Appendix G

Section 106 Consultation
WHEREAS, the Johnson County Airport Commission (JCAC) proposes to seek Federal Aviation Administration (FAA) release from aeronautical use 671 acres of property for private commercial/industrial development at the New Century AirCenter in New Century, Kansas; and

WHEREAS, the FAA will issue a land release from aeronautical use for the Project in compliance with FAA Order 5190, thereby making it an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 USC Section 302909, and its implementing regulations 36 C.F.R. Part 800; and

WHEREAS, FAA initiated Section 106 consultation with the Kansas State Historic Preservation Office (SHPO) for the project in a letter dated December 16, 2016; and

WHEREAS, FAA defined the Project’s area of potential effects (APE), as defined in 36 C.F.R. 800.16(d), for both direct and indirect effects (described in Attachment A); and

WHEREAS, SHPO concurred with the APEs on February 2, 2017; and

WHEREAS, FAA has determined that the undertaking will have an adverse effect on seven components of the former Olathe Naval Air Station (ONAS), which are eligible for listing in the National Register of Historic Places (NRHP), and SHPO concurred with this determination in a letter dated February 2, 2017; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) on June 2, 2017; and

WHEREAS, FAA (through its delegate Burns & McDonnell) in letters dated May 25, 2017 invited the following to participate in Section 106 consultation: the City of Olathe; the City of Gardner; the Johnson County Museum; and the Johnson County Genealogical Society; and

WHEREAS, the City of Olathe, the City of Gardner, and the SHPO have accepted the invitation to participate in the consultation regarding the effects of the undertaking on historic properties; and

WHEREAS, FAA has invited JCAC, the owner of the historic properties, to participate in the MOA as an invited signatory, and JCAC has accepted; and

WHEREAS, the FAA provided opportunity for the Delaware Tribe of Oklahoma, Eastern Shawnee Tribe, Shawnee Tribe, Iowa Tribe of Oklahoma, Kaw Nation, Miami Tribe of Oklahoma, Omaha Tribe, Osage Nation, Pawnee Nation of Oklahoma, Seneca Cayuga Tribe of Oklahoma, and Yankton Sioux Tribe of South Dakota to consult on the undertaking’s potential to affect properties with religious and cultural significance in letters dated February 6, 2017; and
WHEREAS, the Osage Nation responded that they do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, the National Environmental Policy Act (NEPA), the Native American Graves Protection and Repatriation Act (NAGPRA), or Osage law; and

WHEREAS, the Yankton Sioux Tribe of South Dakota and the Shawnee Tribe both responded they have no further concerns regarding impacts to historic properties from this project on November 6, 2017 and January 30, 2018, respectively;

WHEREAS, the draft Environmental Assessment was provided to the public for comment and a public hearing [anticipate Late March-Early April] was held to discuss the undertaking’s impacts; and

NOW, THEREFORE, FAA, SHPO, and JCAC (each a Signatory and together Signatories) agree that the undertaking will be implemented in accordance with the following stipulations.

STIPULATIONS

The FAA, in coordination with the SHPO and JCAC, will ensure that the following measures are carried out:

I. PROFESSIONAL QUALIFICATIONS

FAA will ensure that all historic preservation and documentation work is carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualification Standards for Historians or Architectural Historians (48 FR 44738-9).

II. PRESERVATION IN PLACE OF A MUNITIONS BUNKER

JCAC will ensure that one of the NRHP-eligible munitions bunkers (Kansas Historic Resource Inventory #091-3762b) is preserved in place. Plans for its stabilization, public accessibility, and interpretation via signage will be coordinated with the SHPO and other consulting parties. All parties will concur with the bunker selected and the preservation and/or access plan prepared for the resource prior to FAA release of property.

III. DOCUMENTATION OF ONAS RESOURCES

JCAC through their consultant will conduct intensive level documentation of the remaining ONAS-related buildings slated for demolition prior to FAA release of the property from aeronautical use. This documentation will include photography and development of a report summarizing the Cold War era history of ONAS and the relationship of the NRHP-eligible resources to the base’s development during this period. Copies of this report will be provided to signatories and consulting parties.

IV. UNANTICIPATED DISCOVERIES

A. If properties are discovered that may be historically significant or unanticipated effects on historic properties are identified, FAA will comply with 36 C.F.R. § 800.6(c)(6) by consulting with SHPO and federally recognized Native American tribes that may attach religious and/or cultural significance to the identified or affected property; and by developing and implementing avoidance, minimization, or mitigation measures with the concurrence of SHPO and the tribes.

B. Historic and prehistoric human remains from non-federal, non-tribal lands are subject to protection under state burial laws. If encountered, the provisions of the Kansas Unmarked Burial Sites Preservation Act of 1989 (K.S.A. 75-2741 through 75-2754) will be followed. As such, if human remains are discovered during construction, work in that portion of the project will stop
immediately. The remains will be covered and/or protected in place in such a way that minimizes further exposure of and/or damage to the remains in conformance with state law, and FAA will immediately consult with the SHPO and local law enforcement as appropriate. If the remains are found to be Native American, in accordance with applicable state and federal laws, a treatment plan will be developed by FAA and the SHPO in consultation with appropriate federally recognized Native American tribes. FAA will ensure that any treatment and reburial plan is fully implemented. If the remains are not Native American, the appropriate local authority will be consulted to determine final disposition of the remains. Avoidance and preservation in place is the preferred option for treating human remains.

V. **PREPARATION AND REVIEW OF DOCUMENTS**

Unless otherwise provided in the above Stipulations, FAA and SHPO agree to provide comments on all studies, reports, plans, and other documentation arising from this MOA to JCAC within thirty (30) calendar days of receipt of complete information. If JCAC does not receive comments from the SHPO and other Signatories within the thirty (30) calendar-day review period, JCAC may assume that the non-responding party has no comments. JCAC will consult with responding parties as appropriate to ensure that all comments received within the thirty (30) calendar-day review period are considered.

VI. **POST-REVIEW CHANGES**

If JCAC proposes changes to the Project that may result in additional or new effects on historic properties, JCAC will notify FAA, SHPO, and other signatories of such changes. Before JCAC takes any action that may result in additional or new effects on historic properties, JCAC, FAA, SHPO, and other signatories will consult to determine the appropriate course of action.

