



DEPARTMENT OF ENVIRONMENT AND CONSERVATION –  
Recreation Educational Services Division LWCF/LPRF/NRTF/RTP

## **NOTICE OF LIMITATION OF USE**

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### **FOR LWCF:**

The property identified in the attached general warranty deed has been acquired or developed with federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

### **FOR LPRF:**

The property identified in the attached general warranty deed has been acquired or developed with state financial assistance provided by the Local Parks and Recreation Fund (LPRF) pursuant to TCA 67-4-409. This property may not be converted to other than public recreation uses (whether by transfer or any other means) without the express written approval of the Commissioner of the Tennessee Department of Environment and Conservation, the Commissioner of the Department of Agriculture, and the Executive Director of the Tennessee Wildlife Resources Agency.

### **FOR NRTF:**

The property identified in the attached general warranty deed has been acquired or developed with state financial assistance provided by the Natural Resources Trust Fund (NRTF) pursuant to TCA 11-14-304. This property may not be converted to other than public recreation uses (whether by transfer or any other means) without the express written approval of the Commissioner of the Tennessee Department of Environment and Conservation.



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**FOR RTP:**

If the public property identified in the attached general warranty deed has been acquired or developed with federal Safe, Efficient Transportation Act – Legacy for Users (SAFTEA-LU) Recreational Trails Program (RTP) assistance through the Federal Highway Administration (FHWA). In accordance with this act, the state may decide to protect this project under 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended, 16 U.S.C. 4601-5 et seq. (1970 ed.). Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the existing comprehensive statewide outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

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**Authorized Signature (usually Mayor or Agency Director if State or Federal Application)**

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**Printed Name and Title**

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**Applicant**

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**Address**

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**Phone Number**

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**Date**

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(Park/Project Name)

<b>Project:</b>	
<b>Location:</b>	<b>Coordinates:</b>
<b>Funding Year:</b>	
<b>Contact Person for Environmental Review:</b>	
<b>Phone Number:</b>	
<b>Project Sponsor:</b>	
<b>Project Contact (Name and email):</b>	

**CATEGORICAL EXCLUSION REQUEST**

***Project Description and Purpose***

a. **Description of proposed project**

b. **Purpose and need of project**

***Land Use Impacts***

a. **Right of Way Acquisition and Relocation Impacts**

b. **Project consistency with local, state and regional plans**

c. **Any impact to farmland that is either prime, unique, of statewide importance, or of local importance.**

*Air Quality Evaluation*

*Noise Impact Evaluation*

*Section 106 of the National Historic Preservation Act*

*Endangered Species Act of 1973*

*Fish and Wildlife Coordination Act of 1958*

*Floodplain management - Executive Order 11988*

*Protection of Wetlands - Executive order 11990*

*Hazardous Waste Evaluation*

Section 4(f) of the Department of Transportation Act of 1966

Other Impacts

*Review and Recommendation based on material submitted by*

_____ :	_____
Name	Title
_____ :	_____
Print Authorized Representative's name	Title
_____	_____
Authorized Representative's signature	Date

**Note:** *This document must be dated after the date of the last clearance letter.*

**The project as proposed will not involve significant impacts to the existing land use. Based on the above findings and the fact that the project will not individually or cumulatively have any significant environmental impacts, it is our recommendation that the project be classified as a categorical exclusion under the provision of 23 CFR 771.117(d).**

Bill Avant: \_\_\_\_\_ DATE: \_\_\_\_\_  
GIS/Land Acquisition Manager  
Recreation Educational Services

CONCUR: \_\_\_\_\_ DATE: \_\_\_\_\_  
Federal Agency (if applicable)

## ENVIRONMENTAL CLEARANCE

The potential environmental impact of proposed construction and rehabilitation is a serious concern. This grant-aid program requires that all recipients of funding comply with the conditions of the National Environmental Policy Act (NEPA) prior to and during construction activities.

Letters of clearance or compliance with Federal environmental laws must be obtained by the project applicant for each project and submitted with the project application by the application deadline. Letters must be obtained from each of the applicable agencies below:

### *Required for Applications*

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#### FEDERAL

**U.S. Army Corps of Engineers**For Middle and East Tennessee-

including those east of the Tennessee River Divide:

Attention: Mr. Brad Bishop, Chief

Regulatory Branch

3701 Bell Road

Nashville, TN 37214

Telephone: 615-369-7502

Email: Bradley.N.Bishop@usace.army.mil

**US Fish & Wildlife Service**

Attention: Mary Jennings, Field Supervisor

446 Neal Street

Cookeville, TN 38501

Telephone: 931-528-6481, ext. 203

Email: Mary\_E\_Jennings@fws.gov

**U.S. Army Corps of Engineers**For West Tennessee-

including those west of the Tennessee River Divide:

