
E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):						
<input checked="" type="checkbox"/> Office (Desk) Determination. Date: <u>2024-05-28</u>						
<input type="checkbox"/> Field Determination						
Date(s): _____						
TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.						
	Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
	W1	35.555716°	-86.446578°	0.05-acres	PEM	Section 404

	Site Number	Latitude (<i>decimal degrees</i>)	Longitude (<i>decimal degrees</i>)	Estimated amount of aquatic resource in review area (<i>acreage and linear feet, if applicable</i>)	Type of aquatic resource (<i>i.e., wetland vs. non-wetland waters</i>)	Geographic authority to which the aquatic resource "may be" subject (<i>i.e., Section 404 or Section 10/404</i>)
	W2	35.554775°	-86.445874°	0.19-acres	PEM	Section 404
	P1	35.556042°	-86.446110°	0.21-acres	PUB	Section 404
	W3	35.554815°	-86.445309°	0.01-acres	PSS	Section 404
	W4	35.554866°	-86.446519°	0.21-acres	PUB	Section 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD or no JD whatsoever, which do not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the USACE has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the USACE will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

F. SUPPORTING DATA. Data reviewed for PJD (*check all that apply*)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map: March 25, 2024, and September 30, 2024 Report submittals by Garver USA "Wetland Delineation Report and PJD Request"

☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

Rationale: _____

☐ Data sheets prepared by the USACE:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas:
March 25, 2024 and the September 30, 2024 Reports submittal by Garver USA "Wetland Delineation Report and PJD Request"

☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name:
7.5 Minute Index: Deason

☒ USDA Natural Resources Conservation Service Soil Survey.
Citation: March 25, 2024 and the September 30, 2024 Reports submittal by Garver USA "Wetland Delineation Report and PJD"

☒ National Wetlands Inventory map(s).
Cite Name: March 25, 2024 and the September 30, 2024 Reports submittal by Garver USA "Wetland Delincation Report and PJD"

☐ State/Local Wetland Inventory map(s):

☐ FEMA/FIRM maps:

☐ 100-year Floodplain Elevation is: _____ . (National Geodectic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (*Name & Date*): March 25, 2024 and the September 30, 2024 Reports submittal by Garver USA "Wetland Delineation Report and PJD"
or ☒ Other (*Name & Date*): March 25, 2024 and the September 30, 2024 Reports submittal by Garver USA "Wetland Delincation Report and PJD"

☐ Previous determination(s). File no. and date of response letter:

☐ Other information (*please specify*):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the USACE and should not be relied upon for later jurisdictional determinations.

Name of Regulatory Staff Member Completing PJD Jennifer Watson	Date 2024-09-30	Signature of Regulatory Staff Member Completing PJD WATSON.JENNIFER.A.16076 <small>Digitally signed by WATSON.JENNIFER.A.1607600119 Date: 2024.09.30 07:22:46 -05'00'</small>
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD (<i>REQUIRED, unless obtaining the Signature is Impracticable</i>)

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Colby Marshall, Garver USA		File Number: LRN-2024-00256	September 30, 2024
Attached is:			See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C	
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E	
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F	

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

Jennifer Watson
Nashville District, U.S. Army Corps of Engineers
Regulatory Branch
3701 Bell Road
Nashville, Tennessee 37214
615-587-4716; Jennifer.A.Watson2@usace.army.mil

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Regulatory Appeals Review Officer
ATTN: Katherine McCafferty
Army Engineer Division
550 Main Street, Room 10-780
Cincinnati, Ohio 45202-3222
Phone: (513) 684-2699
Katherine.A.McCafferty2@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

<p>_____</p> <p>Signature of appellant or agent.</p>	<p>Date:</p>
<p>Email address of appellant and/or agent:</p>	<p>Telephone number:</p>



DELINEATED AQUATIC RESOURCES MAP
MTSU - Aviation Facility Development
Shelbyville Municipal Airport, Bedford County, Tennessee