VII. **MONITORING AND REPORTING**

Each year following the execution of this MOA until it expires or is terminated, JCAC will provide FAA, SHPO, and other signatories a summary report detailing work undertaken pursuant to its terms. Such report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in JCAC’s efforts to carry out the terms of this MOA.

VIII. **DISPUTE RESOLUTION**

Should any Signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FAA will consult with such Signatory to resolve the objection. If FAA determines that such objection cannot be resolved within thirty (30) days, FAA will:

A. forward all documentation relevant to the dispute, including FAA’s proposed resolution, to the ACHP with a copy to the other Signatories to this MOA, and request that the ACHP provide FAA with its advice on the resolution of the objection within thirty (30) calendar days of receiving the documentation.

B. make a decision on the dispute and proceed accordingly if the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period.

C. document this decision in a written response to the objection that considers any timely comments regarding the dispute from the Signatories and provide the ACHP and Signatories with a copy of such written response.

Page 3 of 5
FAA may then proceed according to its decision. The Signatories remain responsible for carrying out all other actions subject to the terms of this MOA that are not the subject of the dispute.

IX. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date the last Signatory signs the agreement.

X. EFFECTIVE DATE AND DURATION

This MOA will be effective on the date the last Signatory signs the agreement. This MOA will expire if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, the Signatories may consult to reconsider the terms of the MOA and amend it in accordance with Stipulation IX above. If the process to release land from aeronautical use, including Stipulation I, II, and III above, has not started within one (1) year of the execution of this MOA, then this MOA will be considered null and void. In such an event, the FAA shall notify the parties to this MOA, and if it chooses to continue the project, shall re-initiate consultation in accordance with 36 CFR 800.6(c)(7).

XI. TERMINATION

If any Signatory to this MOA determines that its terms will not or cannot be carried out, that Signatory will immediately consult with the other Signatories to develop an amendment per Stipulation IX above. If within thirty (30) days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatories.

Once the MOA is terminated, and prior to work continuing, FAA must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, consider, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. FAA will notify the Signatories as to the course of action it will pursue.

[Remainder of page intentionally left blank; signature page to follow.]
NEW CENTURY AIRCENTER IMPROVEMENT PROJECT
MEMORANDUM OF AGREEMENT

SIGNATORIES:

FEDERAL AVIATION ADMINISTRATION:

By: ________________________________ Date: __________________

KANSAS STATE HISTORIC PRESERVATION OFFICE

By: ________________________________ Date: __________________

INVITED SIGNATORY:

JOHNSON COUNTY AIRPORT COMMISSION

By: ________________________________ Date: __________________
June 2, 2017

Mr. Scott Tener, P.E.
Environmental Specialist
Federal Aviation Administration
Central Region
901 Locust
Kansas City, Missouri 64106

Ref: Proposed Commercial Development at New Century AirCenter
Johnson County, Kansas

Dear Mr. Tener:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of our regulations, “Protection of Historic Properties” (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Kansas State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Sarah Stokely at (202) 517-0224 or sstokely@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
*MS Word* format

Send to: e106@achp.gov

1. Basic information

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

   Federal Aviation Administration

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

   Proposed Commercial Development at New Century AirCenter

3. **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):

   The proposed development is to be located in Johnson County, Kansas on the New Century AirCenter owned and operated by the Johnson County Airport Commission.

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

   Agency Official:
   Jim Johnson, Manager, Airports Division

   Agency Contact Person:
   Scott Tener, P.E., Environmental Specialist
   FAA Central Region Airports Division
   901 Locust St., Room 364
   Kansas City, Missouri  64106-2325
   T 816.329.2639 | F 816.329.2611
   scott.tener@faa.gov
5. **Purpose of notification.** Indicate whether this documentation is to:

- notify the ACHP of a finding that an undertaking may adversely affect historic properties, and/or
- invite the ACHP to participate in a Section 106 consultation, and/or
- 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).

II. Information on the Undertaking*

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

   The Johnson County Aviation Commission (JCAC) is requesting the Federal Aviation Administration (FAA) to release approximately 670 acres of airport property at New Century AirCenter (IXD) located in Johnson County, Kansas (see Figure 1) which is currently obligated for aeronautical use to allow non-aeronautical use. Due to unsupported aviation demand, the JCAC is requesting release of the land reserved for the parallel runway and associated airfield support for development as non-aviation uses such as commercial and industrial development. The land proposed for release is depicted on Figure 2.

   New Century AirCenter is located at Latitude: 38° 49′ 51″ N and Longitude: 94° 53′ 25″ W and is a joint civil-military general aviation airport located four miles southwest of the central business district of Olathe, Kansas. The current use of the parcels designated for redevelopment is primarily agricultural with some areas of open pasture (Areas 1 and 2). The parcels include an empty commercial lot (Area 3) and abandoned military infrastructure, including a portion of a former runway and three former munitions storage bunkers (Area 2).

   The proposed project is subject to the National Environmental Policy Act (NEPA) and an Environmental Assessment (EA) is being prepared to evaluate impacts associated with the proposed action. The NEPA review process requires compliance with Section 106 of the National Historic Preservation Act (NHPA), as implemented through 36 CFR 800.

   For your review, please find enclosed a cultural resources investigation dated January 2017; *Phase I and II Cultural Resources Survey of the Proposed New Century Aircenter Project.*

7. **Describe the Area of Potential Effects:**

   The APE for direct effects was defined by the FAA and Kansas State Archaeologist as all areas subject to potential direct impacts from the Project, including the footprints of Areas 1-3 (see Figure 3). To account for potential visual or other indirect impacts to historic (NRHP-listed or eligible) non-archaeological properties, a larger indirect effects APE was developed including intersecting and adjacent property parcels (see Figure 4). This APE also took into account the viewshed of the Project and existing disturbances and visual intrusions in the area. The approximately 2,453-acre APE for indirect effects was approved by FAA environmental staff prior to the commencement of fieldwork.

   The area within the direct effect APE contains plowed fields and portions of the former WWII airfield while the immediate neighboring property contains fields, residences, utility and transportation infrastructure.

   Please see attached report for pictures and additional information.
8. Describe steps taken to identify historic properties:

A cultural resources survey was completed and subsequent consultation with the Kansas State Historic Preservation Office identified several properties associated with the former WWII airfield that may be eligible for listing on the National Register of Historic Places (NRHP).

