

Attachment 4: Determination of Non-Impairment

Tule Lake Unit General Management Plan

The Prohibition on Impairment of Park Resources and Values

NPS Management Policies 2006, §1.4.4, explains the prohibition on impairment of park resources and values:

“While Congress has given the National Park Service (NPS) management discretion to allow impacts within units of the national park system, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the NPS must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the 1916 Organic Act, establishes the primary responsibility of the NPS. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.”

What is Impairment?

NPS *Management Policies 2006*, §1.4.5, What Constitutes Impairment of Park Resources and Values, and §1.4.6, What Constitutes Park Resources and Values, provide an explanation of impairment: impairment “is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values.”

§1.4.5 of Management Policies 2006 states:

“An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified in the park’s general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.”

Per §1.4.6 of *Management Policies 2006*, park resources and values at risk for being impaired include:

- “the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.”

Impairment could result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment could also result from sources or activities outside the park, but this would not violate the 1916 Organic Act unless the NPS was in some way responsible for the action.

Purposes Identified in the Establishing Proclamation and Legislation

The December 5, 2008 presidential proclamation establishing the Tule Lake Unit of World War II Valor in the Pacific National Monument generally identifies the purpose of the monument as protecting its resources, encouraging research, and promoting public understanding of its resources and history. The lands included in the Tule Lake Unit are the Tule Lake Segregation Center National Historic Landmark, Camp Tulelake, and the Peninsula. In the GMP, the NPS has described the purpose of the unit as follows: The purpose of the Tule Lake Unit is to preserve, study, and interpret the history and setting of the incarceration and later segregation of Nikkei at Tule Lake during World War II.

How is an Impairment Determination Made?

§1.4.7 of *Management Policies 2006* states, “In making a determination of whether there would be an impairment, an NPS decision-maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); consultations required under section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.”

Management Policies 2006 further define “professional judgment” as “a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account:

- the decision-maker's education, training, and experience;
- advice or insights offered by subject matter experts and others who have relevant knowledge and experience;
- good science and scholarship; and, whenever appropriate,
- the results of civic engagement and public involvement activities relating to the decision.”

Impairment Determination for the Selected Alternative

This determination of non-impairment has been prepared for the selected alternative as detailed in the Finding of No Significant Impact (and as described as the preferred alternative in Chapter 3 of the GMP/EA). As explained above, this determination of non-impairment does not include the following impact topics analyzed in the GMP/EA—visitor use, visitor experience, and socioeconomics. This is because impairment findings relate to park resources and values, and the above impact topics are not generally considered to be park resources or values according to the 1916 Organic Act, and therefore, cannot be impaired as can other park values and cultural and natural resources.

Archeological Resources Description

Within the segregation center site, WWII-era features that have been documented include intact standing buildings, modified or moved buildings, structure foundations, fence remnants, trash dumps and scatters, ditches and culverts, and other features in the

stockade, WRA motor pool, and post engineer's yard. In the Peninsula, WWII archeological features include the overlook guard tower foundation, remnants of the hog and chicken farms, and inscriptions from Japanese Americans. Additionally, preliminary results from an archeological inventory indicate that the area contains significant resources that represent several periods of occupation through time. At Camp Tulelake, prehistoric archeological sites dating throughout the known range of habitation are well-represented in areas adjacent to this parcel, and it is anticipated that archeological sites will be documented within the boundary. Camp Tulelake also contains many WWII-era feature that have yet to be documented.

Archeological Resource Impacts

Under the selected alternative, comprehensive documentation of archeological resources will benefit them. An onsite cultural resources program will allow staff to more easily undertake projects necessary to document and protect the unit's resources. Resources will benefit directly from the ability of local staff to provide closer and more frequent attention. This program will provide the unit with the capacity to conduct proactive field surveys and baseline documentation of the remaining unsurveyed lands within the unit. It will also allow the unit to make regular and timely condition assessments of previously recorded sites.

New trails at the segregation center site and Camp Tulelake will be built, facilities will be rehabilitated, and unguided access will increase throughout the unit. Although this has the potential to disturb archeological sites through increased off-trail travel, inadvertent damage by visitors, and vandalism, new trails and visitor facilities will be sited and designed using mitigation measures identified in this plan to avoid impacts. Monitoring the user capacity indicators through the new cultural resource program will also mitigate potential future disturbance to known sites along these routes, although the potential for adverse impacts on unknown resources will continue. Increased education and awareness of the unit's cultural resources will help protect those resources by elevating their importance to visitors, a beneficial effect.