ESRI NAIP Imagery (Hybrid)

Lat: 35.555341°
Long: -86.446596°

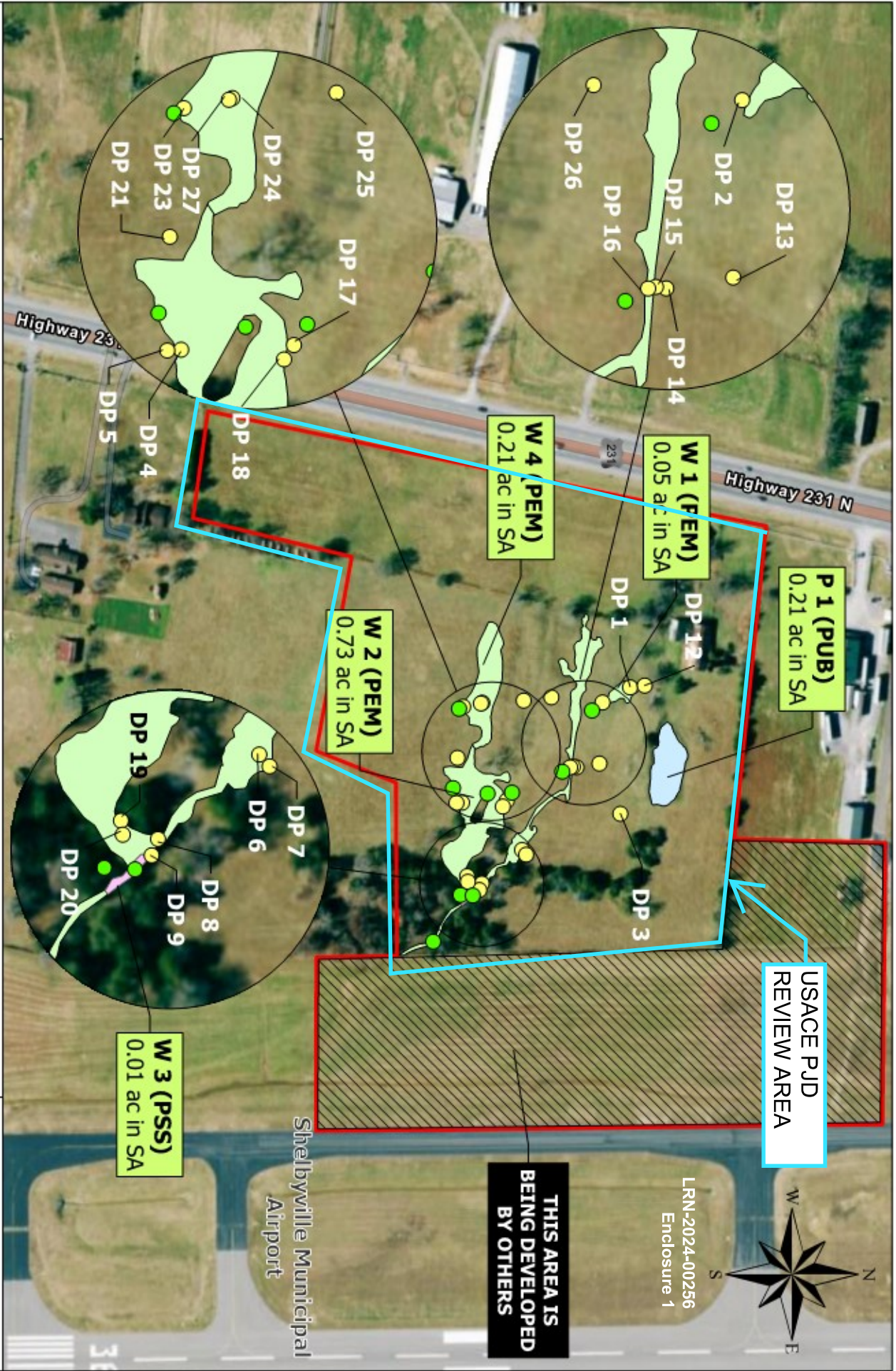


FIGURE 4



**STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
COLUMBIA ENVIRONMENTAL FIELD OFFICE**

1421 HAMPSHIRE PIKE
COLUMBIA, TENNESSEE 38401
PHONE (931) 380-3371 STATEWIDE 1-888-891-8332 FAX (931) 380-3397

September 23, 2024

Paul Perry
Shelbyville Airport
e-copy: paul.perry@shelbyvilleairport.org
2828 Highway 231 North
Shelbyville, TN 37160

Re: Hydrologic Determination of Water Resources (DWR ID No. 33219)
Shelbyville Municipal Airport
Upper Duck Watershed, Bedford County, TN

Mr. Perry:

The Tennessee Department of Environment and Conservation, Division of Water Resources (TDEC-DWR) has reviewed the following report “*Wetland Delineation Report and PJD Request*” for the proposed Middle Tennessee State University Development in Bedford County. This report was prepared by Garver, LLC, and submitted on your behalf to our office on September 10, 2024, in support of jurisdictional hydrologic determinations of water features associated with the above referenced site. These water features are located on property located at 35.555716 / -86.446578 (Lat/Long), at 2778 US-231, Shelbyville, Tennessee. Please note that all geographic coordinates provided in this letter have a limited precision and should be considered approximate. As part of our review, Division staff including Rainey Kelly and Alex Fleming conducted a site visit on June 10, 2024.

Based on the information and documentation submitted in the report, our observations on-site, and the Division’s rules and guidance regarding hydrologic determinations, the Division accepts the jurisdictional determination of the assessed water features as documented in the submitted report and portrayed on *Delineated Aquatic Resources Map*. These findings as presented in the report and accompanying information are summarized and displayed in the table below and the attached map from the report (*Attachment 1*).

**Hydrologic Determination of Assessed Water Features
MTSU Development at Shelbyville Municipal Airport, Bedford County**

