



**Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format**

Send to: e106@achp.gov

Please review the instructions at www.achp.gov/e106-email-form prior to completing this form. Questions about whether to use the e106 form should be directed to the assigned ACHP staff member in the Office of Federal Agency Programs.

I. Basic information

1. Purpose of notification. Indicate whether this documentation is to:

- Notify the ACHP of a finding that an undertaking may adversely affect historic properties
- Invite the ACHP to participate in a Section 106 consultation
- Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)
- Supply additional documentation for a case already entered into the ACHP record system
- File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)
- Other, please describe
[Click here to enter text.](#)

2. ACHP Project Number (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below):

Advisory Council on Historic Preservation (ACHP) Project Number 010670; 2018

3. Name of federal agency (If multiple agencies, list them all and indicate whether one is the lead agency):

U.S. Department of Transportation
Federal Aviation Administration
Western Pacific Region
San Francisco Airports District Office

4. Name of undertaking/project (Include project/permit/application number if applicable):

Proposed Airport Perimeter Fence Project, Tulelake Municipal Airport

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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5. Location of undertaking (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

Newell, Modoc County, California

The proposed undertaking would occur on the Tulelake Municipal Airport (Airport) which is tribal land owned by the Modoc Nation (formerly Modoc Tribe of Oklahoma). The land on which the Airport is located was determined to be within the Modoc-Tule Lake Area Traditional Cultural Property (TCP), that is eligible for the National Register of Historic Places (NRHP). The Airport is leased to the County of Modoc, California (County/Airport Sponsor) which operates it as a public airport. The Airport is located entirely within the boundaries of the prior World War II-era Japanese Segregation Camp at Tule Lake, also known as the Tule Lake Segregation Center (TLSC). The Airport is also within the NRHP eligible TLSC Historic District and TLSC TCP.

6. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:

Chris Schaffer
Acting Manager, San Francisco Airports District Office
Chris.Schaffer@faa.gov
(206) 231-4105

II. Information on the Undertaking*

7. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

The proposed undertaking includes construction of approximately 16,000 linear feet of 8-foot-tall fencing near the perimeter of the Airport property. The current study was completed under the provisions of Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (36 Code of Federal Regulations [CFR] 800). Cultural resources are considered during federal undertakings chiefly under Section 106 of the NHPA and its implementing regulations, 36 CFR 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA).

Federal Involvement:

- The Airport Sponsor, County of Modoc, is requesting grant funding for fence construction through the Airport Improvement Program which is administered by the Federal Aviation Administration (FAA);
- The undertaking requires FAA approval of an Airport Layout Plan, and federal funding support; and
- The FAA is responsible for compliance with the National Environmental Policy Act and special purpose laws such as the NHPA.

8. Describe the Area of Potential Effects (APE):

All physical effects of the proposed project would occur within the Direct APE. As agreed by the California State Historic Preservation Officer (SHPO) in 2013, the 13.9-acre Direct APE for the undertaking is the route of the proposed fence line around the perimeter of the Airport and areas up to 20 feet on either side of the proposed fence line. The vertical APE for the undertaking is 3 feet (1 meter), which is the anticipated maximum depth of ground-disturbing activities to install the fence posts. The fence post will be on 10-foot centers and the holes dug with a truck mounted 12-inch diameter auger. The 13.9-acre Direct APE is located in Sections 23, 24, 25, and 26 of Township 47 North, Range 5 East, as depicted on the 1993 Newell USGS 7.5-minute topographic map (Mount Diablo Base and Meridian). The Direct APE is depicted in Figure 2,

and the Direct and Indirect APEs are depicted in Figure 3 of the *Supplemental Cultural Resources Report and Effects Assessment for the Airport Perimeter Fence Project, Tulelake Municipal Airport, Modoc County, California* (Supplement Cultural Resources Report), revised – September 2022.