Attention: Tim Flinn, Eastern Section Chief

Regulatory Branch

Clifford Davis/Odell Horton Federal Building

167 N. Main St, B-202

Memphis, TN 38103

Telephone: 901-544-0738

Email: Tim.H.Flinn@usace.army.mil

#### STATE

**Division of Archaeology**

Attention: Mr. Michael C. Moore

State Archaeologist and Director

Tennessee Division of Archaeology

Cole Building #3

1216 Foster Avenue

Nashville, TN 37243

Telephone: 615-741-1588, ext. 109

Email: Mike.C.Moore@tn.gov

**Tennessee Historical Commission**

Attention: Mr. Patrick McIntyre

Patrick.McIntyre@tn.gov

2941 Lebanon Road

Nashville, TN 37243

Contact: Dr. Joe Garrison

Telephone: 615-532-1550, ext 103

Email: Joeseph.Garrison@tn.gov

**Division of Resource Management**

Attention: Mr. Roger McCoy

7<sup>th</sup> Floor, L & C Tower Annex

401 Church Street

Nashville, TN 37243

Telephone: 615-532-0431

E-mail: Roger.McCoy@tn.gov

**Division of Underground Storage Tanks**

Attention: Stan Boyd

Stan.Boyd@tn.gov

4<sup>th</sup> Floor, L & C Tower

401 Church Street

Nashville, TN 37243

Contact: Lisa Pugh at

Telephone: 615-532-0273

Email: Lisa.Pugh@tn.gov

**Division of Water Pollution Control**

Attention: Regan McGahan

7<sup>th</sup> Floor, L & C Tower Annex

401 Church Street

Nashville, TN 37243

Telephone: 615-532-1175

Regan.McGahan@tn.gov

**Division of Remediation**

Attention: Marian Debro

4<sup>th</sup> Floor, L & C Annex

401 Church Street

Nashville, TN 37243

Telephone: 615-532-0911

E-mail: Marian.Debro@tn.gov

**It is important to obtain letters from both the Division of Archaeology as well as the Tennessee Historical Commission.**

In addition, one color and two copies (black and white or color) of the topographic map, scale 1:24,000 or 1"=2,000', with project GPS(Lat/Long) coordinates clearly labeled, indicating the entire proposed route of the trail project or park boundary must be submitted with the application.

If the proposed project, in any way, affects a watercourse, its 100-year floodplain or any lake, pond, reservoir, swamp, marsh, or wetland, the project applicant must secure a Section 404 permit from the U.S. Army Corps of Engineers (listed above). If the project is on or adjacent to TVA Lands, a 26A permit review will be needed. A state Aquatic Resource Alteration Permit (ARAP) from the Division of Water Pollution Control may also be required. If the project area exceeds 1.0 acre (43,560 square feet), the grantee **MUST** apply and receive a NPDES permit from the Division of Water Pollution Control. For information on state of Tennessee permit requirements, contact the Tennessee Department of Environment and Conservation at 1-888-891-TDEC.

It is the grantee's responsibility to secure any required environmental and/or construction permits (local, state or federal) prior to project construction. Separate documentation must be provided for EACH individual project site.

The TDEC permit website address is: <http://www.state.tn.us/environment/permits>. This website provides a list of permits required for specific development projects. Applicants should refer to this site when trying to determine if their proposed project will require a state environmental permit. **Note: Federal and local permits may also be required. This site also provides information on how to apply for a permit.**

Federal agencies only (FWS, TVA, NPS, and COE) may use a current, approved Environmental Review document that meets NEPA requirements.

## Environmental Clearance Letters

Agency	Grantee has sent letter to Agency	Concern noted by Agency	Clearance given by Agency
<b>Division of Archaeology - All grant applications.</b>			
<b>Division of Remediation - All grant applications.</b>			
<b>Division of Underground Storage Tanks - All grant applications.</b>			
<b>Division of Water Pollution Control - All grant applications.</b>			
<b>Resource Management Division - All grant applications.</b>			
<b>Tennessee Historical Commission-Section 106. - All grant applications.</b>			
<b>U.S. Fish &amp; Wildlife Service - All grant applications.</b>			
<b>U.S. Army Corps of Engineers – All grant applications.</b>			

## **List of Other Agencies**

For more information about using native plants, safety, building codes, etc., that concerns your project, contact:

**Tennessee Exotic Pest Control Council**  
**P.O. Box 40692**  
**Nashville, TN 37204**  
**(615) 646-5292**  
**<http://www.tneppc.org/>**

**Life Safety Codes**  
**National Fire Protection Association**  
**(617) 770-3000, or, (800) 344-3555**  
**[http://www.nfpa.org/aboutthecodes/list\\_of\\_codes\\_and\\_standards.asp](http://www.nfpa.org/aboutthecodes/list_of_codes_and_standards.asp)**

**Handicapped Code**  
**Public Building Accessibility Act**  
**North Carolina Handicapped Code (TN adopted this)**  
**(919) 733-3901**  
**<http://tn.gov/commerce/sfm/publicBdlgact.shtml>**

**Consumer Product Safety Commission**  
**Washington, D.C. 20207-0001**  
**<http://www.cpsc.gov/>**

TDEC's permit website address is: <http://www.state.tn.us/environment/permits>

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