Wetland	Cowardin Classification	Acreage within Study Area	Latitude, Longitude
W 1	PEM1E	0.05	35.555716°, -86.446578°
W 2	PEM1E	0.73	35.554775°, -86.445874°
W3	PSS1E	0.01	35.554815°, -86.445309°
W4	PEM1E	0.21	35.554866°, -86.446519°
P 1	PUB	0.21	35.556042°, -86.446110°
	Total	1.21	

It is important to note that the Division's evaluation and concurrence is restricted to only the water features identified within the submitted report and as depicted on the attached map. Only the water features listed above were assessed as part of this hydrologic determination, therefore this correspondence is not intended to represent a comprehensive water resource inventory of the entire site. It is the property owner's responsibility to consider and report any additional water features within the property boundaries that may be affected by any construction activities associated with future development.

Any alterations to jurisdictional streams, wetlands, or open water features may only be performed under the coverage of, and conformance to, a valid *Aquatic Resource Alteration Permit (ARAP)* issued by the Division. ARAP applications and provisions are available on-line at <https://www.tn.gov/environment/permit-permits/water-permits1/aquatic-resource-alteration-permit--arap-.html>.

Alterations to Wet Weather Conveyances typically may be performed without application or notification to the Division, provided they conform to the provisions found under *Tennessee Code Annotated § 69-3-108 (q)*.

Please note that coverage under the *General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)* will be needed if the proposed land disturbance activity for this project is one acre or more in size. Information and applications regarding the Division's construction storm water program can be found [online](#). A completed Notice of Intent form, an application fee, and a storm water pollution prevention plan should be submitted to the above address for review and coverage under this permit prior to any land disturbance.