9. Describe steps taken to identify historic properties:

Steps taken to identify historic properties included literature reviews, Native American consultations, an intensive-level pedestrian survey of the Direct APE, and a project effects assessment. The Airport is located entirely within the former boundaries once part of the Tule Lake Segregation Center (TLSC). The literature review specifically included examination of a cultural report prepared for the project in 2010 (Jensen 2010); review of the *Draft Tule Lake 2004 Historic Resources Inventory* prepared by the National Park Service (NPS) in 2004 (Burton and Farrell 2004); review of correspondence provided by the FAA from the U.S. War Relocation Authority (August 29, 1942) and consideration of prior consultation between the FAA and the SHPO regarding the undertaking, beginning in 2013.

The identification strategy was based on a reasonable and good faith effort which included consultations with the SHPO, Native American Heritage Commission, Klamath Tribes of Oregon, the Modoc Nation and stakeholder meetings coordinated by the U.S. Institute for Environmental Conflict Resolution (stakeholders also included: NPS and Tule Lake Committee).

10. Describe the historic property: See attached continuation sheet.

11. Describe the undertaking's effects on historic properties: See attached continuation sheet.

12. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

See attached continuation sheet.

13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

Documents previously submitted to the ACHP and consulting parties in 2018 are listed in *Prior – 2018 Advisory Council on Historic Preservation Submittal* table dated October 10, 2023. Current documentation being provided from 2018 to present are listed in *2023 Advisory Council on Historic Preservation Submittals* table dated November 30, 2023.

* see *Instructions for Completing the ACHP e106 Form*

III. Additional Information

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP's review response.

On August 24, 2023, the SHPO concurred with the FAA's proposed finding that the proposed perimeter fence at Tulelake Municipal Airport would result in an overall *adverse effect* to historic properties, due to

indirect adverse effects to the viewshed of the TLSC Historic District and TLSC TCP.

On October 6, 2023, the Modoc Nation received NPS approval of its proposed to assume Historic Preservation Officer duties for tribal lands. The Modoc Nation Tribal Historic Preservation Officer (THPO) has now assumed the NHPA Section 106 responsibilities of the SHPO for the Airport property.

Certain consulting parties have unresolved concerns regarding the proposed undertaking. Facilitated conflict resolution conducted from 2015 to 2017 reached some agreement that aviation safety was important, but no consensus regarding the proposed undertaking was reached.

The current list of consulting parties is provided in the excel file named O81 Proposal – Consulting Party List 2024 01 09.

15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

<https://www.co.modoc.ca.us/departments/airports.php>

16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard? If so, please provide the link:

No.

The following are attached to this form (check all that apply):

- Section 106 consultation correspondence
- Maps, photographs, drawings, and/or plans
- Additional historic property information
- Consulting party list with known contact information
- Other: [Click here to enter text.](#)

**Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
Federal Aviation Administration
Tulelake Municipal Airport
Proposed Perimeter Fence Project**

Continuation sheet for:

10. Describe the historic properties:

Historic Properties Identified within Direct APE or Indirect APE				
Name	Brief Description	Work History	Proximity to APE	NRHP & CRHR Eligibility Status
1. TLSC Historic District	Includes Airport property, extends beyond Airport boundary, and includes TLSC NHL; includes four documented contributors on Airport property adjacent to Direct APE; period of significance 1942-1946.	Initial inventory by Burton & Farrell 2004. FAA & SHPO letters for this project (Hunt 2013b, 2014; Polanco 2018; Rowland-Nawi 2013, 2014).	Includes Direct & Indirect APE	Eligible under Criterion A; contributors not fully determined.
2. TLSC Traditional Cultural Property	Encompasses incarcerated residential area of TLSC and TLSC NHL; period of significance begins in 1942.	Submission by Tule Lake Committee; Eidsness et al. 2013; Takei 2013; Supplemental Cultural Resources Report.	Within Direct & Indirect APE	Eligible under Criteria A ¹
3. Modoc-Tule Lake Area Traditional Cultural Property	Encompasses center of Modoc world at Tule Lake, places of spiritual importance, and places associated with Modoc War; period of significance begins 9,000-7,000 years ago.	Supplemental Cultural Resources Report.	Includes Direct & Indirect APE	Eligible under Criteria A, B, C, and D.