Tribal coordination revealed that the AirCenter is located within historic tribal reservation land. The Shawnee Tribe and Yankton Sioux Tribe of South Dakota have requested to be consulting parties. No tribal cultural resources were identified within the APE. The tribes have requested tribal monitoring during any construction related activities.

9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

Several historic properties are identified within and near the current airport property:
- The Santa Fe Trail runs through the property
- The airport is located on the former WWII airbase, Olathe Naval Air Station (ONAS)
- The airport exists within historic tribal reservation land
- Several farmsteads

A total of three archaeological sites were recorded within the Project areas. No tribal cultural resources were identified within the APE.

The historic-age non-archaeological resource survey documented 44 resources on 13 properties within the APE. Thirteen of the resources may qualify for NRHP inclusion at the state or local level, and eight are associated with former operations at the ONAS.

Please see attached survey for additional information, *Phase I and II Cultural Resources Survey of the Proposed New Century Aircenter Project* (January 2017).

10. Describe the undertaking’s effects on historic properties:

None of the three archeological sites appear to be eligible for inclusion in the NRHP. The undertaking will not impact significant archaeological resources.

Although no tribal cultural resources were identified within the APE, the tribes have requested tribal monitoring during any construction related activities.

With the exception of seven historic-age non-archeological resources associated with the former ONAS, the other potentially eligible resources would not be impacted directly by the proposed undertaking. These resources are not located in areas subject to direct impacts and either do not retain integrity of setting or do not represent one of their character-defining features. As visual impacts are the only potential effects to these resources, the proposed undertaking does not appear to have the potential to adversely affect them under Section 106.

With regard to the components of the former naval air station, current plans include their removal to facilitate redevelopment and reuse of the associated property. This action would adversely affect the properties and would require mitigation outlined via a MOA.

11. 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):
Current plans include removal of the former naval air station structures to facilitate development of the associate property for commercial and light industrial activities. Consultation with the SHPO determined that it may be feasible to mitigate the adverse effects associated with the structures associated with the former naval air station. Possible mitigation measures include:

- Preservation of a bunker or other building in place with an interpretive
- Development of an exhibit for display in local museum
- Nomination of a military-related building or group of buildings on the property to the National Register of Historic Places; this would enable development of a detailed context regarding the history of the property and could provide the county with tax credit options for future rehabilitation/repair activities at the airport

12. 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.

The FAA provided opportunity, January 27, 2017, for 11 tribes to consult on the undertaking’s potential to affect properties with religious and cultural significance and received three responses were received; The Shawnee Tribe (by phone) and Yankton Sioux Tribe of South Dakota (by letter) requesting to be consulting parties, and the Osage Tribe responding that no properties would be effected (see attached).

The Kansas SHPO responded, January 2, 2017, with their determination of effects to historic properties (see attached).

Through follow up conversations with the SHPO, it was decided that additional consulting parties need to be invited including the Johnson County Historical Society, the City of Olathe, the City of Gardner. This is in process.

The general public will be invited to provide comment during public involvement of the draft Environmental Assessment.

* see Instructions for Completing the ACHP e106 Form

III. Optional Information

13. Please indicate the status of any consultation that has occurred to date. Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

Through follow up conversations with the SHPO, it was decided that additional consulting parties need to be invited including the Johnson County Historical Society, the City of Olathe, the City of Gardner. This is in process.

14. 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:

None

15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:
This project is considered covered, however it is not listed on the dashboard. The FAA is still trying to resolve implementation of the DOT guidance.

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

_X__ Section 106 consultation correspondence

_X__ Maps, photographs, drawings, and/or plans

_X__ Additional historic property information

____ Other: Mitigation alternatives analysis
<table>
<thead>
<tr>
<th>Contact</th>
<th>Delivered</th>
<th>Response</th>
<th>Action Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr. Brice Obermeyer</td>
<td>2/6/17</td>
<td>No Response 3/17/17</td>
<td></td>
</tr>
<tr>
<td>Delaware Tribe of Oklahoma, NAGPRA Representative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emporia State University, Roosevelt Hall, Room 212</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Kellogg Dr</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emporia, KS 66801</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Robin Dushane</td>
<td>2/6/17</td>
<td>Phone Call 3/8/17</td>
<td>Referring project to The Shawnee Tribe</td>
</tr>
<tr>
<td>Cultural Preservation Director</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastern Shawnee Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P.O. Box 350</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seneca, MO 64865</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Ben Barnes</td>
<td>Email</td>
<td>Phone Call 3/8/17</td>
<td>1/29/18-Email from Tribe confirming no interest in the project, but want to be contacted in case of inadvertent discovery. 10/1/17-No response. Sent another letter requesting information. 8/28/17- Sent meeting/site visit minutes and requested information. 7/5/17- Invited to make a site visit but declined. 3/8/17-Phone call requesting consultation and construction monitoring.</td>
</tr>
<tr>
<td>2nd Chief</td>
<td>3/13/17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Shawnee Tribe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>918-541-6453</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><a href="mailto:benbarnes@gmail.com">benbarnes@gmail.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Bobi Rous</td>
<td>2/7/17</td>
<td>No Response 3/17/17</td>
<td></td>
</tr>
<tr>
<td>Cultural Preservation Department</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iowa Tribe of Oklahoma</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>335588 E 750 Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perkins, OK 74059</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Crystal Douglas</td>
<td>2/7/17</td>
<td>No Response 3/17/17</td>
<td></td>
</tr>
<tr>
<td>Historic Preservation Officer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaw Nation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P.O. Box 50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaw City, OK 74641</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ms. Diane Hunter</td>
<td>2/7/17</td>
<td>No Response 3/17/17</td>
<td></td>
</tr>
<tr>
<td>Tribal Historic Preservation Officer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miami Tribe of Oklahoma</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P.O. Box 1326</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Designation</td>
<td>Contact Information</td>
<td>Dates</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Mr. Tony Provost</td>
<td>Tribal Historic Preservation Officer</td>
<td>Omaha Tribe, P.O. Box 368, Macy, NE 68039</td>
<td>2/6/17</td>
</tr>
<tr>
<td>Dr. Andrea Hunter</td>
<td>Director, THPO</td>
<td>Osage Nation, 627 Grandview, Pawhuska, OK 74056</td>
<td>2/7/17</td>
</tr>
<tr>
<td>Mr. Andrew Knife Chief</td>
<td>Tribal Historic Preservation Officer</td>
<td>Pawnee Nation of Oklahoma, P.O. Box 470, Pawnee, OK 74058</td>
<td>2/7/17</td>
</tr>
<tr>
<td>Mr. Paul Barton</td>
<td>Culture/Historical Preservation Officer</td>
<td>Seneca Cayuga Tribe of Oklahoma, 23701 South 655 Rd, Grove, OK 73444</td>
<td>2/6/17</td>
</tr>
<tr>
<td>Mr. Kip Spotted Eagle</td>
<td>Tribal Historic Preservation Officer</td>
<td>Yankton Sioux Tribe of South Dakota, P.O. Box 1153, Wagner, SD 57380-1153</td>
<td>2/6/17</td>
</tr>
</tbody>
</table>
January 27, 2017

