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Edwin J. Singleton,

District Manager.

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BILLING CODE 4310-33-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains in the Control of the National Park Service, Haleakala National Park, Makawao, HI

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003(d), of the completion of an inventory of human remains in the control of the National Park Service, Haleakala National Park, Makawao, HI.

A detailed assessment of the human remains was made by National Park Service professional staff in association with professional staff from the Bishop Museum and in consultation with representatives of the Hawai'i Island Burial Council, Hui Malama i na Kapuna o Hawai'i Nei, Kona Hawaiian Civic Club, Maui/Lana'i Island Burial Council, Moloka'i Island Burial Council, and Office of Hawaiian Affairs. All of the human remains have been curated by the Anthropology Department of the Bernice P. Bishop Museum in Honolulu, Hawai'i since their initial recovery.

Between 1920 and 1962, human remains representing at least 16 individuals were recovered from three sites, located within park boundaries in and around Haleakala crater, during legally authorized fieldwork and excavations. No known individuals were identified. No associated funerary objects were present. The dates for the remains have not been established but they probably date from both before and after contact was established between Native Hawaiians and Europeans in A.D. 1778.

In 1920, human remains representing two individuals were recovered from Na Piko Haua, located within the boundaries of Haleakala crater, during legally authorized fieldwork by Kenneth Emory of the Bishop Museum. The human remains are two individual bundles, wrapped in blue cotton fabric, dark brown hair and paper and tied with white thread. No known individual was identified. No associated funerary

objects are present. On the basis of information provided by a local guide in 1920, the bundles' state of preservation, and the presence of imported cotton cloth, these navel string bundles probably date from the late 19th to early 20th century. These bundles were donated to the Bishop Museum in 1924 by the collector, who identified them as "portions of two navel strings [umbilical cords] wrapped in hair and cloth."

Aside from facilities clearly of 20th century origin, virtually all evidence of human use and occupation of the Haleakala crater area is of Native Hawaiian origin. Available evidence indicates that Native Hawaiians are the only group to bury their dead in the crater region. In addition, the manner of burial of the human remains (in or near Native Hawaiian structures, in a lava tube, etc.) is consistent with Native Hawaiian practices during both pre- and post-contact periods. Further, the Native Hawaiian practice of burying the dead in or near their home community suggests that all burials found in or near Haleakala crater on the island of Maui are of people from Maui communities.

With regard to the navel string bundles, one of the Native Hawaiian men who accompanied Emory in 1920 stated that his own umbilical cord had been hidden at Na Piko Haua. The practice of depositing umbilical cords in at least this one location in the Haleakala crater was a Native Hawaiian practice in effect until ca. 1920. As in the case of burials, it was customary for Native Hawaiians to deposit umbilical cords in the general vicinity of the community where the birth had taken place. This practice was confirmed by the Native Hawaiian guide. Based on this information, the navel string bundles in the collection are considered to be from infants born in communities on the slopes of Haleakala.

Based on the above-mentioned information, officials of the National Park Service have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least 18 individuals of Native American ancestry. Officials of the National Park Service have also determined that, pursuant to 25 U.S.C. 3003 (2), there is a relationship of shared group identity which can reasonably be traced between these Native American human remains and the Maui/Lana'i Island Burial Council.

This notice has been sent to officials of the Hawai'i Island Burial Council, Hui Malama i na Kapuna o Hawai'i Nei, Kona Hawaiian Civic Club, Maui/Lana'i Island Burial Council, Moloka'i Island Burial Council, and Office of Hawaiian

Affairs. Representatives of any other Indian tribe or Native Hawaiian organization that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Don Reeser, Superintendent, Haleakala National Park, PO Box 369, Makawao, Maui, HI, 96768; telephone: (808) 572-9306, before [thirty days after publication in the **Federal Register**]. Repatriation of the human remains to the Maui/Lana'i Island Burial Council will begin after that date if no additional claimants come forward.

Dated: October 6, 1997.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Western Colorado Area Office, Grand Junction, Colorado

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) intends to prepare a supplemental environmental impact statement on the AB Lateral Hydropower Project. The project would be located in Montrose County, Colorado. The purpose of the hydropower project is to economically develop the energy potential of water flows from the Gunnison River through the existing Gunnison Tunnel to the Uncompahgre River.

DATES: The Supplemental EIS is expected to be available for public comment in 1998.

ADDRESSES: For information concerning the supplemental NEPA work, or information or suggestions concerning the work, contact Mr. Steve McCall, Environmental Specialist, Western Colorado Area Office, Bureau of Reclamation, P.O. Box 60340, Grand Junction CO 81506.

FOR FURTHER INFORMATION CONTACT: Mr. Steve McCall at (970) 248-0600.

SUPPLEMENTARY INFORMATION:

Background

A final environmental impact statement (FEIS 90-25) was filed on

August 28, 1990. The FEIS described four alternatives for the proposed construction and operation of a hydropower project using features of Reclamation's Uncompahgre Valley Reclamation Project (UVRP).