Past projects and actions within the designated boundaries of the unit have resulted in a wide variety of impacts on the unit's archeological resources. In particular, WWII and post-WWII alterations have disturbed and modified the segregation center and Camp Tulelake sites. Infrastructure projects—roads, utilities, and general construction have involved ground disturbance and have, over time, had long-term adverse cumulative impacts on archeological resources.

Under the selected alternative, direct adverse impacts (ground disturbance, deterioration of historic structures) and beneficial impacts (visitor restrictions) on

archeological resources would be avoided or minimized through application of mitigation measures.

There will be no impairment to archeological resources or values because no major, long-term, adverse impacts to these resources will occur from implementation of the selected alternative.

Historic Structures and Cultural Landscapes Description

The Tule Lake Segregation Center National Historic Landmark encompasses the segregation center site and includes the historic stockade, post engineer's yard, and WRA motor pool. It is unique for the significant number of WWII-era buildings still extant within its boundaries. Of the eight historic buildings located within the Tule Lake Segregation Center site, seven are recognized as contributing to the National Historic Landmark. Three of the six buildings and features at Camp Tulelake are recognized as contributing resources.

The historic character of the NPS-managed cultural landscape, including the segregation center site, Camp Tulelake, and the Peninsula is revealed through a number of landscape characteristics, including natural systems and features, views and vistas, spatial organization, circulation, buildings and structures, small-scale features, vegetation, and archeological sites. Characteristics such as natural systems and features and views and vistas have changed very little since the historic period. The larger historic character of the unit is evident in the vast basin with its views of the Peninsula and Horse Mountain that were prominent in the otherwise expansive horizon. The landscape setting of the segregation center is flat and treeless, reflecting its former identity as a lake bed. Native vegetation on the Peninsula and surrounding areas consists of a sparse growth of grass, tules, and sagebrush and has changed very little since World War II. The vicinity is characterized by open agricultural fields, as it was during the war.

Historic Structures and Cultural Landscapes Impacts

The selected alternative will greatly increase the level of protection of cultural landscapes and historic buildings and structures through appropriate preservation treatments.

The carpenter shop in the post engineer's yard will be rehabilitated as the primary visitor facility for the unit. The historic character will be retained and preserved, with minimal change to its distinctive materials, features, spaces, and spatial relationships. Use of the building as a visitor facility will greatly enhance its protection by elevating its importance as a park asset and ensuring regular maintenance.

Reconstruction of stockade features, along with attention to preserving the patterns of historic circulation and placement in all new roads and trails will contribute to the historical scene and enhance the cultural landscape.

Use and rehabilitation of the historic structures in the motor pool area will ensure the protection of these cultural resources. Because the planned uses (storage, maintenance, office) are consistent with the designs, sizes, previous uses, and locations of these structures, modifications to their historic elements are minimal and exteriors will be maintained for their historic character.

Actions at Camp Tulelake include stabilization of contributing historic structures, adaptive re-use of one wing of the barracks as a visitor contact facility, and select rehabilitation and reconstruction of character-defining landscape features. These actions will preserve the historic resources and enhance the cultural landscape.

Adverse effects could occur when greater numbers of visitors result in inadvertent damage or opportunities for vandalism. In all areas, however, continual access by watchful visitors and increased staffing will help protect resources from vandalism and promote the importance of cultural resource protection through increased awareness of their importance and conditions. Likewise, continual attention to resources will allow the unit to respond to problems quickly.

Cumulatively, natural processes and past development have resulted in the disturbance and loss of cultural resources, which have had adverse effects on historic structures and the integrity of cultural landscapes. Decades of neglect at the segregation center site and Camp Tulelake have added to this adverse impact, leading to the loss and vulnerability of structures at the sites today. While NPS staff have taken on emergency stabilization projects at the sites, this interim measure cannot continue indefinitely without continuing adverse impacts to the historic structures and cultural landscapes. Because the selected alternative will address those cumulative impacts to the greatest degree, it would not add appreciably to these adverse cumulative impacts.

Overall, the selected alternative will result in beneficial impacts on historic structures and cultural landscapes. Some adverse effects could occur due to greater use of the sites by visitors, but these impacts would be insignificant due to the unit's greater capacity to see and respond to issues immediately. Beneficial effects will also occur through enhanced protection and stabilization of cultural resource features and historic structures and enhancement of cultural landscapes.