¹FAA August 9, 2023, letter to SHPO clarified that Criteria B is not applicable to the TLSC TCP.

11. Describe the undertaking's effects on historic properties:

1. TLSC Historic District. A TLSC Historic District, which includes the Airport property, Direct APE, and extends beyond the Airport property boundaries encompassing the entire Indirect APE for the perimeter fence undertaking, including the TLSC NHL, is considered by the SHPO and FAA (2013) as being eligible for listing in the NRHP under Criterion A.

Implementation of the proposed undertaking will not directly affect the TLSC Historic District or the four documented TLSC-era features on Airport property that are considered contributors and not individually eligible for NRHP listing (the standing segment of the original TLSC security fence, guard tower footings, and the Block 71 and Block 73 latrine slabs) and are within the Indirect APE. However, construction of a new perimeter fence would introduce a new visual element in close proximity to the four contributors on Airport property, diminishing the feeling associated with these contributors to the Historic District. Compared to the ground-level contributors, this diminishment in the historic feeling and association of this property would be amplified near the standing, original TLSC fence segment.

2. TLSC Traditional Cultural Property. The TLSC is also recommended eligible for NRHP listing as a TCP under Criterion A. The TLSC TCP includes the entirety of the Direct APE and a portion of the Indirect APE for the undertaking.

Implementation of the proposed fence project will not directly affect a TLSC TCP, including the four documented TLSC-era features on Airport property within the Indirect APE (the standing segment of the original TLSC security fence, guard tower footings, and the Block 71 and Block 73 latrine slabs). However, construction of a new perimeter fence would introduce a new visual element in close proximity to the original TLSC fence segment, guard tower footings, and the two latrine slabs, diminishing the feeling associated with the historic features of the TCP.

3. Modoc-Tule Lake Area Traditional Cultural Property. The Tule Lake Area is recommended eligible for NRHP listing as a TCP under Criteria A–D. The Modoc-Tule Lake Area TCP includes the entirety of the Direct APE and Indirect APE for the undertaking.

Implementation of the proposed undertaking will not directly or indirectly alter any of the characteristics of the Modoc-Tule Lake Area TCP that qualify it for inclusion in the NRHP. The new Airport fence proposed by the undertaking along the perimeter of the modern Airport will not change the character of the property’s use by contemporary Modoc or physical features within the property’s setting or introduce any visual, atmospheric, or audible elements that would diminish the overall integrity of the TCP. Implementation of the proposed fence project will thus have no adverse effect and no substantial adverse change on a Modoc-Tule Lake Area TCP.

12. Explain how this undertaking would adversely affect historic properties:

Effects to Cultural Resources within Direct and Indirect APE*				
Name	NRHP & CRHR Status	Proximity to APE	Project Impact	Project Effect
1. TLSC Historic District	Eligible under Criterion A; contributors not fully determined.	Includes Direct & Indirect APE	Construct Airport perimeter fence in close proximity to four contributors.	Indirect Adverse Effect - Viewshed.
2. TLSC Traditional Cultural Property	Eligible under Criteria A ¹ .	Within Direct & Indirect APE	Construct Airport perimeter fence.	Indirect Adverse Effect - Viewshed.
3. Modoc-Tule Lake Area Traditional Cultural Property	Eligible under Criteria A, B, C, and D.	Includes Direct & Indirect APE	Construct Airport perimeter fence.	No Adverse Effect.
* As the Supplemental Cultural Resources Report concluded, the undertaking will not have the same effect on all historic properties within the Direct and Indirect APE; the effects have been listed individually for each historic property. Taken as a whole, the determinations of this report show that the overall effect of the undertaking would be an <i>Adverse Effect</i> on historic properties that are listed in or eligible for listing in the NRHP.				
¹ FAA August 9, 2023, letter to SHPO clarified that Criteria B was not applicable to TLSC TCP.				