Discharges and alterations to sinkholes may require the submittal of an application and written authorization under the provisions of TDEC Rules. Information and applications regarding the Underground Injection Control program may be seen online at <https://www.tn.gov/environment/permit-permits/water-permits1/underground-injection-control-permit.html>. Physical alterations or re-routing of surface hydrology to a sinkhole may require coverage under the *Class V Injection Control Permit*.

Hydrologic determinations are advised and governed by Tennessee Department of Environment and Conservation (TDEC) rules and regulations, and therefore only apply to the State's permitting process. Because these and other various water features on-site may potentially also be considered jurisdictional Waters of the United States, any alterations to them should only be performed after consultation with the U.S. Army Corps of Engineers.

We appreciate the opportunity to assess the jurisdictional status of these water features prior to site plan finalization and initiation of construction activities. Because natural variation and human activities can alter hydrologic conditions, the Division reserves the right to reassess the status of the water features in the future.

Thank you for your interest in water quality in Tennessee. Please contact Alex Fleming at 931-287-3595 or by email at alex.fleming@tn.gov if you have any questions.

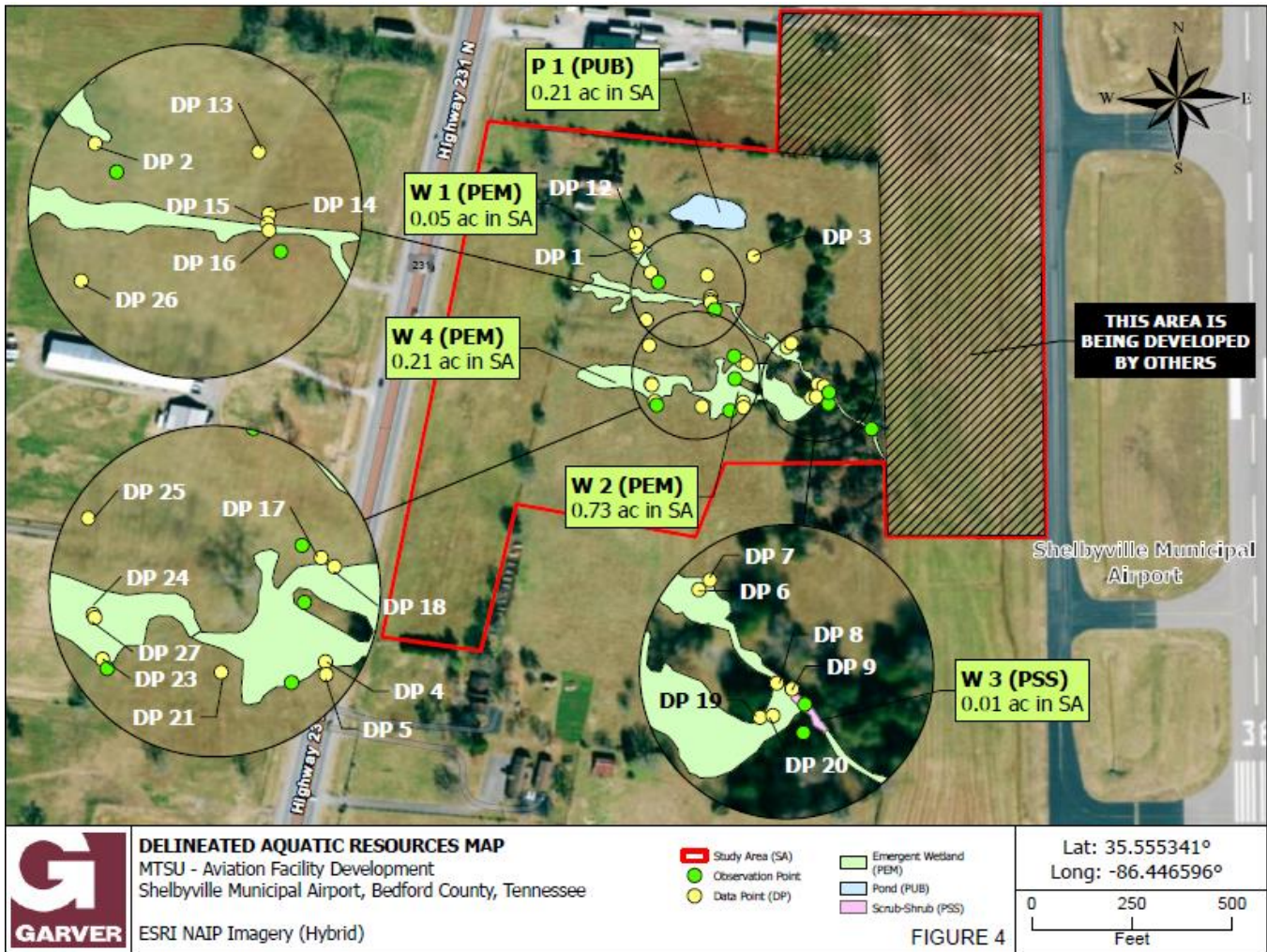
Respectfully,

A handwritten signature in blue ink that reads "Sherry R. Glass". The signature is written in a cursive style with a large, stylized 'S' and 'G'.

Sherry R. Glass
Manager, Columbia Environmental Field Office
TDEC Division of Water Resources

Enclosures: Attachment 1 – Delineated Aquatic Resources Map

Cc: File copy
Colby Marshall, Garver: JCMarshall@GarverUSA.com
USACE District Nashville: NashvilleRegulatory@usace.army.mil





May 7, 2024

Ryan Mountain
Garver
4300 South J.B. Hunt Drive, Suite 240
Rogers, AR 72758

Dear Ryan,

The Natural Resources Conservation Service (NRCS) in Tennessee has received your [Farmland Protection Policy Act](#) (FPPA) request ([AD-1006, Farmland Conversion Impact Rating](#)) regarding the Shelbyville Municipal Airport Project in Bedford County, Tennessee. The intent of the FPPA is to minimize the impact Federal programs have on the unnecessary and irreversible conversion of important farmland to nonagricultural uses.