Because of greater attention to and documentation and protection of resources and values related to historic buildings, structures, and cultural landscapes, there would be no impairment of these resources.

Description of Values, Traditions, and Practices of Culturally Associated Peoples

Three distinct groups of people retain strong ties to the Tule Lake Unit.

Cultural resources within the Tule Lake Unit and adjacent areas hold traditional significance for contemporary Modoc. Sites within the unit serve as one of the tangible links for the Modoc with their ethnic heritage. Today there is a revitalized interest among Modoc about their traditional culture (NPS 2011, Deur 2008). Within Modoc oral traditions, perhaps no other place is more important than the Tule Lake shoreline (Deur 2008: 185). Modoc tribal members have long told stories tied to the lake. Other important resources to the Modoc people include the Peninsula, Petroglyph Point, and Horse Mountain, among many more.

Japanese Americans incarcerated at Tule Lake and their descendants have maintained connections to the site since World War II. These connections have increased in recent decades with the pilgrimage and community activism related to preservation and interpretation of Tule Lake's history.

The community in and around Newell, California also maintains strong ties to areas within the Tule Lake Unit. As former homesteaders or descendants of early homesteaders, many current residents are actively connected to the region's agricultural heritage.

Impacts to Values, Traditions, and Practices of Culturally Associated Peoples

Under the selected alternative, the NPS will manage an onsite cultural resources program to document and preserve ethnographic resources. This program will ensure better curation of oral histories that identify the values, traditions, and practices of associated peoples. In addition, the program will provide the unit with the capacity to research and document important resources associated with these peoples. Onsite capacity will allow the unit to establish and maintain personal relationships with tribal members, incarcerated and their descendants, and members of the local community and to cultivate their active stewardship of the unit's resources on an ongoing basis.

The selected alternative will also broaden interpretive efforts to include connection of the unit's cultural resources to the broader history of the region and the interrelationships between natural and cultural resources. With additional cultural

expertise on site, the unit will be able to create offsite educational opportunities such as websites, exhibits, educational kiosks, brochures and printed materials, classroom curriculum, and other digital media, helping to share the stories of the Tule Lake Unit, including traditional values, practices, and traditions, with a larger more diverse audience using modern media and technology. This will have an overall beneficial impact on preservation of cultural resources through increased visitor and staff awareness.

Adverse cumulative impacts, which would be avoided by the selected alternative, have primarily resulted from past development and the continuing loss of elders with knowledge of traditions, practices, and beliefs. Modoc and Klamath resources are associated with their archeological sites, rock art, and the plants, wildlife, and landscape features which remain important to the descendants of these peoples. These resources have been affected by past development in the region. Importantly, drainage of Tule Lake, conversion of the lake bottom to agricultural use, and the changes in large-scale vegetation patterns resulting from modification of fire regimes associated with Native American burning practices have resulted in modification of landscape features and biotic communities valued by American Indians. The most important of these changes occurred a long time ago, but the potential for continuing impacts exists, especially in the loss of native vegetation throughout the region.

The actions described under the selected alternative will provide many benefits to the protection of values, traditions, and practices of traditionally associated peoples. Impacts under the selected alternative will not add appreciably to cumulative adverse impacts and are not considered significant.

Because the selected alternative will institute a program to preserve the values, traditions, and practices of traditionally associated peoples, there would be no impairment of these resources or values.

Museum Collections Description

The Tule Lake Unit collection comprises approximately 450 objects, consisting of flatware, glassware, personal items, building components from the segregation center site, and newspaper clippings, photographs, and correspondence pertaining to the center. In addition, a much larger number of items are in need of cataloging, including archeological items that have been recovered during surveys or other work within the unit, as well as personal items, paper items and small objects, and furniture that have been donated to the unit. In addition to those of Lava Beds and Tule Lake, an unknown number of archival and museum collections related to Tule Lake are thought to be

located at other NPS units related to confinement sites and various other repositories. Tule Lake-related material is also held by other organizations.

Museum Collections Impacts

Under the selected alternative, collections storage will be greatly improved by installation of an insulated modular structure (IMS) within the silver garage. The very stable relative humidity and temperature conditions of an IMS will better protect fragile museum collections while avoiding potential damage to the historic fabric of the silver garage, constituting a beneficial impact.