1. TLSC Historic District. As defined under Section 106 [36 CFR § 800.5(a)(1)], the undertaking will have an adverse effect on the viewshed of this historic property within the Indirect APE. The undertaking will indirectly alter the characteristics of this historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property’s feeling and association with respect to its period of significance from 1942–1946. The undertaking will introduce visual elements that diminish the integrity of the property’s significant historic features pursuant to 36 CFR § 800.5(a)(2)(v).

2. TLSC Traditional Cultural Property. As defined under Section 106 [36 CFR § 800.5(a)(1)], the undertaking will have an adverse effect on the viewshed of this historic property within the Indirect APE. The undertaking will indirectly alter the characteristics of this historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's feeling and association with respect to its period of significance that began in 1942 and continues to reside in the contemporary Japanese American community. The undertaking will introduce a visual element that would diminish the integrity of the property's significant historic features pursuant to 36 CFR § 800.5(a)(2)(v).

3. Modoc-Tule Lake Area Traditional Cultural Property. Implementation of the proposed undertaking will not directly or indirectly alter any of the characteristics of the Modoc-Tule Lake Area TCP that qualify it for inclusion in the NRHP. The new Airport fence proposed by the undertaking along the perimeter of the modern Airport will not change the character of the property's use by contemporary Modoc or physical features within the property's setting or introduce any visual, atmospheric, or audible elements that would diminish the overall integrity of the TCP. Implementation of the proposed undertaking will thus have no adverse effect and no substantial adverse change on a Modoc-Tule Lake Area TCP.

As further detailed below, the proposed undertaking will have the following effect on these three historic properties/historical resources:

- *Adverse Effect* on two historic properties/historical resources: a TLSC Historic District eligible for NRHP listing under Criterion A; and a TLSC TCP eligible for NRHP listing under Criteria A.
- *No Adverse Effect* on historic properties/historical resources: the Modoc-Tule Lake Area TCP eligible for NRHP listing under Criteria A, B, C, and D.

Overall Determination of Effect. The SHPO letter of November 26, 2018, recommended that the FAA apply only a single finding of effect for the entire undertaking of the perimeter fence construction. The Supplemental Cultural Resources Report concludes that the proposed undertaking (the construction of the Airport perimeter fence) will not have the same effect on all historic properties within the Direct and Indirect APE; the effects have been listed individually above for each historic property. Taken as a whole, the determinations of the Supplemental Cultural Resources Report show that the overall effect of the undertaking would be an *Adverse Effect* on historic properties that are listed in or eligible for listing in the NRHP.

POTENTIAL PROTECTIVE MEASURES

Mitigation Measures to Resolve Adverse Effects

To resolve the adverse effects of the proposed undertaking on the viewshed of contributing elements, which are located on Airport property within the Indirect APE, to two historic properties/historical resources, a TLSC Historic District and TLSC TCP, the following two Mitigation Measures are proposed.

- Mitigation Measure 1: To further resolve the adverse effect of the undertaking on the surviving 2,640-foot segment of the original TLSC security fence on Airport property within the Indirect APE, installation of an informational sign at the entrance to the Airport is proposed. At a minimum, the sign would include general factual information regarding the TLSC and the location of the TLSC National Historic Landmark and National Monument, located 0.50-miles southwest of the Airport; where the NPS offers guided tours and interpretive displays regarding the significance of the area to tribal groups and Japanese Americans.
- Mitigation Measure 2: To ensure opportunities for pilgrimages to view other areas within the TLSC TCP that are located on Airport property within the Indirect APE, access to the Airport by organized groups or organizations who conduct visits or pilgrimages to TLSC can continue to be arranged through Modoc County, the Airport Sponsor.