Through the review process, it has been determined this project does not meet the guidance set forth by the act and is therefore **EXEMPT** from Farmland Protection Policy Act (FPPA) review due to the following:

- ☐ No federal funding – This project is not planned and/or constructed with the assistance of federal funding and therefore is not subject to FPPA.
- ☐ Not prime farmland – This project does not have an unnecessary or irreversible impact on land designated as prime farmland and therefore is not subject to FPPA. Official land classification information can be found at <http://websoilsurvey.nrcs.usda.gov>.
- ☒ Urban development - This project area is already in or committed to urban land use or has existing footprints including right-of-ways and therefore is not subject to FPPA.
- ☐ Subsurface corridor project (minimal disturbance) – Properly planned/permitted buried utility projects will result in minimal disturbance of agricultural lands and are therefore not subject to FPPA.
- ☐ Agricultural structures - The construction of on-farm structures that are associated with farm operations are not subject to FPPA.
- ☐ Zoning - This project area has been designated by a state or local government entity for commercial and/or industrial landuse and therefore is not subject to FPPA.
- ☐ Water storage - This project area involves land used for water storage and therefore is not subject to FPPA.
- ☐ Minimal acreage threshold - This project falls below the threshold of 10 acres per linear mile which require review and therefore is not subject to FPPA.

Questions regarding your inquiry and this response can be directed to the Tennessee State Soil Scientist at (615) 277-2550 or emailed to the FPPA intake box at tnhawc@usda.gov.

Sincerely,

AARON
FRIEND

Digitally signed by
AARON FRIEND
Date: 2024.05.07
14:17:18 -05'00'

Natural Resources Conservation Service
801 Broadway, 675 U.S. Courthouse
Nashville, Tennessee 37203
Voice (615) 277-2531 Fax (855) 591-1284
USDA is an equal opportunity provider, employer, and lender.