With onsite expertise and storage, the NPS will also be better able to scan, document, and display items through digital and other means, greatly enhancing interpretive opportunities while protecting the collections themselves. Additional collections items that represent a wider range of the unit's history will also be sought.

Because museum collections will be assessed, documented, protected, and increased, there will be no impairment to resources or values related to museum collections from implementation of the selected alternative.

Geologic and Soil Resources Descriptions

The majority of the soil underlying the segregation center site is classified within the Poman-Fordney soils complex as Fordney loamy fine sand on 0 to 2% slopes (Jahnke 1994). Lake sediments and volcanic ash comprise the bulk of the floor of the Tule Lake Basin, and the calcareous shells of lake snails are visible in its former lakebed soils (Lillquist 2007). The major soils in this unit are formed in alluvium and lacustrine sediment derived from tuff (rock formed from consolidated volcanic tephra such as volcanic ash, magma, and rocks) and other types of extrusive igneous rock. These soils are characterized as well-drained with moderate to very deep profiles.

The former lake shoreline area surrounding Camp Tulelake is composed of lake and stream-derived volcanic sediments (Lillquist 2007). The Camp Tulelake area is composed of Dehill fine sandy loam with 0 to 5% slopes within the Truax-Dehill-Eastable soil complex. Soils in this complex are also formed in alluvium derived from tuff and extrusive igneous rock.

Soils within the Peninsula area are more complex and more topographically diverse, with slopes in the area ranging from 0 to 75%. Within the Peninsula area, lower elevations in the northwest are composed of Fordney loamy fine sand on 0 to 15% slopes, while the southwest is predominantly composed of slightly shallower soils, on steeper slopes, in the Stukel-Capona complex. The north central upland area of the

Peninsula is composed of the Karoc-Rock Outcrop complex, characterized by very gravelly sandy loam, 10 to 14 inches deep, and overlaying bedrock (Jahnke 1994, USDA 2014).

Geologic and Soil Resources Impacts

Geologic outcroppings on the Peninsula could potentially be affected by an increase in the frequency of guided tours and expanded locations for guided tours.

Some soils could be degraded, covered or removed in local areas where ground disturbance occurs; while this could disrupt localized soil structure and expose soils to erosion by wind and water, overall adverse impacts will be small. In addition, wherever excavation and soil disturbance occur, best management practices and mitigation measures will be implemented to minimize loss.

Under the selected alternative, the NPS will reestablish and manage vegetation on the segregation center site and at Camp Tulelake, consistent with patterns of vegetation present during the historic period. This includes removal of invading nonnative plants and resultant disturbance of soil to remove nonnative species and revegetate disturbed areas.

Intensification of visitor use will result in additional pedestrian traffic throughout the unit. Soil compaction and the formation of social trails from foot traffic will be minimized by establishing new trails or rehabilitating historic pathways to accommodate the additional foot traffic and to improve pedestrian circulation.

Ongoing compaction due to heavy use by people and vehicles, infrastructure development, use of lead ammunition, and other human activities have also impacted area soils and geology.

Because impacts to soils in the selected alternative will be limited in extent, there will be no impairment to the park's resources or values related to soils from implementation of the selected alternative.

Biological Resources Description

VEGETATION

The present-day vegetation of the unit is a mosaic of remnant native plants, nonnative invasive herbaceous plants, and scattered tree species, some of which are nonnative to the Tule Lake Basin and were likely planted by the WWII-era occupants of these sites. Although plant species common to the sagebrush steppe habitat that dominates the Tule

Lake Basin are present in all three areas of the unit, much of the vegetation present within the unit is not native to the Tule Lake Basin.

Large portions of the unit's three sites are highly disturbed. The lower elevations of the Peninsula area and virtually every part of the segregation center site and Camp Tulelake have been altered by human activity one or more times in the past century. The most intense disturbance at the site was from the early 20th-century conversion of the huge but shallow Tule Lake to the extensive farmland in evidence today. There was presumably no native vegetation on the segregation center site prior to 1905.

The vegetative communities in the Upper Klamath Subbasin have also been influenced by fire. Nearly all of the native plants and animals in the Upper Klamath Subbasin evolved under fire regimes with frequent wildland fire. The segregation center site was historically a lake bottom and thus without a regular wildland fire interval.

WILDLIFE AND WILDLIFE HABITAT

No systematic inventory of wildlife species within the unit has been conducted; however, a general understanding of the unit's wildlife resources can be extrapolated from knowledge of habitat, information about wildlife populations on surrounding lands, and incidental wildlife observations.