CERTIFIED MAIL

<NAME>
<ADDRESS>

Re: Section 106 Coordination for
Environmental Assessment
New Century Aircenter
Johnson County, Kansas

Dear <NAME>:

The Johnson County Aviation Commission (JCAC) is requesting the Federal Aviation Administration (FAA) to release approximately 670 acres of airport property at New Century AirCenter (IXD) in Olathe, Kansas (see Figure 1) which is currently obligated for aeronautical use to allow non-aeronautical use. Due to unsupported aviation demand, the JCAC has decided to proceed with release of the land reserved for the parallel runway and associated airfield support for development as non-aviation uses such as commercial and industrial development. The land proposed for release is depicted on Figure 2.

New Century AirCenter is located at Latitude: 38° 49’ 51" N and Longitude: 94° 53’ 25" W and is a joint civil-military general aviation airport located four miles southwest of the central business district of Olathe, Kansas. The current use of the parcels designated for redevelopment is primarily agricultural with some areas of open pasture (Areas 1 and 2). The parcels include an empty commercial lot (Area 3), and abandoned military infrastructure, including a portion of a former runway and three former munitions storage bunkers (Area 2).

The proposed project is subject to the National Environmental Policy Act (NEPA) and an Environmental Assessment (EA) is being prepared to evaluate impacts associated with the proposed action. The NEPA review process requires compliance with Section 106 of the National Historic Preservation Act (NHPA), as implemented through 36 CFR 800. The intent of this letter is to request your input on properties of cultural or religious significance that may be affected by the proposed project and invite you to participate in the Section 106 consultation process.

For your review, please find enclosed a Cultural Resource Investigation dated January 2017; Phase I and II Cultural Resources Survey of the Proposed New Century Aircenter Project.

The FAA is the lead federal agency for the NEPA document. Jim Johnson, FAA Central Region Airports Division Manager, will be making the final FAA decision on the EA.
To help in our preparation of the EA, we would appreciate your input (via mail or e-mail) within thirty (30) days. If you have questions or require additional information, please contact me at 816-329-2639 or scott.tener@faa.gov.

Sincerely,

Scott Tener, P.E.
Environmental Specialist

Enclosures
Scott Tener  
USDT FAA Central Region  
901 Locust  
Kansas City, Missouri 64106  

Date: March 7, 2017  

RE: Phase I and II Cultural Resources Survey of the Proposed New Century AirCenter Project  

Dear Mr. Tener,  

We have reviewed the documentation for the referenced project(s). Based on the information provided, we would like to notify you the Yankton Sioux Tribe of South Dakota has religious and culturally significant ties to the historic property that may be affected by the proposed area of construction. We would respectfully like to have tribal cultural property monitoring on this project.  

Please retain this letter in your files as compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. We thank you for your cooperation in consulting with the Yankton Sioux Tribe of South Dakota. If there are any questions or concerns, please don’t hesitate to contact us.  

Sincerely,  

[Signature]  

Kip Spotted Eagle, THPO Director  
Tribal Historic Preservation Office  
Yankton Sioux Tribe of South Dakota
August 28, 2017

CERTIFIED MAIL

Mr. Kip Spotted Eagle
Tribal Historic Preservation Officer
Yankton Sioux Tribe of South Dakota
P.O. Box 1153
Wagner, SD 57380-1153

Re: Meeting Notes from Site Visit – Section 106 Consultation
Proposed Airport Development
New Century Aircenetr; Johnson County, Kansas

Dear Mr. Spotted Eagle:

Please find attached meeting notes from the consultation meeting/site visit held on August 23, 2017. Please review and let me know if you have any comments.

A couple of things to note from the meeting:
1. Group reviewed maps depicting the locations of historic (NRHP-listed or eligible) properties in relation to preliminary development concepts.
2. Discussed the historic-period archaeological sites recorded within the development footprint and associated archival research and artifact analysis suggesting they postdate potential Native American occupation of the region.
3. FAA provided a summary of tribal concerns with the Project and expressed the desire of both the Shawnee Tribe and Yankton Sioux Tribe to participate in the Section 106 process as consulting parties. Both Tribes wish to be signatories of the MOA and have requested to monitor construction activities associated with proposed development.

Regarding monitoring of construction activities, if available please provide a copy of your monitoring protocols. Additionally, since the complete build out of this project is anticipated to take many year (5-10 years), please let us know what activity types you would require notification for, whether you would have specific locations of interest, or whether potential areas of interest can be limited geographically through map/archival research.

If you have questions or require additional information, please contact me at 816-329-2639 or scott.tener@faa.gov.

Sincerely,

Scott Tener, P.E.
Environmental Specialist

Enclosures
October 30, 2017

CERTIFIED MAIL

Mr. Kip Spotted Eagle
Tribal Historic Preservation Officer
Yankton Sioux Tribe of South Dakota
P.O. Box 1153
Wagner, SD 57380-1153

Re: Request for Information – Section 106 Consultation
    Proposed Airport Development
    New Century Aircenter, Johnson County, Kansas

Dear Mr. Spotted Eagle:

We did not receive a response from you regarding our August 28 follow-up letter with meeting minutes for our site visit with the airport sponsor and Kansas SHPO conducted on August 23. Since you previously requested to be a consulting party and a signatory to any MOA to be developed, we are requesting:

- a copy of your monitoring protocols
- activity types you would require notification for; and
- what locations you are specifically interested in

The complete buildout of this project could take nearly 10-years and cover several hundred acres. The airport sponsor is wanting to know if it is possible to limit the scope and locations needing notification and monitoring, such as monitoring of proposed grading around farmsteads as recorded in the cultural resources survey (previously sent).