Reclamation is considering executing a lease of power privilege (a type of contract) with a private company to use facilities for this project. A Section 404 Permit under the Clean Water Act is also required for the project.

The alternatives described in the FEIS provided for additional water diversions from the Gunnison River through the existing Gunnison Tunnel to a penstock and powerplant near Montrose, Colorado. The significant issues addressed in the FEIS included the impacts of reduced flows in the Gunnison River, increased flows in the Uncompahgre River, economic impacts in local counties, and impacts on wetlands. Since publication of the FEIS, additional information has become available concerning proposed bank stabilization plans along the Uncompahgre River, endangered species, resources along the Gunnison River, and power sales.

Hydropower development in association with the UVRP was authorized by the Act of June 22, 1938 (Pub. L. 75-698, Stat. 941). Under the Act, the hydropower facility would be constructed and operated under a lease of power privilege with Reclamation. This lease would provide for cost reimbursement fees, Reclamation's role as overseer, and the Sponsor's obligations, including environmental commitments. Funding for the hydropower studies is provided by the project proponents. Reclamation serves as the lead Federal agency responsible for ensuring compliance with NEPA.

Potential Federal Action

Two major Federal actions are pending on the project: execution of a lease of power privilege by Reclamation and issuance of a Section 404 Permit under the Clean Water Act by the Corps of Engineers.

Dated: October 7, 1997.

Charles Calhoun,

Regional Director, Upper Colorado Region.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Garrison Diversion Unit

AGENCY: Bureau of Reclamation, in conjunction with U.S. Fish and Wildlife

Service, and the North Dakota Game and Fish Department.

ACTION: Notice of availability of Final Environmental Impact Statement (FEIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation, acting as lead Federal agency, in conjunction with the Fish and Wildlife Service and North Dakota Game and Fish Department, has prepared a Final Environmental Impact Statement (FEIS) on the Arrowwood National Wildlife Refuge (NWR) mitigation project. The FEIS evaluates the impact to the environment of seven alternatives, including no action, for mitigating adverse impacts of Jamestown Reservoir on Arrowwood NWR. The project would improve refuge water management capability through construction of various bypass channels, water control structures, and fish barriers. In addition, the normal operating level of Jamestown would be lowered approximately 1.8 feet. This mitigation is required by the Garrison Diversion Unit Reformulation Act of 1986 (P.L. 99-294) and the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668jj).

DATES: A 30-day public comment period commences with the publication of this notice.

ADDRESSES: Obtain information relative to the study or a copy of the FEIS from: Greg Hiemenz, Project Coordinator, Bureau of Reclamation, Dakotas Area Office, P.O. Box 1017, Bismarck ND 58502.

FOR FURTHER INFORMATION CONTACT: Greg Hiemenz, Project Coordinator, at (701) 250-4242 extension 3611 or Dennis E. Breitzman, Area Manager, at (701) 250-4242.

SUPPLEMENTARY INFORMATION:

Arrowwood NWR is located on the James River in Stutsman and Foster Counties, North Dakota. The refuge lies within the flood pool of Jamestown Reservoir, a component of the Garrison Diversion Unit, and has, on numerous occasions, been adversely affected by reservoir operations.

Seven alternatives for mitigating impacts to the refuge, including no action, were evaluated in the FEIS. The action alternatives comprise an incremental series of physical features, including bypass channels, water control structures, waterfowl sub-impoundments, and fish barriers, that could be constructed at Arrowwood NWR and Jamestown Reservoir to improve refuge water management. In addition, five of the six action alternatives would lower the normal

operating level of Jamestown Reservoir and include measures to enhance the reservoir's sport fishery. Three of the alternatives would require off-site mitigation, including acquisition of private lands for development as wildlife habitat, to fully mitigate impacts to the refuge. The preferred alternative is the Mud and Jim Lakes Bypass—Lower Joint-use Pool Alternative. This is the least costly alternative that mitigates for all adverse impacts without requiring any acquisition of private land.

As part of the NEPA process, public scoping meetings were held during January 1994. The draft EIS was completed and sent out for agency and public review and comment in April 1996. Comments were received and replies are incorporated into the FEIS.

Dated: October 7, 1997.

Neil Stessman,

Regional Director.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 29, 1997, a proposed De Minimis Consent Decree ("proposed Decree") in *United States and State of Indiana v. A. H. Choitz, et al.*, Civil Action No. 1:97-CV-362, was lodged with the United States District Court for the Northern District of Indiana (Fort Wayne Division).

In this action the United States seeks relief under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9606 & 9607, for cost recovery and abatement of hazardous substances relating to the Wayne Reclamation and Recycling Site (Site), located near Columbia City, Indiana.

The proposed Decree would resolve the liability of over 800 *de minimis* parties. These parties were customers of a now-defunct company known as Wayne Reclamation, which operated the Site in the 1970's and 1980's and which transported and disposed of a wide variety of substances, including waste oil. Each of the proposed *de minimis* settlers allegedly arranged with Wayne Reclamation for the disposal of minimal amounts of hazardous substances which ultimately were disposed of at the Site.

Under the proposed Decree, each of these 800-plus *de minimis* settlers