Mule deer (*Odocoileus hemionus*) are abundant in the Camp Tulelake and Peninsula areas. Pronghorn (*Antilocapra americana*) have been observed in the vicinity of, but outside, the unit. Small mammals are common. Predators such as coyotes (*Canis latrans*) have been observed within the unit, and others species such as mountain lion (*Puma concolor*), bobcat (*Lynx rufus*), and gray fox (*Urocyon cinereoargenteus*) have been observed in proximity to the unit (NPS 2016a).

Two reptile species have been observed within the unit, and several reptile and amphibian species are possible, although unconfirmed. The unit is also home to a variety of upland birds and birds of prey; this is particularly true for Camp Tulelake and the Peninsula, which are part of the Tule Lake National Wildlife Refuge. These areas contain suitable habitat for a range of bird species.

THREATENED AND ENDANGERED SPECIES

The Tule Lake Unit is located within the historical range of the greater sage-grouse (*Centrocercus urophasianus*), however there is no documentation of this or other listed or proposed species from within the unit. The population of sage grouse nearest the Tule Lake Unit is 15 miles to the east, within the Clear Lake National Wildlife Refuge

and potential suitable habitat may be found on the Peninsula and at Camp Tulelake (when considered as part of their surrounding lands).

Biological Resources Impacts

VEGETATION

The selected alternative will include various site developments and modifications that could involve localized impacts to or loss of vegetation. Among the actions that would be undertaken include archeological excavations, development of limited new trails, reconstruction of stockade features, development of new restroom facilities, and rehabilitation and restoration of several structures and features, including the carpenter shop, garages, historic fences, entrance features, and historic paths. The unit will also provide parking areas as feasible and appropriate near key locations. Additional site planning will determine the location, size, and layout of parking areas, restrooms, and other new development.

To minimize or avoid impacts to vegetation, management actions involving excavation or other direct disturbance of vegetation in areas not permanently developed or occupied by structures, mitigation measures, including site rehabilitation, revegetation with native plants, and weed management will be implemented.

Other beneficial impacts under the selected alternative include preserving historic character-defining trees and restoring these on the segregation center site and conducting baseline natural resource surveys and monitoring on the Peninsula.

At Camp Tulelake, as with the other sites, a resource stewardship strategy will be developed to guide and prioritize resource protection efforts. Additional visitation will result in a substantial increase in pedestrian traffic throughout the unit. Establishing pathways to accommodate the additional foot traffic and improving pedestrian circulation throughout the unit would focus and reduce overall impacts in appropriate areas. Increased staffing, including year-round NPS presence, would improve resource protection and visitor education. Camp Tulelake, the Peninsula, and surrounding areas may also benefit from removing exotic weeds from high-traffic areas at the segregation center.

WILDLIFE AND WILDLIFE HABITAT

An increase in the frequency and amount of human presence would displace some wildlife species found in the unit. An increase in infrastructure, including parking areas, fences, and lighting, would also remove habitat or displace wildlife. Although increased traffic on the roads connecting the three sites will increase road-killed animals,

particularly small or slow-moving species, these impacts would not affect wildlife populations.

Long-term beneficial effects would continue from restricting access in some areas during nesting season and from continuing to work with the USFWS to manage nesting raptors on the Peninsula.

THREATENED AND ENDANGERED SPECIES

Although there are no documented federally listed threatened or endangered species within the Tule Lake Unit, low levels of visitor use through potential sage-grouse habitat would slightly increase along a small number of established routes (or trails). If sage grouse were later documented within the area, additional consultation with the USFWS would occur. Because of the application of mitigation measures in excavation, site rehabilitation, revegetation, and other management activities, areas dominated by native vegetation would increase, thereby improving wildlife habitat and resulting in long-term beneficial impacts.

Because there will be no effect on listed species, and the selected alternative will primarily result in short-term adverse impacts and long-term beneficial effects to biological resources, there will be no impairment to vegetation, wildlife, or special status species resources or values from implementation of the selected alternative.

Conclusion

The analyses summarized above demonstrate that the selected alternative will not result in impairment of a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the proclamation establishing the Tule Lake Unit of World War II Valor in the Pacific National Monument; (2) key to the natural or cultural integrity of the unit; or (3) identified as a goal in the unit's existing planning documents.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the selected alternative.