Please let us know if you are still wanting to be a signatory to the MOA and provide the requested information above by November 30. If we do not receive a response and the requested information by November 30, we will conclude our Section 106 consultation assuming that you do not wish to be a signatory to the MOA and we will proceed with consultation with the Kansas SHPO only. We will include a provision in the MOA to contact you and other concerned tribes should an inadvertent discovery be made.

If you have questions or require additional information, please contact me at 816-329-2639 or scott.tener@faa.gov.

Sincerely,

// Original Signed //

Scott Tener, P.E.
Environmental Specialist
Hello Scott,

It was good to speak with you about this project. We have reviewed the documentation for the above referenced project(s). Based on the information provided, we would like to notify you the Yankton Sioux Tribe Tribal Historic Preservation Office does not have interest in the proposed project at this time but would like to be notified if any cultural artifacts are found.

Please retain this letter in your files as compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. Finally, be advised that this correspondence is not consultation with the Yankton Sioux Tribe. The Ihanktonwan Consultation Wo'ope (Protocols for Consultation with the Yankton Sioux Tribe) is attached for your reference to initiate government-to-government consultation. Thank you for your cooperation. If there are any questions or concerns, please do not hesitate to contact us at our office by phone at 605-384-3641 ext. 1032/1033 or by email at yst.thpo@gmail.com.

On Tue, Jul 11, 2017 at 2:24 PM, <scott.tener@faa.gov> wrote:

Mr. Spotted Eagle,

As a follow-up to your request to be a consulting party, The Johnson County Aviation Commission (JCAC) is scheduling a tour of the airport for August 23, tentatively starting around 9:00 a.m. Please let me know if you plan to attend the site visit.

The Shawnee Tribe, City of Gardner, City of Olathe, and the Kansas SHPO have also agreed to participate as consulting parties for the New Century Air Center redevelopment project. The JCAC is proposing to develop approximately 670 acres of airport property at the airport for commercial and industrial development.

Please let me know if you have any questions,

Scott Tener, P.E.
Environmental Specialist

FAA Central Region Airports Division
901 Locust St., Room 364
Kansas City, Missouri  64106-2325
T 816.329.2639 | F 816.329.2611
http://www.faa.gov/airports/central/
--

Pidamaya!

Kip Spotted Eagle
THPO Director
605-384-3641 ext. 1033 or 605-469-6276
yst.thpo@gmail.com or kipspottedeagle247@gmail.com
Mr. Barnes,

I apologize for not including you on our original coordination. I appreciate you giving me a call last week.

The airport sponsor is currently trying to work out a few details on their concept airport development plans so that they can analyze impacts on environmental resources. I will contact you when the airport sponsor is ready to have a consultation meeting; hopefully within the next couple of weeks.

Attached for your information are the items that I originally sent to Ms. Robin Dushane, Eastern Shawnee Tribe of Oklahoma. Please let me know if you would like a hard copy of any of these items.

Please let me know if you have any questions,

Scott Tener, P.E.
Environmental Specialist

FAA Central Region Airports Division
901 Locust St., Room 364
Kansas City, Missouri 64106-2325
T 816.329.2639 | F 816.329.2611
http://www.faa.gov/airports/central/
August 28, 2017

CERTIFIED MAIL

Mr. Ben Barnes
Second Chief
Shawnee Tribe
P.O. Box 1153
Wagner, SD 57380-1153

Re: Meeting Notes from Site Visit – Section 106 Consultation
    Proposed Airport Development
    New Century Aircenter; Johnson County, Kansas

Dear Mr. Barnes:

Please find attached meeting notes from the consultation meeting/site visit held on August 23, 2017. Please review and let me know if you have any comments.

A couple of things to note from the meeting:
1. Group reviewed maps depicting the locations of historic (NRHP-listed or eligible) properties in relation to preliminary development concepts.
2. Discussed the historic-period archaeological sites recorded within the development footprint and associated archival research and artifact analysis suggesting they postdate potential Native American occupation of the region.
3. FAA provided a summary of tribal concerns with the Project and expressed the desire of both the Shawnee Tribe and Yankton Sioux Tribe to participate in the Section 106 process as consulting parties. Both Tribes wish to be signatories of the MOA and have requested to monitor construction activities associated with proposed development.

Regarding monitoring of construction activities, if available please provide a copy of your monitoring protocols. Additionally, since the complete build out of this project is anticipated to take many year (5-10 years), please let us know what activity types you would require notification for, whether you would have specific locations of interest, or whether potential areas of interest can be limited geographically through map/archival research.

If you have questions or require additional information, please contact me at 816-329-2639 or scott.tener@faa.gov.

Sincerely,

// Original Signed //

Scott Tener, P.E.
Environmental Specialist

Enclosures
October 30, 2017

CERTIFIED MAIL

Mr. Ben Barnes
Second Chief
Shawnee Tribe
P.O. Box 1153
Wagner, SD 57380-1153

Re: Request for Information – Section 106 Consultation
 Proposed Airport Development
 New Century Aircenter; Johnson County, Kansas

Dear Mr. Barnes:

We did not receive a response from you regarding our August 28 follow-up letter with meeting minutes for our site visit with the airport sponsor and Kansas SHPO conducted on August 23. Since you previously requested to be a consulting party and a signatory to any MOA to be developed, we are requesting:

- a copy of your monitoring protocols
- activity types you would require notification for; and
- what locations you are specifically interested in

The complete buildout of this project could take nearly 10-years and cover several hundred acres. The airport sponsor is wanting to know if it is possible to limit the scope and locations needing notification and monitoring, such as monitoring of proposed grading around farmsteads as recorded in the cultural resources survey (previously sent).

Please let us know if you are still wanting to be a signatory to the MOA and provide the requested information above by November 30. If we do not receive a response and the requested information by November 30, we will conclude our Section 106 consultation assuming that you do not wish to be a signatory to the MOA and we will proceed with consultation with the Kansas SHPO only. We will include a provision in the MOA to contact you and other concerned tribes should an inadvertent discovery be made.

If you have questions or require additional information, please contact me at 816-329-2639 or scott.tener@faa.gov.

Sincerely,

// Original Signed //

Scott Tener, P.E.
Environmental Specialist
This letter is in response to the above referenced project.

The Shawnee Tribe’s Tribal Historic Preservation Department concurs that no known historic properties will be negatively impacted by this project.

We have no issues or concerns at this time, but in the event that archaeological materials are encountered during construction, use, or maintenance of this location, please re-notify us at that time as we would like to resume immediate consultation under such a circumstance.

If you have any questions, you may contact me via email at tonya@shawnee-tribe.com

Thank you for giving us the opportunity to comment on this project.

Sincerely,
Tonya Tipton THPO
Shawnee Tribe

Ms. Tipton,

In the interest of keeping the Environmental Assessment and Section 106 coordination moving forward, will you be providing a response to our previous coordination letter, dated 12/11/17? The letter requested a response by January 31, 2018. Do you need any additional information or have any concerns that need to be addressed?

Our intent is to draft a MOA and have it available for the SHPO and you (if you are still interested in being a signatory) for review by the end of February. Please let us know if you have a specific process or consultation protocols that we need to follow.

Please let me know if you have any questions,

Scott Tener, P.E.
Date: March 15, 2017

File: 1617-1938KS-2

RE: FAA, Johnson County Aviation Commission, release 670 acres of airport property at New Century AirCenter, Olathe, Johnson County, Kansas

Federal Aviation Administration
Scott Tener
901 Locust
Kansas City, MO 64106

Dear Mr. Tener,

The Osage Nation Historic Preservation Office has evaluated your submission regarding the proposed FAA, Johnson County Aviation Commission, release 670 acres of airport property at New Century AirCenter, Olathe, Johnson County, Kansas and determined that the proposed project most likely will not adversely affect any sacred properties and/or properties of cultural significance to the Osage Nation. For direct effect, the finding of this NHPA Section 106 review is a determination of “No Properties” eligible or potentially eligible for the National Register of Historic Places.

In accordance with the National Historic Preservation Act, (NHPA) [54 U.S.C. § 300101 et seq.] 1966, undertakings subject to the review process are referred to in 54 U.S.C. § 302706 (a), which clarifies that historic properties may have religious and cultural significance to Indian tribes. Additionally, Section 106 of NHPA requires Federal agencies to consider the effects of their actions on historic properties (36 CFR Part 800) as does the National Environmental Policy Act (43 U.S.C. 4321 and 4331-35 and 40 CFR 1501.7(a) of 1969). The Osage Nation concurs that the Federal Aviation Administration fulfilled NHPA compliance by consulting with the Osage Nation Historic Preservation Office in regard to the proposed project referenced as FAA, Johnson County Aviation Commission, release 670 acres of airport property at New Century AirCenter, Olathe, Johnson County, Kansas.

The Osage Nation has vital interests in protecting its historic and ancestral cultural resources. We do not anticipate that this project will adversely impact any cultural resources or human remains protected under the NHPA, NEPA, the Native American Graves Protection and Repatriation Act, or Osage law. If, however, artifacts or human remains are discovered during project construction, we ask that work cease immediately and the Osage Nation Historic Preservation Office be contacted.

Should you have any questions or need any additional information please feel free to contact me at the number listed below. Thank you for consulting with the Osage Nation on this matter.

[Signatures]
Andrea A. Hunter, Ph.D.
Director, Tribal Historic Preservation Officer

[Signatures]
John Fox
Archaeologist

627 Grandview, Pawhuska, OK 74056, (918) 287-5328, Fax (918) 287-5376
May 26, 2017

Cheryl Harrison-Lee
City Administrator
City of Gardner
120 East Main Street
Gardner, KS 66030

Re: Proposed Release of Property for Redevelopment at Johnson County New Century
AirCenter (IXD); Johnson County, Kansas

Dear Ms. Harrison-Lee:

Johnson County Aviation Commission (JCAC) is proposing to release approximately 681 acres
currently dedicated to aeronautical use for redevelopment at the New Century AirCenter (IXD)
in Olathe, Kansas (see Figure 1). The property, owned by Johnson County, Kansas, would be
leased to an independent developer for commercial/industrial use. As depicted in Figure 1, the
three areas proposed for redevelopment are described as follows:

- Area 1 – loosely bounded by 151st Street on the north, the existing airport boundary on
  the east and west, and North Loop Road and the Runway Protection Zone for Runway
  18-36 on the south
- Area 2 – loosely bounded by Runway 4-22 on the northwest, South Clare Road and the
  existing airport boundary on the east, Little Bull Road/West 167th Street/airport
  boundary to the south, and Runway 18-36 on the west
- Area 3 – loosely bounded by the Runway Protection Zone for Runway 18-36/West 175th
  Street on the north, Cedar Niles Road on the east, East Santa Fe Street on the south,
  and Little Bull Creek on the west

The Federal Aviation Administration (FAA) will serve as the lead Federal agency for completion
of the environmental review process in compliance with the National Environmental Policy Act
(NEPA) and Section 106 of the National Historic Preservation Act (NHPA). In a February 2, 2017
letter, the Kansas State Historic Preservation Office (KS SHPO) concurred that eight
buildings/structures associated with the former Olathe Naval Air Station located within Area 2
are eligible for listing in the National Register of Historic Places (NRHP). Furthermore, KS SHPO
agreed that construction of the preferred alternative as currently proposed would constitute an
adverse effect to the seven of the resources (see letter in Appendix A).

Surveys were conducted to account for the potential direct and indirect impacts from the
project as required under Section 106 and are available for review upon request. These surveys
determined that no additional NRHP-listed or eligible archaeological or non-archaeological
resources would be adversely affected by the proposed Project. Additionally, a Memorandum

of Agreement (MOA) will be prepared to summarize the list of measures the FAA and other responsible parties will undertake as part of the project to avoid, minimize, or mitigate impacts on historic (NRHP-eligible) resources adversely affected by the undertaking.

For the purposes of Section 106, the FAA has designated JCAC’s consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), to contact potential consulting parties on their behalf. With this letter, the FAA is seeking coordination with your agency as a consulting party. This designation does not imply that your agency either supports the proposed project or has any special expertise with respect to evaluation of the proposed project. Consulting parties have certain rights and obligations under the NHPA and its implementing regulations. By becoming a consulting party, you will be actively informed of steps in the Section 106 process and you will be asked to participate in the following:

- Development of potential mitigation measures to compensate for adverse effects to the NRHP-eligible properties
- Review and comment on the proposed MOA

In order to become a consulting party, please respond to Brandy Harris at (512) 872-7135 or bmharris@burnsmdcd.com by June 30, 2017, to request consulting party status. If you do not respond within this timeframe, you may request consulting party status in the future, but the project may advance without your input. If you are requesting consulting party status, we ask that your agency nominate one representative and an alternate to participate on behalf of the group.

If you have any questions or would like to discuss details of the proposed project, please contact Shari Cannon-Mackey at 512-872-7132.

Sincerely,

Shari Cannon-Mackey, CEP, ENV SP
Project Manager

Attachments:
Figure 1 – Project and Resource Location Map

Cc: Larry Peet, Johnson County Aviation Commission
    Scott Tener, Federal Aviation Administration
    95122
May 26, 2017

Michael Wilkes
City Manager
City of Olathe
P.O. Box 768
Olathe, KS 66051

Re: Proposed Release of Property for Redevelopment at Johnson County New Century AirCenter (IXD); Johnson County, Kansas

Dear Mr. Wilkes:

Johnson County Aviation Commission (JCAC) is proposing to release approximately 681 acres currently dedicated to aeronautical use for redevelopment at the New Century AirCenter (IXD) in Olathe, Kansas (see Figure 1). The property, owned by Johnson County, Kansas, would be leased to an independent developer for commercial/industrial use. As depicted in Figure 1, the three areas proposed for redevelopment are described as follows:

- Area 1 – loosely bounded by 151st Street on the north, the existing airport boundary on the east and west, and North Loop Road and the Runway Protection Zone for Runway 18-36 on the south
- Area 2 – loosely bounded by Runway 4-22 on the northwest, South Clare Road and the existing airport boundary on the east, Little Bull Road/West 167th Street/airport boundary to the south, and Runway 18-36 on the west
- Area 3 – loosely bounded by the Runway Protection Zone for Runway 18-36/West 175th Street on the north, Cedar Niles Road on the east, East Santa Fe Street on the south, and Little Bull Creek on the west

The Federal Aviation Administration (FAA) will serve as the lead Federal agency for completion of the environmental review process in compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). In a February 2, 2017 letter, the Kansas State Historic Preservation Office (KS SHPO) concurred that eight buildings/structures associated with the former Olathe Naval Air Station located within Area 2 are eligible for listing in the National Register of Historic Places (NRHP). Furthermore, KS SHPO agreed that construction of the preferred alternative as currently proposed would constitute an adverse effect to the seven of the resources (see letter in Appendix A).

Surveys were conducted to account for the potential direct and indirect impacts from the project as required under Section 106 and are available for review upon request. These surveys determined that no additional NRHP-listed or eligible archaeological or non-archaeological resources would be adversely affected by the proposed Project. Additionally, a Memorandum
of Agreement (MOA) will be prepared to summarize the list of measures the FAA and other responsible parties will undertake as part of the project to avoid, minimize, or mitigate impacts on historic (NRHP-eligible) resources adversely affected by the undertaking.

For the purposes of Section 106, the FAA has designated JCAC’s consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), to contact potential consulting parties on their behalf. With this letter, the FAA is seeking coordination with your agency as a consulting party. This designation does not imply that your agency either supports the proposed project or has any special expertise with respect to evaluation of the proposed project. Consulting parties have certain rights and obligations under the NHPA and its implementing regulations. By becoming a consulting party, you will be actively informed of steps in the Section 106 process and you will be asked to participate in the following:

- Development of potential mitigation measures to compensate for adverse effects to the NRHP-eligible properties
- Review and comment on the proposed MOA

In order to become a consulting party, please respond to Brandy Harris at (512) 872-7135 or bmharris@burnsmcd.com by June 30, 2017, to request consulting party status. If you do not respond within this timeframe, you may request consulting party status in the future, but the project may advance without your input. If you are requesting consulting party status, we ask that your agency nominate one representative and an alternate to participate on behalf of the group.

If you have any questions or would like to discuss details of the proposed project, please contact Shari Cannon-Mackey at 512-872-7132.

Sincerely,

Shari Cannon-Mackey, CEP, ENV SP
Project Manager

Attachments:
Figure 1 – Project and Resource Location Map

Cc: Larry Peet, Johnson County Aviation Commission
Scott Tener, Federal Aviation Administration
95122
May 26, 2017

Charlene Mitts  
President  
Johnson County Genealogical Society  
P.O. Box 12666  
Shawnee Mission, KS 66282

Re: Proposed Release of Property for Redevelopment at Johnson County New Century AirCenter (IXD); Johnson County, Kansas

Dear Ms. Mitts:

Johnson County Aviation Commission (JCAC) is proposing to release approximately 681 acres currently dedicated to aeronautical use for redevelopment at the New Century AirCenter (IXD) in Olathe, Kansas (see Figure 1). The property, owned by Johnson County, Kansas, would be leased to an independent developer for commercial/industrial use. As depicted in Figure 1, the three areas proposed for redevelopment are described as follows:

- Area 1 – loosely bounded by 151st Street on the north, the existing airport boundary on the east and west, and North Loop Road and the Runway Protection Zone for Runway 18-36 on the south
- Area 2 – loosely bounded by Runway 4-22 on the northwest, South Clare Road and the existing airport boundary on the east, Little Bull Road/West 167th Street/airport boundary to the south, and Runway 18-36 on the west
- Area 3 – loosely bounded by the Runway Protection Zone for Runway 18-36/West 175th Street on the north, Cedar Niles Road on the east, East Santa Fe Street on the south, and Little Bull Creek on the west

The Federal Aviation Administration (FAA) will serve as the lead Federal agency for completion of the environmental review process in compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). In a February 2, 2017 letter, the Kansas State Historic Preservation Office (KS SHPO) concurred that eight buildings/structures associated with the former Olathe Naval Air Station located within Area 2 are eligible for listing in the National Register of Historic Places (NRHP). Furthermore, KS SHPO agreed that construction of the preferred alternative as currently proposed would constitute an adverse effect to the seven of the resources (see letter in Appendix A).

Surveys were conducted to account for the potential direct and indirect impacts from the project as required under Section 106 and are available for review upon request. These surveys determined that no additional NRHP-listed or eligible archaeological or non-archaeological resources would be adversely affected by the proposed Project. Additionally, a Memorandum
of Agreement (MOA) will be prepared to summarize the list of measures the FAA and other responsible parties will undertake as part of the project to avoid, minimize, or mitigate impacts on historic (NRHP-eligible) resources adversely affected by the undertaking.

For the purposes of Section 106, the FAA has designated JCAC’s consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), to contact potential consulting parties on their behalf. With this letter, the FAA is seeking coordination with your agency as a consulting party. This designation does not imply that your agency either supports the proposed project or has any special expertise with respect to evaluation of the proposed project. Consulting parties have certain rights and obligations under the NHPA and its implementing regulations. By becoming a consulting party, you will be actively informed of steps in the Section 106 process and you will be asked to participate in the following:

- Development of potential mitigation measures to compensate for adverse effects to the NRHP-eligible properties
- Review and comment on the proposed MOA

In order to become a consulting party, please respond to Brandy Harris at (512) 872-7135 or bmharris@burnsmcd.com by June 30, 2017, to request consulting party status. If you do not respond within this timeframe, you may request consulting party status in the future, but the project may advance without your input. If you are requesting consulting party status, we ask that your agency nominate one representative and an alternate to participate on behalf of the group.

If you have any questions or would like to discuss details of the proposed project, please contact Shari Cannon-Mackey at 512-872-7132.

Sincerely,

Shari Cannon-Mackey, CEP, ENV SP
Project Manager

Attachments:
Figure 1 – Project and Resource Location Map

Cc: Larry Peet, Johnson County Aviation Commission
    Scott Tener, Federal Aviation Administration
    95122
May 26, 2017

Mindi Love
Museum Director
Johnson County Museum
8788 Metcalf Avenue
Overland Park, KS 66212

Re: Proposed Release of Property for Redevelopment at Johnson County New Century AirCenter (IXD); Johnson County, Kansas

Dear Ms. Love:

Johnson County Aviation Commission (JCAC) is proposing to release approximately 681 acres currently dedicated to aeronautical use for redevelopment at the New Century AirCenter (IXD) in Olathe, Kansas (see Figure 1). The property, owned by Johnson County, Kansas, would be leased to an independent developer for commercial/industrial use. As depicted in Figure 1, the three areas proposed for redevelopment are described as follows:

- Area 1 – loosely bounded by 151st Street on the north, the existing airport boundary on the east and west, and North Loop Road and the Runway Protection Zone for Runway 18-36 on the south
- Area 2 – loosely bounded by Runway 4-22 on the northwest, South Clare Road and the existing airport boundary on the east, Little Bull Road/West 167th Street/airport boundary to the south, and Runway 18-36 on the west
- Area 3 – loosely bounded by the Runway Protection Zone for Runway 18-36/West 175th Street on the north, Cedar Niles Road on the east, East Santa Fe Street on the south, and Little Bull Creek on the west

The Federal Aviation Administration (FAA) will serve as the lead Federal agency for completion of the environmental review process in compliance with the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). In a February 2, 2017 letter, the Kansas State Historic Preservation Office (KS SHPO) concurred that eight buildings/structures associated with the former Olathe Naval Air Station located within Area 2 are eligible for listing in the National Register of Historic Places (NRHP). Furthermore, KS SHPO agreed that construction of the preferred alternative as currently proposed would constitute an adverse effect to the seven of the resources (see letter in Appendix A).

Surveys were conducted to account for the potential direct and indirect impacts from the project as required under Section 106 and are available for review upon request. These surveys determined that no additional NRHP-listed or eligible archaeological or non-archaeological resources would be adversely affected by the proposed Project. Additionally, a Memorandum
of Agreement (MOA) will be prepared to summarize the list of measures the FAA and other responsible parties will undertake as part of the project to avoid, minimize, or mitigate impacts on historic (NRHP-eligible) resources adversely affected by the undertaking.

For the purposes of Section 106, the FAA has designated JCAC’s consultant, Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), to contact potential consulting parties on their behalf. With this letter, the FAA is seeking coordination with your agency as a consulting party. This designation does not imply that your agency either supports the proposed project or has any special expertise with respect to evaluation of the proposed project. Consulting parties have certain rights and obligations under the NHPA and its implementing regulations. By becoming a consulting party, you will be actively informed of steps in the Section 106 process and you will be asked to participate in the following:

- Development of potential mitigation measures to compensate for adverse effects to the NRHP-eligible properties
- Review and comment on the proposed MOA

In order to become a consulting party, please respond to Brandy Harris at (512) 872-7135 or bmharris@burnsmd.com by June 30, 2017, to request consulting party status. If you do not respond within this timeframe, you may request consulting party status in the future, but the project may advance without your input. If you are requesting consulting party status, we ask that your agency nominate one representative and an alternate to participate on behalf of the group.

If you have any questions or would like to discuss details of the proposed project, please contact Shari Cannon-Mackey at 512-872-7132.

Sincerely,

Shari Cannon-Mackey, CEP, ENV SP
Project Manager

Attachments:
Figure 1 – Project and Resource Location Map

Cc: Larry Peet, Johnson County Aviation Commission
Scott Tener, Federal Aviation Administration
Figure 1
Historic-Age, Non-Archaeological Resource Locations Overview
New Century AirCenter
Johnson County, KS
Figure 1
Project Location
New Century AirCenter
Johnson County, KS
Figure 2
Project Areas
New Century AirCenter
Johnson County, KS

- Airport Boundary
- Area Proposed for Redevelopment

Source: ESRI, Burns & McDonnell Engineering Company, Inc

Issued: 12/13/2016
Figure 3
Project Areas
New Century AirCenter
Johnson County, KS
Figure 4
Visual Area of Potential Effects
New Century AirCenter
Johnson County, KS